

Chapter 30 VIRGINIA RULES AND REGULATIONS DECLARING HAZARDOUS OCCUPATIONS

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Chapter 40 -- VIRGINIA HOURS OF WORK FOR MINORS

Chapter 50 -- REGULATION GOVERNING THE EMPLOYMENT OF MINORS ON FARMS, IN GARDENS AND IN ORCHARDS

Code of Virginia – CHILD LABOR LAWS - § 40.1-78 to § 40.1-116

VIRGINIA RULES AND REGULATIONS DECLARING HAZARDOUS OCCUPATIONS

16VAC15-30-10. Hazardous occupations.

The Child Labor Laws of Title 40.1 of the Code of Virginia provide a minimum of 18 years of age for employment in any occupation determined by the Commissioner of the Virginia Department of Labor and Industry to be hazardous or detrimental to the health of minors under 18 years of age. This minimum age applies even when the minor is employed by his parents or persons standing in place of the parent.

Statutory Authority

§ 40.1-100 of the Code of Virginia.

Historical Notes

Derived from VR425-01-77, eff. October 15, 1979; rev. June 30, 1981.

16VAC15-30-20. Index of hazardous occupations.

The following occupations have been determined to be hazardous or detrimental to the health of minors under 18 years of age. Additional information on each group of occupations is provided in the referenced section.

1. Manufacturing or Storage Occupations Involving Explosives. (16VAC25-30-30)
2. Motor Vehicle Occupations. (16VAC15-30-40)
3. Logging and Sawmilling Occupations. (16VAC15-30-50)
4. Power-Driven Woodworking Machine Occupations. (16VAC15-30-60)
5. Occupations Involving Exposure to Radioactive Substances and to Ionizing Radiations. (16VAC15-30-70)
6. Power-Driven Hoisting Apparatus Occupations. (16VAC15-30-80)
7. Power-Driven Metal Forming, Punching, and Shearing Machine Occupations. (16VAC15-30-90)
8. Occupations in Connection with Any Mining Operation. (16VAC15-30-100)
9. Occupations Involving Slaughtering, Meat-Packing or Processing or Rendering. (16VAC15-30-110)

10. Power-Driven Bakery Machine Occupations. (16VAC15-30-120)
11. Power-Driven Paper Products Machine Occupations. (16VAC15-30-130)
12. Occupations Involved in the Manufacture of Brick, Tile, and Kindred Products. (16VAC15-30-140)
13. Occupations Involved in the Operation of Power-Driven Circular Saws, Band Saws, and Guillotine Shears. (16VAC15-30-150)
14. Occupations Involved in Wrecking, Demolition, and Shipbreaking Operations. (16VAC15-30-160)
15. Occupations in Roofing Operations. (16VAC15-30-170)
16. Occupations in Excavation Operations. (16VAC15-30-180)
17. Fire Fighting. (16VAC15-30-190)
18. Other Prohibited Occupations. (16VAC15-30-200)

Statutory Authority

§ 40.1-100 of the Code of Virginia.

Historical Notes

Derived from VR425-01-77, eff. October 15, 1979; rev. June 30, 1981; amended, Virginia Register Volume 17, Issue 1, eff. October 25, 2000.

16VAC15-30-30. Manufacturing or storage occupations involving explosives.

The following occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components are prohibited:

1. All occupations in or about any plant or establishment manufacturing or storing explosives or articles containing explosive components except where the occupation is performed in a "nonexplosives area" as defined in subparagraph (3) of this section.
2. The following occupations in or about any plant or establishment manufacturing or storing small arms ammunition not exceeding .60 caliber in size, shotgun shells, or blasting caps when manufactured or stored in conjunction with the manufacture of small-arms ammunition:

(a) All occupations involved in the manufacturing, mixing, transporting, or handling of explosive compounds in the manufacture of small-arms ammunition and all other occupations requiring the performance of any duties in the explosives area in which explosive compounds are manufactured or mixed.

(b) All occupations involved in the manufacturing, transporting, or handling of primers and all other occupations requiring the performance of any duties in the same building in which primers are manufactured.

(c) All occupations involved in the priming of cartridges and all other occupations requiring the performance of any duties in the same workroom in which rim-fire cartridges are primed.

(d) All occupations involved in the plate loading of cartridges and in the operation of automatic loading machines.

(e) All occupations involved in the loading, inspecting, packing, shipping, and storage of blasting caps.

Statutory Authority

§ 40.1-100 of the Code of Virginia.

Historical Notes

Derived from VR425-01-77 § 1, eff. October 15, 1979; rev. June 30, 1981.

16VAC15-30-50. Logging and sawmilling occupations.

All occupations in logging and all occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill are prohibited for minors under the age of 18.

Statutory Authority

§ 40.1-100 of the Code of Virginia.

Historical Notes

Derived from VR425-01-77 § 3, eff. October 15, 1979; rev. June 30, 1981; amended, Virginia Register Volume 26, Issue 15, eff. April 29, 2010.

16VAC15-30-60. Power-driven woodworking machine occupations.

The following occupations involved in the operation of power-driven woodworking machines are prohibited:

1. The occupation of operating power-driven woodworking machines including supervising or controlling the operation of such machines, feeding material into such machines, and helping the operator to feed material into such machines, but not including the placing of material on a moving chain or in a hopper or slide for automatic feeding.
2. The occupations of setting up, adjusting, repairing, oiling, or cleaning power-driven woodworking machines.
3. The operations of off-bearing from circular saws and from guillotine-action veneer clippers.

Exemptions:

The exemptions for properly certified apprentices and student-learners apply to this restriction.

Statutory Authority

§ 40.1-100 of the Code of Virginia.

Historical Notes

Derived from VR425-01-77 § 4, eff. October 15, 1979; rev. June 30, 1981.

16VAC15-30-70. Occupation involving exposure to radioactive substances and to ionizing radiations.

Any activity is prohibited in any workroom in which (a) radium is stored or used in the manufacture of self-luminous compound; (b) self-luminous compound is made, processed, or packaged; (c) self-luminous compound is stored, used, or worked upon; (d) incandescent mantles are made from fabric and solutions containing thorium salts, or are processed or packaged; (e) any activities that involve exposure to ionizing radiations including X-ray equipment; and (f) any other activities that involve exposure to radioactive substances or ionizing radiations in any capacity.

Statutory Authority

§ 40.1-100 of the Code of Virginia.

Historical Notes

Derived from VR425-01-77 § 5, eff. October 15, 1979; rev. June 30, 1981; amended, Virginia Register Volume 26, Issue 15, eff. April 29, 2010.

16VAC15-30-80. Power-driven hoisting apparatus occupations.

