

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 761

By: Leftwich of the Senate

and

Calvey of the House

AS INTRODUCED

An Act relating to labor; amending 40 O.S. 2001, Section 72.1, which relates to occupations prohibited for children under sixteen; raising the age limit; adding certain occupations to prohibited list; prohibiting certain driving within the scope of employment; providing exceptions; providing restrictions to driving within the scope of employment; defining term; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 40 O.S. 2001, Section 72.1, is amended to read as follows:

Section 72.1 A. No child under ~~sixteen (16)~~ eighteen (18) years of age shall be employed or permitted to work at any of the following occupations:

1. Manufacturing, mining, or processing occupations, including occupations requiring performance of any duties in ~~work rooms~~ workrooms or work places where goods are manufactured, mined, or otherwise processed;
2. Occupations which involve the operation or tending of hoisting apparatus or of any power-driven machinery other than office machines;
3. The operation of motor vehicles or service as helpers on such vehicles;
4. Public messenger service;

5. Occupations declared to be particularly hazardous to the health and well-being of minors under ~~sixteen (16)~~ eighteen (18) years of age by federal laws and regulations or as declared by the Commissioner of Labor, including, but not limited to, occupations involving the operation of automobiles or trucks within the scope of employment:

- a. no child who is under seventeen (17) years of age may drive automobiles or trucks on public roadways within the scope of employment, and
- b. children who are seventeen (17) years of age may drive automobiles or trucks on public roadways within the scope of employment only if:
 - (1) driving within the scope of employment is restricted to daylight hours,
 - (2) the seventeen-year-old holds a state license valid for the type of driving involved in the job performed and has no record of any moving violation at the time of hire,
 - (3) the seventeen-year-old has successfully completed a state approved driver education course,
 - (4) the automobile or truck is equipped with a seat belt for the driver and any passengers, and the employer of the seventeen-year-old has instructed him or her that the seat belt must be used when driving the automobile or truck,
 - (5) the automobile or truck operated within the scope of employment does not exceed six thousand (6,000) pounds of gross vehicle weight,
 - (6) driving within the scope of employment does not involve the following:
 - (a) the towing of vehicles,
 - (b) route deliveries or route sales,

- (c) the transportation for hire of property, goods or passengers,
- (d) urgent, time-sensitive deliveries,
- (e) more than two trips away from the primary place of employment in any single day for the purpose of delivering goods of the employer of the seventeen-year-old to a customer other than urgent, time-sensitive deliveries,
- (f) more than two trips away from the primary place of employment in any single day for the purpose of transporting passengers other than employees of the employer,
- (g) transporting more than three (3) passengers, including employees of the employer, or
- (h) driving beyond a thirty mile radius from the place of employment of the seventeen-year-old, and
- (7) driving is only occasional and incidental to the employment of the seventeen-year-old. For the purposes of this division, the term "occasional and incidental" means no more than one-third (1/3) of the work time of the seventeen-year-old in any work day and no more than twenty percent (20%) of the work time of the seventeen-year-old in any work week; and

6. Occupations, except office work or sales work, in connection with:

- a. transportation of persons or property by rail, highway, air, water, pipeline or other means[†]₁
- b. warehousing and storage[†]₁
- c. communications and public utilities[†]₁ and

d. construction including demolition and repair.

B. This section shall not apply to:

1. Children working either on farms or for parents or any entity in which a parent owns an equity interest; or

2. Children engaged in the sale or delivery of newspapers to consumers.

SECTION 2. This act shall become effective November 1, 2005.

50-1-1298

LKS

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