

# VIRGINIA ACTS OF ASSEMBLY -- 2013 SESSION

## CHAPTER 15

*An Act to amend and reenact §§ 40.1-92, 40.1-93, and 40.1-96 of the Code of Virginia, relating to the issuance of child labor permits.*

[H 1681]

Approved February 20, 2013

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 40.1-92, 40.1-93, and 40.1-96 of the Code of Virginia are amended and reenacted as follows:**

**§ 40.1-92. Issuance of certificates.**

*A. The Commissioner shall prescribe the procedures for minors and employers concerning issuance and maintenance of employment certificates. The Commissioner may issue certificates both directly and electronically. Employment certificates shall be issued only by the division superintendent of schools, or by any person designated by him and by the Department only upon application in person of the child desiring employment, accompanied. The employment certificate shall not be valid unless permission is granted by the a parent, guardian, or custodian of such child through means specified by the Commissioner. In lieu of a personal appearance, such parent, guardian, or custodian may submit a notarized statement granting permission for the employment of the child. The division superintendent of schools shall designate one person to grant such permits in every city or county. The person issuing such certificate Department shall have authority to administer the oath provided for therein, or to make any investigation or examination necessary for the issuance thereof. No fee shall be charged for issuing any such certificate nor for administering any oath or rendering any services in respect thereto. The officer issuing the certificate shall retain a copy of each such certificate and all documents connected therewith shall be mailed to the Commissioner by the end of the week in which the same shall have been issued for review and approval. The Commissioner shall file and preserve such certificates and related documents.*

*B. No person shall, with the intent to assist a minor to procure employment, make a false statement by any means, including by submitting falsified forms electronically, to any employer or to any representative of the Commissioner in order to obtain the issuance of an employment certificate.*

**§ 40.1-93. Proof required for employment certificate.**

*The person authorized to Department shall not issue an employment certificate shall not issue such certificate until he until it has received, examined, approved, and filed the following papers:*

*1. Except for work coming within one of the exceptions in § 40.1-79.01, a statement signed by the prospective employer, or someone duly authorized on his behalf, stating that he expects to give such child present employment, setting forth the specific nature of the occupation in which he intends to employ such child, and the number of hours per day and of days per week which said child shall be employed and of the period for lunch. Such statement shall be submitted by means specified by the Commissioner; and*

*2. Proof A statement, signed by the prospective employer or someone duly authorized on his behalf, submitted by means specified by the Commissioner, that the employer has verified the age of such minor. The employer shall procure and keep on file, accessible to the Department or other authorized persons charged with the enforcement of this chapter, the proof of age as provided in § 40.1-94.*

**§ 40.1-96. Contents of employment certificates.**

*The employment certificate required to be issued shall state the name, sex, date of birth, and place of residence of the child. It shall certify that all the conditions and requirements for issuing an employment certificate under the provisions of this chapter have been fulfilled and shall be signed by the person issuing it Commissioner. It shall state the kind of evidence of age accepted for the employment certificate. Except for work coming within one of the exceptions in § 40.1-79.01, the certificate shall show the name and address of the employer for whom and the nature of the specific occupation in which the employment certificate authorizes the child to be employed and shall be valid only for the occupation so designated. It shall bear a number, shall show the date of its issue, and shall be signed by the child for whom it is issued in the presence of the person issuing it by means specified by the Commissioner. It shall be issued in triplicate, one copy to be mailed to the employer, one copy to be sent to the Commissioner and one copy to be retained and kept on file by the issuing officer. The employment certificate shall be issued to the employer, by means specified by the Commissioner, on or prior to the first day of employment. The employer and Commissioner shall retain a manual or electronic copy of the certificate, so long as the youth is employed or for a period of 36 months, whichever is longer.*