The following occupations involved in the operation of power-driven hoisting apparatus are prohibited:

1. Work of operating an elevator, crane, derrick, hoist, or high-lift truck, except operating an unattended automatic operation passenger elevator or an electric or air-operated hoist not exceeding one (1) ton capacity.
2. Work which involves riding on a manlift or on a freight elevator, except a freight elevator operated by an assigned operator.
3. Work which involves assisting in the operation of a crane, derrick, or hoist performed by crane hookers, crane chasers, hookers-on, riggers, rigger helpers, and like occupations.

Exception:

This section shall not prohibit the operation of an automatic elevator and an automatic signal operation elevator provided that the exposed portion of the car interior (exclusive of vents and other necessary small openings), the car door, and the hoistway doors are constructed of solid surfaces without any opening through which a part of the body may extend; all hoistway openings at floor level have doors which are interlocked with the car door so as to prevent the car from starting until all such doors are closed and locked; the elevator (other than hydraulic elevators) is equipped with a device which will stop and hold the car in case of overspeed or if the cable slackens or breaks; and, the elevator is equipped with upper and lower travel limit devices which will normally bring the car to rest at either terminal and a final limit switch which will prevent the movement in either direction and will open in case of excessive over travel by the car.

For the purpose of this exception, the term "automatic elevator" shall mean a passenger elevator, a freight elevator, or a combination passenger-freight elevator, the operation of which is controlled by pushbuttons in such a manner that the starting, going to the landing selected, leveling and holding, and the opening and closing of the car and hoistway doors are entirely automatic.

Statutory Authority

§ 40.1-100 of the Code of Virginia.

Historical Notes

Derived from VR425-01-77 § 6, eff. October 15, 1979; rev. June 30, 1981.

16VAC15-30-90. Power-driven metal forming, punching, and shearing machine occupations.

The occupations of operator of or helper on the following power-driven metal forming, punching, and shearing machines are prohibited activities for minors under 18 years of age:

1. All rolling machines, such as beading, straightening, corrugating, flanging, or bending rolls; and hot or cold rolling mills.
2. All pressing or punching machines, such as punch presses, except those provided with full automatic feed and ejection and with a fixed barrier guard to prevent the hands or fingers of the operator from entering the area between the dies; power presses; and plate punches.
3. All bending machines, such as apron brakes and press brakes.
4. All hammering machines, such as drop hammers and power hammers; and powder actuated tools.
5. All shearing machines, such as guillotine or squaring shears; alligator shears; and rotary shears.

The occupations of setting up, adjusting, repairing, oiling, or cleaning these machines including those with automatic feed and ejection are prohibited.

Exemptions:

The exemptions for properly certified apprentices and student-learners apply to this restriction.

Statutory Authority

§ 40.1-100 of the Code of Virginia.

Historical Notes

Derived from VR425-01-77 § 7, eff. October 15, 1979; rev. June 30, 1981; amended, Virginia Register Volume 26, Issue 15, eff. April 29, 2010.

16VAC15-30-100. Occupations in connection with any mining operation.

All occupations in or about any coal mine are prohibited except the occupation of slate or other refuse picking at a picking table or picking chute in a tipple or breaker and occupations requiring the performance of duties solely in offices or in repair or maintenance shops located in the surface part of any coal-mining plant.

Definitions:

The term "coal" shall mean any rank of coal, including lignite, bituminous, and anthracite coals.

The term "all occupations in or about any coal mine" shall mean all types of work performed in any underground working, open pit, or surface part of any coal-mining plant that contributes to the extraction, grading, cleaning, or other handling of coal.

All occupations in connection with any mining operation are prohibited, except the following:

1. Work in offices, in the warehouse or supply house, in the change house, in the laboratory, and in repair or maintenance shops not located underground.
2. Work in the operation and maintenance of living quarters.
3. Work outside the mine in surveying, in the repair and maintenance of roads, and in general clean-up about the mine property such as clearing brush and digging drainage ditches.
4. Work of track crews in the building and maintaining of sections of railroad tracks located in those areas of open-cut metal mines where mining and haulage activities are not being conducted at the time and place that such building and maintenance work is being done.
5. Work in or about surface placer mining operations other than placer dredging operations and hydraulic placer mining operations.
6. The following work in metal mills other than in mercury-recovery mills or mills using the cyanide process:
 - (a) Work involving the operation of jigs, sludge tables, flotation cells, or drier-filters.
 - (b) Work of hand sorting at picking table or picking belt.
 - (c) General clean-up work.

Statutory Authority

§ 40.1-100 of the Code of Virginia.

Historical Notes

Derived from VR425-01-77 § 8, eff. October 15, 1979; rev. June 30, 1981.

16VAC15-30-110. Occupations involving slaughtering, meat-packing, or processing, or rendering.

The following occupations in or about slaughtering and meat-packing establishments, rendering plants, or wholesale, retail, or service establishments are prohibited:

1. All occupations on the killing floor, in curing cellars, and in hide cellars, except work of messengers, runners, hand-truckers, and similar occupations which require entering such workrooms or workplaces infrequently and for short periods of time.
2. All occupations involved in the recovery of lard and oils, except packaging and shipping of such products and the operations of lard-roll machines.
3. All occupations involved in tankage or rendering of dead animals, animal offal, animal fats, scrap meats, blood, and bones into stock feeds, tallow, inedible greases, fertilizer ingredients, and similar products.
4. All occupations involved in the operation or feeding of the following power-driven meat-processing machines, including the occupation of setting up, adjusting, repairing, oiling, or cleaning such machines: meat patty forming machines, meat and bone cutting saws, knives, power-driven slicing machines (*except bacon-slicing machines), head splitters, and guillotine cutters; snout pullers and jaw pullers; skinning machines; horizontal rotary washing machines; casing-cleaning machines such as crushing, stripping, and finishing machines; and, grinding, mixing, chopping, and hashing machines, and presses.
5. All boning occupations.
6. All occupations that involve the pushing or dropping of any suspended carcass, half carcass, or quarter carcass.
7. All occupations involving hand- lifting or hand-carrying any carcass or half carcass of beef, pork, or horse, or any quarter carcass of beef or horse.

*Note: The term "bacon-slicing machine" as used in this restriction refers to those machines which are designed solely for the purpose of slicing bacon and are equipped with enclosure or barrier guards that prevent the operator from coming in contact with the blade or blades, and with devices for automatic feeding, slicing, shingling, stacking, and conveying the sliced bacon away from the point of operation.

Exemptions:

The exemptions for properly certified apprentices and student-learners apply to this restriction.

Note: This restriction shall not apply to the killing and processing of poultry, rabbits, or small game in areas physically separated from the "killing floor."

Statutory Authority

§ 40.1-100 of the Code of Virginia.

