

Senate File 542 - Reprinted

SENATE FILE 542
BY COMMITTEE ON WORKFORCE

(SUCCESSOR TO SF 167)

(As Amended and Passed by the Senate April 18, 2023)

A BILL FOR

1 An Act relating to youth employment, providing for a minor
2 driver's license interim study committee, and making
3 penalties applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 92.3, Code 2023, is amended to read as
2 follows:

3 **92.3 Under fourteen — work activities not permitted**
4 **occupations.**

5 No person under fourteen years of age shall be employed
6 or permitted to work with or without compensation in any
7 ~~occupation, except in the street occupations or migratory~~
8 ~~labor occupations specified in section 92.1 work activity.~~
9 ~~Any migratory laborer twelve to fourteen years of age may not~~
10 ~~work prior to or during the regular school hours of any day of~~
11 ~~any private or public school which teaches general education~~
12 ~~subjects and which is available to such child.~~

13 Sec. 2. Section 92.4, Code 2023, is amended to read as
14 follows:

15 **92.4 Under sixteen — permitted ~~occupations~~ work activities.**

16 No person under sixteen years of age shall be employed
17 or permitted to work with or without compensation in any
18 ~~occupation~~ work activity during regular school hours, except
19 the following work activities:

20 1. Those persons legally out of school, if such status
21 is verified by the submission of written proof to the ~~labor~~
22 ~~commissioner~~ director.

23 2. Those persons working in a supervised school-work
24 program.

25 3. Those persons between the ages of fourteen and sixteen
26 enrolled in school on a part-time basis and who are required to
27 work as a part of their school training.

28 ~~4. Fourteen and fifteen year old migrant laborers during~~
29 ~~any hours when summer school is in session.~~

30 Sec. 3. Section 92.5, Code 2023, is amended to read as
31 follows:

32 **92.5 ~~Fourteen and fifteen~~ — permitted ~~occupations~~ work**
33 **activities.**

34 Persons ~~fourteen and fifteen~~ years of age may be employed or
35 permitted to work in the following ~~occupations~~ work activities:

- 1 1. Retail, food service, and gasoline service
2 establishments.
- 3 2. Office and clerical work, including operation of office
4 machines.
- 5 3. Cashiering, selling, modeling, art work, work in
6 advertising departments, window trimming, and comparative
7 shopping.
- 8 4. Price marking and tagging by hand or by machine,
9 assembling orders, packing, and shelving.
- 10 5. Bagging and carrying out customers' orders.
- 11 6. Errand and delivery work by foot, bicycle, and public
12 transportation.
- 13 7. Cleanup work, including the use of vacuum cleaners and
14 floor waxers, and maintenance of grounds.
- 15 8. Kitchen work and other work involved in preparing and
16 serving food and beverages, including the cleaning using
17 kitchen cleaning products with required personal protective
18 equipment, operation of machines and devices used in the
19 performance of such work, including but not limited to
20 microwaves, dishwashers, toasters, dumb-waiters, popcorn
21 poppers, milk shake blenders, and coffee grinders.
- 22 9. a. Work in connection with motor vehicles and trucks if
23 confined to the following:
 - 24 (1) Dispensing gasoline and oil.
 - 25 (2) Courtesy service.
 - 26 (3) Car cleaning, washing, and polishing.
- 27 b. Nothing in this subsection shall be construed to include
28 work involving the use of pits, racks, or lifting apparatus or
29 involving the inflation of any tire mounted on a rim equipped
30 with a removable retaining ring.
- 31 10. Cleaning vegetables and fruits, and wrapping, sealing,
32 labeling, weighing, pricing, and stocking goods when performed
33 in areas physically separate from areas where meat is prepared,
34 for sale and outside including momentary work in freezers or
35 and meat coolers.

1 11. Loading onto motor vehicles and unloading from motor
2 vehicles of the light, non-power-driven hand tools and personal
3 protective equipment that the minor will use as part of their
4 employment at the work site. Such light tools include but are
5 not limited to rakes, hand-held clippers, shovels, and brooms.
6 Such light tools do not include items such as trash, sales
7 kits, promotion items or items for sale, lawn mowers, or other
8 power-driven lawn maintenance equipment.

9 12. Laundering.