Historical Notes

Derived from VR425-01-77 § 9, eff. October 15, 1979; rev. June 30, 1981.

16VAC15-30-120. Power-driven bakery machine occupations.

Occupations involving the operation of or assisting in the operation of power-driven bakery machines are prohibited activities for minors under 18 years of age.

Note: This restriction does not apply to the operation of noncommercial grade bakery appliances not specifically designed for commercial use including, but not limited to, hand held mixers, blenders, and food processors.

Exemptions:

The exemptions for properly certified apprentices and student-learners apply to this restriction.

Statutory Authority

§ 40.1-100 of the Code of Virginia.

Historical Notes

Derived from VR425-01-77 § 10, eff. October 15, 1979; rev. June 30, 1981; amended, Virginia Register Volume 26, Issue 15, eff. April 29, 2010.

16VAC15-30-130. Power-driven paper-products machine occupations.

The occupations of operating or assisting to operate power-driven paper-products machines, including, but not limited to, the following, are prohibited activities for minors under 18:

1. Arm-type wire stitcher or stapler, circular or band saw, corner cutter or mitering machines, corrugating single-facing or double-facing machine, envelope die-cutting press, guillotine paper cutter or shear, horizontal bar scorer, laminating or combining machine, sheeting machine, scrap-paper baler, or vertical slotter.

2. Platen die-cutting press, platen printing press, or punch press that involves hand feeding of the machine.

The occupations of setting up, adjusting, repairing, oiling, or cleaning these machines, including those that do not involve hand feeding, are prohibited for minors under 18.

Exemptions:

The exemptions for properly certified apprentices and student-learners apply to this restriction.

Statutory Authority

§ 40.1-100 of the Code of Virginia.

Historical Notes

Derived from VR425-01-77 § 11, eff. October 15, 1979; rev. June 30, 1981; amended, Virginia Register Volume 26, Issue 15, eff. April 29, 2010.

16VAC15-30-140. Occupations involved in the manufacture of brick, tile, and kindred products.

Occupations involved in the manufacture of brick, tile, and kindred products, including but not limited to the following, are prohibited activities for minors under 18 years of age:

1. All work in or about establishments in which clay construction products are manufactured.
2. All work in or about establishments in which silica brick or other silica refractories are manufactured.

Note: Minors at least 14 years of age may perform office work of a clerical nature in a bona fide office at a brick yard.

Statutory Authority

§ 40.1-100 of the Code of Virginia.

Historical Notes

Derived from VR425-01-77 § 12, eff. October 15, 1979; rev. June 30, 1981; amended, Virginia Register Volume 26, Issue 15, eff. April 29, 2010.

16VAC15-30-150. Occupations involved in the operation of power-driven circular saws, band saws, and guillotine shears.

The occupations of operator of or helper on the following power driven fixed or portable machines are prohibited except for machines equipped with full automatic feed and ejection:

Circular saws

Band saws

Guillotine shears

The occupations of setting up, adjusting, repairing, oiling, or cleaning circular saws, band saws, and guillotine shears are prohibited.

Exemptions:

The exemptions for properly certified apprentices and student-learners apply to this restriction.

Statutory Authority

§ 40.1-100 of the Code of Virginia.

Historical Notes

Derived from VR425-01-77 § 13, eff. October 15, 1979; rev. June 30, 1981.

16VAC15-30-160. Occupations involved in wrecking, demolition, and ship-breaking operations.

All occupations in wrecking, demolition, and shipbreaking operations are prohibited: the term "wrecking, demolition, and shipbreaking operations" shall mean all work, including clean-up and salvage work, performed at the site of the total or partial razing, demolishing, or dismantling of a building, bridge, steeple, tower, chimney, other structure, ship, or other vessel.

Statutory Authority

§ 40.1-100 of the Code of Virginia.

Historical Notes

Derived from VR425-01-77 § 14, eff. October 15, 1979; rev. June 30, 1981.

16VAC15-30-170. Occupations in roofing operations.

All activities in roofing operations are prohibited. The term "roofing operations" shall mean all work performed in connection with the application of weather-proofing materials and substances such as tar or pitch, asphalt, prepared paper, tile, slate, metal, translucent materials, and shingles of asbestos, asphalt or wood to roofs of buildings or other structures. The term shall also include all work performed in connection with: (1) the installation of roofs, including related metal work such as flashing and (2) alterations, additions, maintenance, and repair, including painting and coating of existing roofs. In addition, the term shall include gutter and downspout work; the construction of the sheathing or base of roofs; the installation of television antennas, communications satellites, air conditioners, exhaust and ventilating equipment, or any similar appliances attached to roofs; and any similar work required to be performed on or about roofs including work performed on the ground.

Exemptions:

The exemptions for properly certified apprentices and student-learners apply to this restriction.

Statutory Authority

§ 40.1-100 of the Code of Virginia.

Historical Notes

Derived from VR425-01-77 § 15, eff. October 15, 1979; rev. June 30, 1981; amended, Virginia Register Volume 26, Issue 15, eff. April 29, 2010.

16VAC15-30-180. Occupations in excavation operations.

The following occupations in excavation operations are prohibited:

1. Excavating, working in, or backfilling (refilling) trenches, except (a) manually excavating or manually backfilling trenches that do not exceed four feet in depth at any point, or (b) working in trenches that do not exceed four feet in depth at any point.
2. Excavating for buildings or other structures or working in such excavations, except (a) manually excavating to a depth not exceeding four feet below any ground surface adjoining the excavation, or (b) working in an excavation not exceeding such depth, or (c) working in an excavation where the side walls are shored or sloped to the angle of repose.
3. Working within tunnels prior to the completion of all driving and shoring operations.
4. Working within shafts prior to the completion of all sinking and shoring operations.

Statutory Authority

§ 40.1-100 of the Code of Virginia.

Historical Notes

Derived from VR425-01-77 § 16, eff. October 15, 1979; rev. June 30, 1981.

16VAC15-30-190. Fire fighting.

The following activities involving fire fighting are prohibited:

1. Minors 16 years and 17 years of age shall not enter a burning structure.

The term "burning structure" as used in this restriction shall not include a structure which contains burning materials.

2. Minors 14 years and 15 years of age shall not participate in fire fighting or support activities at the fire scene, enter a burning structure, enter a structure which contains burning materials, or engage in any other activity prohibited in this chapter.

3. Minors under 14 years of age shall not participate in any activity related to fire fighting.

4. Exemptions. A county, city or town may authorize by ordinance that a 16 or 17 year old minor who resides in the Commonwealth, who is a member of a volunteer fire company, within that locality, with the approval of a parent or guardian, may seek certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, and, after attaining such certification, may work with or participate fully in all activities of the volunteer fire company. A local ordinance may not require minors who achieved certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, on or before January 1, 2006, between age 15 and 16, to repeat the certification after the sixteenth birthday.