10 13. Work in the production of seed, limited to removal of
11 off-type plants and corn tassels and hand-pollinating from June
12 1 through Labor Day.

13 14. Other work approved by the rules adopted pursuant to
14 chapter 17A by the ~~labor commissioner~~ director.

15 Sec. 4. Section 92.6, Code 2023, is amended to read as
16 follows:

17 **92.6 Fourteen and fifteen — occupations work activities not**
18 **permitted.**

19 1. Persons fourteen and fifteen years of age may not be
20 employed in:

21 a. Any manufacturing ~~occupation~~ work activity.

22 b. Any mining ~~occupation~~ work activity.

23 c. Processing ~~occupations~~ work activities, except in a
24 retail, food service, or gasoline service establishment in
25 those specific ~~occupations~~ work activities expressly permitted
26 under the provisions of [section 92.5 or 92.6A](#).

27 d. ~~Occupations~~ Work activities requiring the performance
28 of any duties in workrooms or work places where goods are
29 manufactured, mined, or otherwise processed, except to the
30 extent expressly permitted in retail, food service, or gasoline
31 service establishments under the provisions of [section 92.5 or](#)
32 [92.6A](#).

33 e. Public messenger service.

34 f. Operation or tending of hoisting apparatus or of any
35 power-driven machinery, other than office machines and machines

1 in retail, food service, and gasoline service establishments
2 which are specified in [section 92.5](#) as machines ~~which~~ that such
3 minors may operate in such establishments.

4 ~~g. Occupations~~ Work activities prohibited by rules adopted
5 pursuant to [chapter 17A](#) by the ~~labor commissioner~~ director.

6 ~~h. Occupations~~ Work activities in connection with the
7 following, except office or sales work in connection with these
8 ~~occupations work activities~~, not performed on transportation
9 media or at the actual construction site:

10 (1) Transportation of persons or property by rail, highway,
11 air, on water, pipeline, or other means.

12 (2) Warehousing and storage.

13 (3) Communications and public utilities.

14 (4) Construction, including repair.

15 ~~i.~~ Any of the following ~~occupations work activities~~ in a
16 retail, food service, or gasoline service establishment:

17 (1) Work performed in or about boiler or engine rooms.

18 (2) Work in connection with maintenance or repair of the
19 establishment, machines, or equipment.

20 (3) Outside window washing that involves working from
21 window sills, and all work requiring the use of ladders,
22 scaffolds, or their substitutes.

23 (4) Cooking except at soda fountains, lunch counters, snack
24 bars, or cafeteria serving counters, and baking.

25 (5) ~~Occupations which~~ Work activities that involve
26 operating, setting up, adjusting, cleaning, oiling, or
27 repairing power-driven food slicers and grinders, food choppers
28 and cutters, and bakery-type mixers.

29 ~~(6) Work in freezers and meat coolers and all work in~~
30 ~~preparation of meats for sale, except wrapping, sealing,~~
31 ~~labeling, weighing, pricing, and stocking when performed in~~
32 ~~other areas.~~

33 ~~(7)~~ (6) Loading and unloading goods to and from trucks,
34 railroad cars, or conveyors, except as permitted by section
35 92.5, subsection 11.

1 ~~(8)~~ (7) All ~~occupations~~ work activities in warehouses
2 except office and clerical work.

3 ~~j. Laundering, except for the use of a washing machine~~
4 ~~which has a capacity of less than ten cubic feet and which is~~
5 ~~designed to reach an internal temperature which does not exceed~~
6 ~~212 degrees Fahrenheit.~~

7 2. Nothing in this section shall be construed as prohibiting
8 office, errand, or packaging work when done away from moving
9 machinery.

10 Sec. 5. NEW SECTION. **92.6A Fifteen — permitted work**
11 **activities.**

12 1. Persons fifteen years of age may be employed or permitted
13 to work in any of the work activities provided in section 92.5
14 in addition to the following work activities:

15 a. Loading and unloading non-power-driven equipment weighing
16 up to thirty pounds into motor vehicles.

17 b. Loading and unloading groceries and other retail items
18 weighing up to thirty pounds into motor vehicles.

19 c. Stocking shelves with items weighing up to thirty pounds.

20 d. If properly licensed, work as a lifeguard or swim
21 instructor at a traditional swimming pool or amusement park.

22 2. The director may issue a waiver of any weight limitations
23 provided in subsection 1 of up to fifty pounds depending on the
24 strength and ability of the fifteen-year-old.

25 3. The director may issue a waiver for a fifteen-year-old
26 to be able to load and unload light power-driven lawn machines
27 based on the ability of the minor if the minor is supervised,
28 the machine is powered off, and the safety key is stored away
29 from the machine.

30 4. The director may issue a waiver for a fifteen-year-old
31 to perform light assembly work as long as the assembly is not
32 performed on machines or in an area with machines.

33 Sec. 6. Section 92.7, Code 2023, is amended to read as
34 follows:

35 **92.7 Under sixteen — hours permitted.**

1 A person under sixteen years of age shall not be employed
2 with or without compensation, except as provided in sections
3 ~~92.2~~ 92.5 and ~~92.3~~ 92.6A, before the hour of 7:00 a.m. or after
4 ~~7:00~~ 9:00 p.m., except during the period from June 1 through
5 Labor Day when the hours may be extended to ~~9:00~~ 11:00 p.m.
6 If such person is employed for a period of five hours or more
7 each day, an intermission of not less than thirty minutes shall
8 be given. Such a person shall not be employed for more than
9 eight hours in one day, exclusive of intermission, and shall
10 not be employed for more than forty hours in one week. The
11 hours of work of persons under sixteen years of age employed
12 outside school hours shall not exceed ~~four~~ six in one day or
13 twenty-eight in one week while school is in session.

14 Sec. 7. NEW SECTION. 92.7A Sixteen and seventeen — hours
15 permitted.

16 A person who is sixteen or seventeen years of age may work
17 the same hours as a person who is eighteen years of age.

18 Sec. 8. Section 92.8, Code 2023, is amended to read as
19 follows:

20 **92.8 Under eighteen — prohibited ~~occupations~~ work**
21 **activities.**

22 No person under eighteen years of age shall be employed
23 or permitted to work with or without compensation at any
24 of the following ~~occupations~~ work activities or business
25 establishments:

26 1. ~~Occupations~~ Work activities in or about plants or
27 establishments manufacturing or storing explosives or articles
28 containing explosive components, except for the following:

29 a. Performing light assembly work as long as the assembly is
30 not performed on machines or in an area with machines.

31 b. Selling or assisting in the sale of consumer fireworks in
32 accordance with section 100.19.

33 ~~2. Occupations of motor vehicle driver and helper.~~

34 ~~3. 2. Logging occupations~~ Logging and occupations in
35 the operation of any sawmill, lath mill, shingle mill, or

1 cooperage-stock mill.

2 ~~4. 3. Occupations involved in the operation~~ Operation of
3 power-driven woodworking machines.

4 ~~5. 4. Occupations~~ Work activities involving exposure to
5 radioactive substances and to ionizing radiations.

6 ~~6. 5. Occupations involved in the operation~~ Operation of
7 elevators and other power-driven hoisting apparatus.

8 ~~7. 6. Occupations involved in the operation~~ Operation of
9 power-driven metal forming, punching, and shearing machines.

10 ~~8. 7. Occupations in connection with mining~~ Mining.

11 ~~9. 8. Occupations~~ Work activities in or about slaughtering
12 and meat packing establishments and rendering plants.

13 ~~10. 9. Occupations involved in the operation~~ Operation
14 of certain power-driven bakery machines. Except as otherwise
15 provided in [this subsection](#), [this subsection](#) does not apply to
16 the operation of pizza dough rollers that are a type of dough
17 sheeter that have been constructed with safeguards contained in
18 the basic design so as to prevent fingers, hands, or clothing
19 from being caught in the in-running point of the rollers,
20 that have gears that are completely enclosed, and that have
21 microswitches that disengage the machinery if the backs or
22 sides of the rollers are removed, only when all the safeguards
23 detailed in [this subsection](#) are present on the machinery, are
24 operational, and have not been overridden. However, this
25 subsection does apply to the setting up, adjusting, repairing,
26 oiling, or cleaning of pizza dough rollers as described in this
27 subsection.

28 ~~11. 10. Occupations involved in the operation~~ Operation of
29 certain power-driven paper products machines, except loading
30 balers if the machine is powered off and the key is stored in a
31 separate area from the machine.