A trainer or instructor of the aforesaid minors and any member of a paid or volunteer fire company who supervises any such minors shall be exempt from child labor law provisions in the Code of Virginia concerning cruelty and injuries to children, provided that the provisions of § 40.1-100 of the Code of Virginia have not been violated when the minor has been engaged in the activities of a volunteer fire company, and provided that either the volunteer fire company or the governing body of the county, city or town has purchased insurance that provides coverage for injuries to, or the death of, a minor in performing such firefighting activities.

Statutory Authority

§§ 40.1-6 and 40.1-100 of the Code of Virginia.

Historical Notes

Derived from VR425-01-77 § 17, eff. October 15, 1979; rev. June 30, 1981; amended, Virginia Register Volume 24, Issue 23, eff. August 21, 2008.

16VAC15-30-200. Other prohibited occupations.

In addition to the prohibited occupations listed in this chapter, the following occupations are prohibited:

1. In any capacity in the manufacturing of paints, colors, white lead.
2. In any place where goods of alcoholic content are manufactured, bottled, or sold for consumption on the premises except in places where the sale of alcoholic beverages is merely incidental to the main business actually conducted, or to deliver alcoholic goods.
3. Shall not perform in or be a subject of sexually explicit visual material which depicts nudity, sexual excitement, sexual conduct, sexual intercourse, or sadomasochistic abuse, or a book, magazine, or pamphlet which contains such a visual representation. An undeveloped photograph or similar visual material may be sexually explicit material notwithstanding that processing or other action is necessary to make its sexually explicit content apparent.
4. In a capacity in preparing any composition in which dangerous poisonous chemicals are used.

Statutory Authority

§ 40.1-100 of the Code of Virginia.

Historical Notes

Derived from VR425-01-77 § 18 and Appendix, eff. October 15, 1979; rev. June 30, 1981; amended, Virginia Register Volume 17, Issue 1, eff. October 25, 2000.

16VAC15-30-210. Employment of minors under age 14.

Minors under 14 years of age may not be employed in any occupation except the following:

1. Bootblacks, caddies, selling newspapers, magazines, periodicals or circulars, running errands or delivering parcels or messages where none of the duties are to be performed inside any commercial establishment and are under the direction and supervision of an employer.

2. Distributing newspapers on regularly established routes.
3. Farms, gardens and orchards.
4. Domestic duties in and around private homes.
5. On school playgrounds or playgrounds operated by the state, city, county or by a corporation the property of which is tax exempt.
6. For one day or less in connection with their studies at any public or accredited private school.
7. Employed by their parents in any occupation other than manufacturing, or mining, or an occupation declared hazardous by the Commissioner of Labor and Industry.

Statutory Authority

§ 40.1-100 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 17, Issue 1, eff. October 25, 2000.

16VAC15-30-220. Employment of 14- and 15-year-old minors generally.

A. Minors 14 and 15 years old may not be employed in any occupation declared hazardous for 16- and 17-year-old minors and, in addition, are prohibited from being employed in any of the following:

1. In any mechanical establishment.
2. In any commercial cannery.
3. In the operation of any automatic passenger or freight elevator.
4. In any dance studio.
5. In any hospital, nursing home, clinic, or other establishments providing care for resident patients.
6. As a laboratory helper, therapist, orderly, or nurse's aide.
7. At any veterinary hospital.
8. In any undertaking establishment or funeral home.

9. In curb service at restaurants.
10. In hotel and motel room service.
11. In any brick, coal, or lumber yard.
12. In any ice plant.
13. As ushers in theaters.
14. In any scaffolding work or construction trade.
15. In any outdoor theater, cabaret, carnival, fair, floor show, pool hall, club, or roadhouse.
16. As a lifeguard at a beach.
17. In the solicitation, sale, or obtaining of subscription contracts or orders for books, magazines, or other periodical publications other than newspapers.
18. Any manufacturing occupation.
19. Any mining occupation.
20. Processing occupations such as filleting of fish, dressing poultry, cracking nuts, or laundering as performed by commercial laundries and dry cleaning (except in a retail, food service, or gasoline service establishment in those specific occupations expressly permitted in 16VAC15-30-230).
21. Occupations requiring the performance of any duties in workrooms or workplaces where goods are manufactured, mined, or otherwise processed (except to the extent expressly permitted in retail, food service, or gasoline service establishments in accordance with 16VAC15-30-230).
22. Operation or tending of hoisting apparatus or of any power-driven machinery (other than office machines and machines in retail, food service, and gasoline service establishments that are specified in 16VAC15-30-230 as machines that such minors may operate in such establishments).
23. Occupations in connection with:
 - a. Transportation of persons or property by rail, highway, air, on water, pipeline, or other means. Exception: Office or sales work in connection with these activities is permitted.
 - b. Warehousing and storage. Exception: Office or sales work in connection with these activities is permitted.

c. Communications and public utilities. Exception: Office or sales work in connection with these activities is permitted.

B. EXCEPTIONS: Activities 14- and 15-year-old minors may be engaged in include:

1. Children 14 years of age and over may be engaged in office work of a clerical nature in bona fide office rooms in the establishments listed in subsection A of this section.
2. Children 14 years of age and over may be employed by dry cleaning or laundry establishments in branch stores where no processing is done on the premises.
3. Children 14 years of age and over may be employed in hospitals, nursing homes, and clinics where they may be engaged in kitchen work, tray service, or room and hall cleaning.
4. Children 14 years of age and over may be employed in bowling alleys completely equipped with automatic pin setters, but not in or about such machines.

Statutory Authority

§ 40.1-100 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 17, Issue 1, eff. October 25, 2000.

16VAC15-30-230. Employment of 14- and 15-year-old minors in retail food service and gasoline establishments.

A. Minors 14 and 15 years of age are prohibited from being employed in the following occupations in retail food service and gasoline service establishments:

1. Work performed in or about boiler or engine rooms.
2. Work in connection with maintenance or repair of the establishments, machines, or equipment.
3. Outside window washing that involves working from windowsills, and all work requiring the use of ladders, scaffolds, or their substitutes.
4. Cooking and baking (except at soda fountains, lunch counters, snack bars, or cafeteria serving counters).
5. Occupations that involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery-type mixers.

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

7. Loading and unloading goods to and from trucks, railroad cars, or conveyors.

8. All occupations in warehouses except office and clerical work.

9. Work in connection with cars and trucks involving:

a. Use of pits, racks, or lifting apparatus.

b. Inflation of any tire mounted on a rim equipped with a removable retaining ring.

B. Minors 14 and 15 years of age may be employed in the following occupations in retail food service and gasoline service establishments:

1. Office and clerical work (including operation of office machines).

2. Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping.

3. Price marking and tagging by hand or by machine, assembling orders, packing, and shelving.

4. Bagging and carrying out customers' orders.

5. Errand and delivery work by foot, bicycle, and public transportation.

6. Clean-up work, including the use of vacuum cleaners and floor waxers, and maintenance of grounds, but not including the use of power-driven mowers or cutters.

7. Kitchen work and other work involved in preparing and serving food and beverages, including the operation of machines and devices used in the performance of such work, such as, but not limited to, dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake blenders, and coffee grinders.

8. Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing, and stocking goods when performed in areas physically separate from areas where meat is prepared for sale and outside freezers or meat coolers.

9. Work in connection with cars and trucks if confined to the following:

a. Dispensing gasoline and oil.

b. Courtesy service on premises of gasoline service station.

- c. Car cleaning, hand washing and polishing.
- d. Sales and clerical work.

Statutory Authority

§ 40.1-100 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 17, Issue 1, eff. October 25, 2000.

CHAPTER 40 VIRGINIA HOURS OF WORK FOR MINORS

16VAC15-40-10. Definitions.

The following terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise.

"Employ" means to put to work, use or service, or to engage the services of, and shall include to permit or suffer to work. "To permit or suffer to work" means to knowingly allow by failure to stop or to protest, as well as to employ by oral or written contract, by any person having authority over a minor in connection with the services being performed. As used in this chapter, the term "employ" is broader than the common law concept of employment and must be interpreted broadly in the light of the mischief to be corrected. Neither the technical relationship between the parties nor the fact that the minor is unsupervised or receives no compensation is controlling in determining whether an employer-employee relationship exists for the purpose of this chapter.

"Employer" means an individual, partnership, association, corporation, legal representative, receiver, trustee, or trustee in bankruptcy doing business in or operating within this Commonwealth who employs another to work for wages, salaries, or on commission and shall include any similar entity acting directly or indirectly in the interest of an employer in relation to an employee. For purposes of this chapter, it shall not include the government of the United States, the Commonwealth of Virginia or any of its agencies, institutions, or political subdivisions or any public body.

"School hours" means those periods when the school attended by the minor is in regular session, and does not include hours before and after school, Saturdays and Sundays, holidays, or school vacations, including summer vacations. If the minor does not attend school, "school hours" shall mean the school hours of the school district in which the minor is currently living.

"Sports-attending services" means pre- and post-game or practice setup of balls, items and equipment; supplying and retrieving balls, items and equipment during a sporting event; clearing the field or court of debris, moisture, etc., during play; providing ice, drinks, towels, etc., to players during play; running errands for trainers, managers, coaches, and players before, during, and after a sporting event; and returning and/or storing balls, items and equipment in club house or locker room after a sporting event. The following activities are not included in the definition and are, therefore, impermissible duties: grounds or field maintenance such as grass mowing, spreading or rolling tarpaulins used to cover playing areas, etc.; cleaning and repairing equipment; cleaning locker rooms, showers, lavatories, rest rooms, team vehicles, club houses, dugouts or similar facilities; loading and unloading balls, items, and equipment from team vehicles before and after a sporting event; doing laundry; and working in concession stands or other selling and promotional activities.

Statutory Authority

§ 40.1-80.1 of the Code of Virginia.

Historical Notes

Derived from VR425-01-80 § 1, eff. July 17, 1991; amended, Virginia Register Volume 16, Issue 18, eff. June 22, 2000.

16VAC15-40-20. Scope and application.

This chapter is promulgated pursuant to §§ 40.1-80.1 A and 40.1-6(3) of the Code of Virginia, and supplements existing Child Labor Laws relating to the employment of minors (Chapter 5 (§ 40.1-78 et seq.) of Title 40.1 of the Code of Virginia). Its purpose is to regulate the maximum number of hours per week, the maximum hours per day, and the hours during the day that minors under age 16 may work. Other regulations promulgated by the Department of Labor and Industry governing child labor are: (i) Virginia Regulation Declaring Hazardous Occupations, and (ii) Virginia Regulation Governing the Employment of Minors on Farms, in Gardens and in Orchards.

Statutory Authority

§§ 40.1-6(3) and 40.1-80.1 of the Code of Virginia.

Historical Notes

Derived from VR425-01-80 § 2, eff. July 17, 1991.

16VAC15-40-30. Hours of work in nonagricultural employment.

A. No minor under 16 years of age shall be employed, suffered, or permitted to work in any nonagricultural occupation:

1. During school hours;
2. More than 40 hours in any one week when school is not in session;
3. More than 18 hours in any one week when school is in session;
4. More than eight hours in any one day when school is not in session;
5. More than three hours in any one day when school is in session; or
6. Before 7 a.m. or after 7 p.m., except that from June 1 through Labor Day, such a minor may work until 9 p.m.

B. No minor under 16 years of age shall be employed or permitted to work for more than five hours continuously without an interval of at least 30 minutes for a lunch period, and no period of less than 30 minutes shall be deemed to interrupt a continuous period of work.

Statutory Authority

§§ 40.1-6(3) and 40.1-80.1 of the Code of Virginia.

Historical Notes

Derived from VR425-01-80 § 3, eff. July 17, 1991.

16VAC15-40-40. Hours of work in agricultural employment.

A. No minor under 16 years of age shall be employed, permitted or suffered to work in any occupation on farms, in gardens or in orchards during the hours that school is in session, except as provided in subsection B of this section.

B. No hours of work restrictions shall apply to a minor employed by his parent or a person standing in place of his parent on farms, in gardens or in orchards owned or operated by such parent or person.

C. No minor under 16 years of age shall be employed or permitted to work on farms, in gardens or in orchards for more than five hours continuously without an interval of at least 30 minutes for a lunch period, and no period of less than 30 minutes shall be deemed to interrupt a continuous period of work.

Statutory Authority

§§ 40.1-6(3) and 40.1-80.1 of the Code of Virginia.

Historical Notes

Derived from VR425-01-80 § 4, eff. July 17, 1991.

16VAC15-40-50. Exceptions.