32 ~~12. 11. Occupations involved in the manufacture~~
33 Manufacturing of brick, tile, and related products.

34 ~~13. 12. Occupations involved in the operation~~ Operation of
35 circular saws, band saws, and guillotine shears.

- 1 ~~14.~~ 13. ~~Occupations involved in wrecking~~ Wrecking,
2 demolition, and shipbreaking operations.
- 3 ~~15.~~ 14. ~~Occupations involved in roofing~~ Roofing
4 operations.
- 5 ~~16.~~ 15. Excavation occupations.
- 6 ~~17.~~ 16. ~~In~~ Work activities in or about foundries; provided
7 that office, shipping, and assembly area employment shall not
8 be prohibited by [this chapter](#).
- 9 ~~18.~~ 17. ~~Occupations involving the operation~~ Operation of
10 dry cleaning or dyeing machinery.
- 11 ~~19.~~ 18. ~~Occupations~~ Work activities involving exposure to
12 lead fumes or its compounds, or to dangerous or poisonous dyes
13 or chemicals.
- 14 ~~20.~~ 19. ~~Occupations involving the transmission~~
15 Transmission, distribution, or delivery of goods or messages
16 between the hours of 10:00 p.m. and 5:00 a.m.
- 17 19A. Work activities in establishments where nude or
18 topless dancing is performed.
- 19 ~~21.~~ 20. ~~Occupations~~ Work activities prohibited by rules
20 adopted pursuant to [chapter 17A](#) by the ~~labor commissioner~~
21 director.

22 Sec. 9. NEW SECTION. **92.8A Approved career and technical**
23 **education, work-based learning, internships, registered**
24 **apprenticeship programs, and student learners.**

25 1. The director of the department of workforce development
26 or department of education may grant an exception from any
27 provision of section 92.6, 92.7, or 92.8 for minors fourteen
28 to seventeen years of age participating in work-based learning
29 or a school or employer-administered, work-related program
30 approved by the department of workforce development or the
31 department of education if all of the following apply:

- 32 a. The requestor demonstrates the activity will be performed
33 under adequate supervision and training.
- 34 b. The training includes adequate safety precautions.
- 35 c. The terms and conditions of the proposed employment will

1 not interfere with the health, well-being, or schooling of the
2 minor enrolled in the approved program.

3 *d.* The work is not prohibited under section 92.6, subsection
4 1, paragraph "b", "e", "f", or "h", section 92.6, subsection
5 1, paragraph "i", subparagraph (1) or (3), or section 92.8,
6 subsection 1, 2, 4, 7, 8, 18, or 19A.

7 2. Section 92.8 shall not apply to a student in an approved
8 work-based learning program, registered apprenticeship, career
9 and technical education program, or student learner program
10 provided the student is employed under all of the following
11 conditions:

12 *a.* The student is employed in a craft recognized as an
13 apprenticeable trade or the student is employed under a written
14 employment agreement.

15 *b.* The work of the apprentice or student employee in the
16 work activities declared particularly hazardous is incidental
17 to the apprentice's training.

18 *c.* The work is intermittent and for short periods of time
19 and is under the direct and close supervision of a qualified
20 and experienced person.

21 *d.* Adequate on-the-job training and safety instructions are
22 in place.

23 *e.* The work is not prohibited under section 92.8, subsection
24 1, 2, 4, 7, 8, 18, or 19A.

25 3. A minor shall not perform work under this section unless
26 the director has on file written permission from the minor's
27 parent, guardian, or legal custodian, and from the school
28 administering the program or employer, for the minor to perform
29 work under this section.

30 Sec. 10. Section 92.17, subsection 2, Code 2023, is amended
31 by striking the subsection.

32 Sec. 11. Section 92.17, subsection 3, Code 2023, is amended
33 to read as follows:

34 3. A child from working in any ~~occupation~~ work activity or
35 business operated by the child's parents. For the purposes

1 of [this subsection](#), "*child*" and "*parents*" include a foster
2 child and the child's foster parents who are licensed by the
3 department of health and human services.