This chapter does not apply whenever the Code of Virginia exempts a minor from hours-of-work limitations or provides different hours of work. These exemptions are as follows:

1. Minors employed in the following situations are exempt from hours-of-work limitations contained in 16VAC15-40-30 and 16VAC15-40-40:
 - a. A minor under 16 years of age may be employed by his parent, or a person standing in place of his parent, in a business owned by such parent or person, except in manufacturing.
 - b. A page or clerk for either the House of Delegates or the Senate of Virginia.
 - c. Domestic duties in and around a minor's own home when duties are performed directly for the minor's parent or other person standing in place of the parent.
 - d. Work performed for the state or any of its agencies, institutions, or political subdivisions, or any public body.
 - e. Theatrical performers, provided a theatrical permit is obtained from the Department of Labor and Industry.
 - f. Activities performed for a volunteer rescue squad.
 - g. A minor 14 or 15 years old employed to perform sports-attending services at professional sporting events (baseball, basketball, football, soccer, tennis, etc.) as defined in 16VAC15-40-10.
 - h. A child 12 years of age or older employed by an eleemosynary organization or unit of state or local government as a referee for sports programs sponsored by that eleemosynary, state, or local organization or by an organization of referees sponsored by an organization recognized by the United States Olympic Committee under 36 USC § 220522.
2. Minors engaged in occasional work performed around the home of the employer (not in connection with the employer's trade, business, or profession) may not work during school hours, but are otherwise exempt from the hours-of-work limitations contained in 16VAC15-40-30.
3. Minors 14 years and 15 years of age enrolled in a regular school work-training program in accordance with §§ 40.1-88 and 40.1-89 of the Code of Virginia may work during school hours as part of this program, but are otherwise subject to the hours-of-work limitations contained in 16VAC15-40-30 and 16VAC15-40-40.

4. Minors at least 12 years of age may deliver newspapers as early as 4 a.m., but are otherwise subject to the hours-of-work limitations contained in 16VAC15-40-30.

Statutory Authority

§ 40.1-80.1 of the Code of Virginia.

Historical Notes

Derived from VR425-01-80 § 5, eff. July 17, 1991; amended, Virginia Register Volume 16, Issue 18, eff. June 22, 2000; Volume 19, Issue 21, eff. August 1, 2003.

CHAPTER 50
REGULATION GOVERNING THE EMPLOYMENT OF MINORS ON
FARMS, IN GARDENS AND IN ORCHARDS

16VAC15-50-10. Definitions.

The following terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in § 15(g) of the Federal Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.

"Commissioner" means the Virginia Commissioner of Labor and Industry.

"Department" means the Virginia Department of Labor and Industry.

"Employ" includes to suffer or permit to work. The nature of an employer-employee relationship is ordinarily to be determined not solely on the basis of the contractual relationship between the parties but also in the light of all the facts and circumstances. Moreover, the terms "employer" and "employ" are broader than the common law concept of employment and must be interpreted broadly in the light of the mischief to be corrected. Thus, neither the technical relationship between the parties nor the fact that the minor is unsupervised or receives no compensation is controlling in determining whether an employer-employee relationship exists. However, these are matters which should be considered along with all other facts and circumstances surrounding the relationship of the parties in arriving at such determination.

The words "suffer or permit to work" include those who suffer by a failure to hinder and those who permit by acquiescence in addition to those who employ by oral or written contract. A typical illustration of employment of oppressive child labor by suffering or permitting an underaged minor to work is that of an employer who knows that his employee is utilizing the services of such a minor as a helper or substitute in performing his employer's work. If the employer acquiesces in the practice or fails to exercise his power to hinder it, he is himself suffering or permitting the helper to work and is, therefore, employing him.

Statutory Authority

§§ 40.1-6(3), 40.1-100 A 9, and 40.1-114 of the Code of Virginia.

Historical Notes

Derived from VR425-01-81:1 § 1, eff. July 13, 1994.

16VAC15-50-20. Hazardous occupations.

This section identifies the occupations on farms, in gardens, and in orchards which are particularly hazardous for minors under 16 years of age. No employer shall employ, suffer, or permit a minor under 16 years of age to work in any of the following occupations, deemed to be particularly hazardous, except as provided in 16VAC15-50-30:

1. Operating a tractor of over 20 PTO horsepower, or connecting or disconnecting an implement or any of its parts to or from such a tractor.
2. Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) any of the following machines:
 - a. Corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger, or mobile pea viner;
 - b. Feed grinder, crop dryer, forage blower, auger conveyor, or the unloading mechanism of a nongravity-type self-unloading wagon or trailer; or
 - c. Power post-hole digger, power post driver, or nonwalking type rotary tiller.
3. Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) any of the following machines:
 - a. Earthmoving equipment;
 - b. Fork lift;
 - c. Potato combine; or
 - d. Chain saw.
4. Working on a farm in a yard, pen, or stall occupied by:
 - a. A bull, boar, or stud horse maintained for breeding purposes; or
 - b. A sow with suckling pigs, or cow with newborn calf (with umbilical cord present).

5. Working from a ladder at a height of over 20 feet for purposes such as pruning trees, picking fruit, etc.
6. Driving a bus, truck, or automobile when transporting passengers, or riding on a tractor as a passenger or helper.
7. Working inside:
 - a. A fruit, forage, or grain storage designed to retain an oxygen deficient or toxic atmosphere;
 - b. An upright silo within two weeks after silage has been added or when a top unloading device is in operating position;
 - c. A manure pit; or
 - d. A horizontal silo while operating a tractor for packing purposes.
8. Handling or applying (including cleaning or decontaminating equipment, disposal or return of empty containers, or serving as a flagman for aircraft applying) agricultural chemicals classified under the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC § 135 et seq.) as Category I of toxicity, identified by the word "poison" and the "skull and crossbones" on the label; or Category II of toxicity, identified by the word "warning" on the label;
9. Handling or using a blasting agent including, but not limited to, dynamite, black powder, sensitized ammonium nitrate, blasting caps, and primer cord; or
10. Transporting, transferring, or applying anhydrous ammonia.

Statutory Authority

§§ 40.1-6(3), 40.1-100 A 9, and 40.1-114 of the Code of Virginia.

Historical Notes

Derived from VR425-01-81:1 § 2, eff. July 13, 1994.

16VAC15-50-30. Exemptions to hazardous occupations.

A. This section provides exemptions to the restrictions on hazardous occupations on farms, in gardens and in orchards set forth in 16VAC15-50-20.

B. 16VAC15-50-20 shall not apply to the employment of a child below the age of 16 by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person.

C. Student learners.

Minors 14 years and 15 years of age are exempted from the occupations listed in subdivisions 1 through 5 of 16VAC15-50-20 when each of the following requirements are met:

1. A student-learner is enrolled in a vocational education training program in agriculture under a recognized state or local educational authority, or in a substantially similar program conducted by a private school;
2. Such student-learner is employed under a written agreement which provides that:
 - a. The work of the student-learner is incidental to his training;
 - b. Such work shall be intermittent, for short periods of time, and under the direct and close supervision of a qualified and experienced person;
 - c. Safety instruction shall be given by the school and correlated by the employer with on-the-job training; and
 - d. A schedule of organized and progressive work processes to be performed on the job have been prepared;
3. Such written agreement contains the name of the student-learner, and is signed by the employer and by a person authorized to represent the educational authority or school; and
4. Copies of each such agreement are kept on file by both the educational authority or school and by the employer.

D. Federal extension service.

16VAC15-50-20 shall not apply to the employment of a child under 16 years of age in those occupations in which he has successfully completed one or more training programs described in subdivisions D 1, D 2, and D 3 of this section provided he has been instructed by his employer on safe and proper operation of the specific equipment he is to use; is continuously and closely supervised by the employer where feasible; or, where not feasible, in work such as cultivating, his safety is checked by the employer at least at midmorning, noon, and midafternoon.

1. 4-H Tractor Operation Program. The child is qualified to be employed in an occupation described in subdivision 1 of 16VAC15-50-20 provided:
 - a. He is a 4-H member;
 - b. He is 14 years of age or older;

- c. He is familiar with the normal working hazards in agriculture;
- d. He has completed a tractor training program approved by 4-H and conducted by, or in accordance with the requirements of, the cooperative extension service of a land grant university;
- e. He has passed a written examination on tractor safety and has demonstrated his ability to operate a tractor safely with a two-wheeled trailed implement on a course similar to one of the 4-H Tractor Operator's Contest Courses; and
- f. His employer has on file with the child's records kept pursuant to 16VAC15-50-40 (name, address, and date of birth) a copy of a certificate acceptable by the department, signed by the leader who conducted the training program and by an extension agent of the cooperative extension service of a land grant university to the effect that the child has completed all the requirements specified in subdivisions D 1 a, D 1 b, D 1 c, D 1 d, and D 1 e of this section.

2. 4-H Machine Operation Program. The child is qualified to be employed in an occupation described in subdivision 2 of 16VAC15-50-20 providing:

- a. He satisfies all the requirements specified in subdivisions D 2 b, D 2 c, and D 2 d of this section;
- b. He has completed an additional 10-hour training program on farm machinery safety, including 4-H Fourth-Year Manual, Unit 1, Safe Use of Farm Machinery, or a similar training program approved by the commissioner;
- c. He has passed a written and practical examination on safe machinery operation; and
- d. His employer has on file with the child's records kept pursuant to 16VAC15-50-40 (name, address, and date of birth) a copy of a certificate acceptable to the department, signed by the leader who conducted the training program and by an extension agent of the cooperative extension service of a land grant university, to the effect that the child has completed all of the requirements specified in subdivisions D 2 a, D 2 b, and D 2 c of this section.

3. Tractor and Machine Operation Program. The child is qualified to be employed in an occupation described in subdivisions 1 and 2 of 16VAC15-50-20 providing:

- a. He is 14 years of age, or older;
- b. He has completed a four-hour orientation course familiarizing him with the normal working hazards in agriculture;

c. He has completed a 20-hour training program on safe operation of tractors and farm machinery, which covers all material specified in subdivisions D 1 d and D 2 b of this section;

d. He has passed a written examination on tractor and farm machinery safety, and has demonstrated his ability to operate a tractor with a two-wheeled trailed implement on a course similar to a 4-H Tractor Operator's Contest Course, and to operate farm machinery safely; and

e. His employer has on file with the child's records kept pursuant to 16VAC15-50-40 (name, address, and date of birth) a copy of a certificate acceptable to the department, signed by the volunteer leader who conducted the training program and by an extension agent of the cooperative extension service of a land grant university, to the effect that all of the requirements of subdivisions D 3 a, D 3 b, D 3 c, and D 3 d of this section have been met.

E. Vocational agriculture training.

16VAC15-50-20 shall not apply to the employment of a vocational agriculture student under 16 years of age in those occupations in which he has successfully completed one or more training programs described in subdivision E 1 or E 2 of this section and who has been instructed by his employer in the safe and proper operation of the specific equipment he is to use, who is continuously and closely supervised by his employer where feasible or, where not feasible, in work such as cultivating, whose safety is checked by the employer at least at midmorning, noon, and midafternoon, and who also satisfies whichever of the following program requirements are pertinent:

1. Tractor Operation Program. The student is qualified to be employed in an occupation described in subdivision 1 of 16VAC15-50-20 provided:

a. He is 14 years of age or older;

b. He is familiar with the normal working hazards in agriculture;

c. He has completed (i) the tractor operation training program required by United States Department of Labor child labor regulations applicable to vocational agriculture students, or (ii) a similar training program approved by the commissioner. Information regarding the availability of these training programs may be obtained from the Virginia Department of Labor and Industry;

d. He has passed both a written test and a practical test on tractor safety including a demonstration of his ability to operate safely a tractor with a two-wheeled trailed implement on a test course similar to that provided in the training programs described above; and

e. His employer has on file with the child's records kept pursuant to 16VAC15-50-40 (name, address, and date of birth) a copy of a certificate acceptable to the department, signed by the vocational agriculture teacher who conducted the program to the effect that the student has completed all the requirements specified in subdivisions E 1 a, E 1 b, E 1 c, and E 1 d of this section.

2. Machinery Operation Program. The student is qualified to be employed in an occupation described in subdivision 2 of 16VAC15-50-20 provided he has completed the Tractor Operation Program described in subdivision E 1 of this section, and:

a. He has completed (i) the machinery operation training program required by United States Department of Labor child labor regulations applicable to vocational agriculture students, or (ii) a similar training program approved by the commissioner. Information regarding the availability of these training programs may be obtained from the Virginia Department of Labor and Industry;

b. He has passed both a written test and a practical test on safe machinery operation similar to that provided in the training programs described above; and

c. His employer has on file with the child's records kept pursuant to 16VAC15-50-40 (name, address, and date of birth) a copy of a certificate acceptable to the department, signed by the vocational agriculture teacher who conducted the program to the effect that student has completed all the requirements specified in subdivisions E 2 a and E 2 b of this section.

F. The commissioner will appoint an Advisory Committee on Farm Safety Training Materials. The committee shall be composed of qualified persons knowledgeable about such matters. Upon advice of the committee, the commissioner will approve and publish a list of approved training materials as necessary to permit compliance with this section.

Statutory Authority

§§ 40.1-6(3), 40.1-100 A 9, and 40.1-114 of the Code of Virginia.

Historical Notes

Derived from VR425-01-81:1 § 3, eff. July 13, 1994.

16VAC15-50-40. Record keeping requirements.

Every employer (other than parents or guardians standing in the place of parents employing their own child or a child in their custody) who employs in agriculture any minor under 16 years of age on days when school is in session or on any day if the minor is employed in a hazardous occupation shall maintain and preserve records containing the following data with respect to each and every such minor so employed:

1. Name in full,
2. Place where minor lives while employed. If the minor's permanent address is elsewhere, give both addresses.
3. Date of birth.