4 Sec. 12. Section 92.17, subsection 4, Code 2023, is amended
5 by striking the subsection and inserting in lieu thereof the
6 following:

7 4. A child under sixteen years of age from being employed or
8 permitted to work, with or without compensation, as a model, if
9 the written permission of the parent, guardian, or custodian of
10 the child is obtained prior to the commencement of the work,
11 and the work complies with the hours permitted in section 92.7.
12 This subsection does not allow modeling for an unlawful purpose
13 or modeling that would violate any other law.

14 Sec. 13. Section 92.17, Code 2023, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 4A. A child under sixteen years of age
17 from being employed or permitted to work, with or without
18 compensation, performing in motion pictures, theatrical
19 productions, or musical performances, if the written permission
20 of the parent, guardian, or custodian of the child is obtained
21 prior to the commencement of the work. This subsection
22 does not allow performing in motion pictures, theatrical
23 productions, or musical performances for an unlawful purpose
24 or performing in motion pictures, theatrical productions, or
25 musical performances that would violate any other law.

26 Sec. 14. Section 92.19, subsections 2 and 3, Code 2023, are
27 amended by striking the subsections.

28 Sec. 15. Section 92.20, subsection 1, Code 2023, is amended
29 by striking the subsection.

30 Sec. 16. Section 92.21, subsection 1, Code 2023, is amended
31 to read as follows:

32 1. The ~~labor commissioner~~ director may adopt rules pursuant
33 to [chapter 17A](#) to more specifically define the ~~occupations~~
34 work activities and equipment permitted or prohibited in this
35 chapter, ~~to determine occupations for which work permits are~~

1 ~~required~~, and to issue general and special orders prohibiting
2 or allowing the employment of persons under eighteen years
3 of age in any place of employment defined in **this chapter** as
4 hazardous to the health, safety, and welfare of the persons.

5 Sec. 17. Section 92.22, subsection 1, Code 2023, is amended
6 to read as follows:

7 1. The ~~labor commissioner~~ director shall enforce this
8 chapter. An employer who violates **this chapter** or the rules
9 adopted pursuant to **this chapter** is subject to a civil penalty
10 of not more than ten thousand dollars for each violation.
11 The director may waive or reduce a civil penalty based on
12 evidence the director may obtain. The director shall provide a
13 fifteen-day grace period before imposing a civil penalty.

14 Sec. 18. Section 92.23, Code 2023, is amended to read as
15 follows:

16 **92.23 Group insurance.**

17 Anyone under the age of eighteen and subject to **this chapter**
18 employed in the ~~street occupations who sells or delivers work~~
19 activities of selling or delivering the product or service
20 of another and who is designated in such capacity as an
21 independent contractor shall be provided participation, if the
22 person under the age of eighteen desires it at group rate cost,
23 in group insurance for medical, hospital, nursing, and doctor
24 expenses incurred as a result of injuries sustained arising out
25 of and in the course of selling or delivering such product or
26 service by the person, firm, or corporation whose product or
27 service is so delivered.

28 Sec. 19. NEW SECTION. **92.24 Employer liability in**
29 **work-based learning.**

30 1. For purposes of this section, unless the context
31 otherwise requires:

32 a. *"Business"* means any city, county, or township, including
33 but not limited to a fire department or law enforcement
34 office or department, public university, municipal university,
35 community college, technical college or not-for-profit

1 private postsecondary educational institution, corporation,
2 association, partnership, proprietorship, limited liability
3 company, limited partnership, limited liability partnership,
4 organization or other legal entity, whether for-profit or
5 not-for-profit, that does all of the following:

6 (1) Enters into an agreement with a school district for a
7 work-based learning program.

8 (2) Directly supervises a student who is participating in
9 the work-based learning program, either on the premises of the
10 business or at another location.

11 *b. "Work-based learning program"* means a learning program to
12 which all of the following apply:

13 (1) The program includes but is not limited to work-related,
14 on-the-job training, job shadowing, internships, clinicals,
15 practicums, registered apprenticeships, co-ops, supervised
16 agricultural experiences, and industry-led service-learning
17 projects.

18 (2) The program is incorporated into secondary coursework
19 or related to a specific field of study.

20 (3) The program integrates knowledge and theory learned
21 in the classroom or other school-approved setting with
22 the practical application and development of skills and
23 proficiencies in a professional work setting.

24 2. A business that accepts a secondary student in a
25 work-based learning program shall not be subject to civil
26 liability for any claim for bodily injury to the student or
27 sickness or death by accident of the student arising from
28 the student's driving to or from the business or worksite to
29 participate in the work-based learning program unless the
30 student is acting within the course and scope of the student's
31 employment at the direction of the business.

32 3. Any claim for bodily injury to the student or sickness
33 or death by accident of the student arising from the student's
34 participation in the work-based learning program at the
35 business or worksite shall be recovered exclusively under

1 chapters 85, 85A, 85B, and 86.

2 Sec. 20. Section 123.49, subsection 2, paragraph f, Code
3 2023, is amended to read as follows:

4 f. Employ a person under eighteen years of age in the
5 sale or serving of alcoholic beverages for consumption on
6 the premises where sold. This paragraph shall not apply if
7 the employer has on file written permission from the parent,
8 guardian, or legal custodian of a person sixteen or seventeen
9 years of age for the person to sell or serve alcoholic
10 beverages for consumption on the premises where sold. However,
11 a person sixteen or seventeen years of age shall not work in
12 a bar as defined in section 142D.2. The employer shall keep
13 a copy of the written permission on file until the person
14 is either eighteen years of age or no longer engaged in the
15 sale of or serving alcoholic beverages for consumption on the
16 premises where sold. If written permission is on file in
17 accordance with this paragraph, a person sixteen or seventeen
18 years of age may sell or serve alcoholic beverages in a
19 restaurant as defined in section 142D.2.

20 Sec. 21. REPEAL. Sections 92.1, 92.2, 92.9, 92.10, 92.11,
21 92.12, 92.13, 92.14, 92.15, 92.16, and 92.18, Code 2023, are
22 repealed.

23 Sec. 22. INTERIM STUDY COMMITTEE — MINOR DRIVER'S LICENSE.

24 1. The legislative council is requested to establish an
25 interim study committee to meet during the 2023 legislative
26 interim to examine policy matters relating to licensed driving
27 by persons between fourteen and eighteen years of age. The
28 committee is charged to study and make recommendations
29 on statutory changes relating to minor driver's licensing
30 including but not limited to:

31 a. Adding a work driving privilege to the current special
32 minor's license.

33 b. Completing traditional or parent-taught driver's
34 education.

35 c. Determining age eligibility for a special minor's

1 license.

2 d. Allowing a minor to drive up to a certain distance for
3 nonfarm work.

4 e. Determining the number of minutes before or after the
5 minor's scheduled shift in which they can drive.

6 f. Examining the fifty-mile farm work privilege.

7 g. Requiring the certifying school to verify the need for
8 the farm work privilege.

9 h. Allowing a minor to be eligible for a license even if
10 they live less than one mile from their school, if they are
11 employed for farm or nonfarm work.

12 i. Determining a minor's point of origin to drive for work.

13 j. Determining if a minor is permitted to stop for gas in
14 route to or from work.

15 k. Determining if a violation of the work driving
16 privilege is a moving violation, is subject to remedial driver
17 improvement classes, and is subject to other driving sanctions.

18 l. Examining any other issues concerning current or future
19 driving permits regarding persons between fourteen and eighteen
20 years of age.

21 2. The study committee shall consist of six voting members
22 and five ex officio, nonvoting members.

23 a. The voting members of the committee shall consist of
24 three members of the senate, two of whom shall be appointed
25 by the majority leader of the senate and one of whom shall
26 be appointed by the minority leader of the senate, and three
27 members of the house of representatives, two of whom shall be
28 appointed by the speaker of the house of representatives and
29 one of whom shall be appointed by the minority leader of the
30 house of representatives.

31 b. The ex officio, nonvoting members of the committee shall
32 be composed of the following:

33 (1) The director of the department of transportation or the
34 director's designee.

35 (2) The director of the department of education or the

1 director's designee.

2 (3) The director of the department of public safety or the
3 director's designee.

4 (4) The director of the department of workforce development
5 or the director's designee.

6 (5) A representative of the insurance industry selected by
7 the co-chairpersons of the study committee.

8 3. In the event a tiebreaking vote is needed, the five ex
9 officio members shall collectively receive a total of one vote
10 for the purpose of breaking a tie.

11 4. The study committee shall submit a report with its
12 findings and recommendations to the general assembly no later
13 than December 15, 2023.