Statutory Authority

§§ 40.1-6(3), 40.1-100 A 9, and 40.1-114 of the Code of Virginia.

Historical Notes

Derived from VR425-01-81:1 § 4, eff. July 13, 1994.

16VAC15-50-50. Nonapplicability of general industry regulations to agriculture.

The Virginia Rules and Regulations Declaring Hazardous Occupations, 16VAC15-30-10 et seq., shall not apply to any occupation on farms, in gardens and in orchards.

Statutory Authority

§§ 40.1-6(3), 40.1-100 A 9, and 40.1-114 of the Code of Virginia.

Historical Notes

Derived from VR425-01-81:1 § 5, eff. July 13, 1994.

Code of Virginia – Child Labor Laws

§ 40.1-78. Employment of children under fourteen and sixteen.

A. No child under fourteen years of age shall be employed, permitted or suffered to work in, about or in connection with any gainful occupation except as specified in this chapter.

B. No child under sixteen years of age shall be employed, permitted or suffered to work in, about or in connection with any gainful occupation during school hours unless he has reached the age of fourteen and is enrolled in a regular school work-training program and a work-training certificate has been issued for his employment as provided in § 40.1-88.

C. Nothing in this section shall affect the provisions of §§ 40.1-100 A, 40.1-100.1, 40.1-100.2, 40.1-101 and 40.1-102.

(Code 1950, § 40-96; 1956, c. 567; 1960, c. 434; 1968, c. 264; 1970, c. 321; 1991, c. 511.)

§ 40.1-79.01. Exemptions from chapter generally.

A. Nothing in this chapter, except the provisions of §§ 40.1-100 A, 40.1-100.1, 40.1-100.2, and 40.1-103, shall apply to:

1. A child engaged in domestic work when such work is performed in connection with the child's own home and directly for his parent or a person standing in place of his parent;
2. A child employed in occasional work performed outside school hours where such work is in connection with the employer's home but not in connection with the employer's business, trade, or profession;
3. A child 12 or 13 years of age employed outside school hours on farms, in orchards or in gardens with the consent of his parent or a person standing in place of his parent;
4. A child between the ages of 12 and 18 employed as a page or clerk for either the House of Delegates or the Senate of Virginia;
5. A child participating in the activities of a volunteer rescue squad;
6. A child under 16 years of age employed by his parent in an occupation other than manufacturing; or
7. A child 12 years of age or older employed by an eleemosynary organization or unit of state or local government as a referee for sports programs sponsored by that eleemosynary, state, or local organization or by an organization of referees sponsored by

an organization recognized by the United States Olympic Committee under 36 U.S.C. § 220522.

B. Nothing in this chapter, except §§ 40.1-100.1, 40.1-100.2, and 40.1-103, shall be construed to apply to a child employed by his parent or a person standing in place of his parent on farms, in orchards or in gardens owned or operated by such parent or person.

(1991, c. 511; 1998, c. 30; 2003, c. 380.)

§ 40.1-79.1. Exemptions from chapter generally; local ordinance authorizing participation in volunteer fire company activities.

A. Any county, city or town may authorize by ordinance any person residing anywhere in the Commonwealth, aged 16 years or older, who is a member of a volunteer fire company within such county, city, or town with parental or guardian approval, (i) to seek certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs; and (ii) to work with or participate fully in all activities of such volunteer fire company, provided such person has attained certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs. Such ordinance shall not require a minor who achieved certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, on or before January 1, 2006, between the ages of 15 and 16, to repeat the certification after his sixteenth birthday.

B. Any trainer or instructor of such persons mentioned in subsection A of this section and any member of a paid or volunteer fire company who supervises any such persons shall be exempt from the provisions of § 40.1-103, provided that the provisions of § 40.1-100 have not been violated, when engaged in activities of a volunteer fire company, and provided that the volunteer fire company or the governing body of such county, city or town has purchased insurance which provides coverage for injuries to or the death of such persons in their performance of activities under this section.

(1982, c. 344; 1983, c. 123; 1991, c. 511; 2005, c. 151; 2006, c. 462.)

§ 40.1-80.1. Employment of children.

A. Except as provided in §§ 40.1-79.01, 40.1-88, 40.1-102, and 40.1-109, no child under sixteen years of age shall be employed, permitted or suffered to work in, about or in connection with any gainful occupation more than the number of hours per week or more than the number of hours per day or during the hours of the day that the Commissioner shall determine by regulations to be detrimental to the lives, health, safety or welfare of children. These regulations shall incorporate the standards contained in regulations promulgated by the United States Secretary of Labor pursuant to the Fair Labor Standards Act (29 U.S.C. § 201 et seq.) concerning the number of hours per week, hours

per day, and the hours of the day that children under the age of sixteen may work in, about, or in connection with, any gainful occupation.

B. No child shall be employed or permitted to work for more than five hours continuously without an interval of at least thirty minutes for a lunch period, and no period of less than thirty minutes shall be deemed to interrupt a continuous period of work.

(1991, c. 511.)

§ 40.1-81.1. Records to be kept by employers.

Every employer employing minors under sixteen years of age shall keep a time book or time cards or other appropriate records for such minor employees which shall show the beginning and ending time of work each day together with the amount of time designated as a free-from-duty meal period, which is deductible from the schedule of hours of work. The record for the preceding twelve months for each such minor employee shall be kept on the premises for a period of thirty-six months from the date of the latest work period recorded for the minor employee involved.

(1972, c. 480; 1982, c. 134; 1991, c. 511.)

§ 40.1-84. Employment certificate required.

No child under sixteen years of age shall be employed, permitted or suffered to work, in, about or in connection with any gainful occupation with the exception of volunteer work or work on farms, orchards and in gardens and except as provided in §§ 40.1-79.01, 40.1-101, and 40.1-102 unless the person, firm or corporation employing such child, procures and keeps on file and accessible to any school attendance officer, representative of the Department or other authorized persons, charged with the enforcement of this chapter, the employment certificate as hereinafter provided, issued for such child.

(Code 1950, § 40-100; 1960, c. 434; 1966, c. 603; 1970, c. 321; 1972, cc. 480, 824; 1974, cc. 283, 525; 1979, c. 219; 1991, c. 511.)

§ 40.1-85. Kinds of employment certificates.

Employment certificates shall be of two kinds: work-training certificate and vacation or part-time employment certificate.

(Code 1950, § 40-100.1; 1970, c. 321; 1982, c. 135; 1991, c. 511.)

§ 40.1-87. Vacation or part-time employment certificate.

A vacation or part-time employment certificate shall permit the employment of a child between fourteen and sixteen years of age only during school vacation periods or on days when school is not in session, or outside school hours on school days.

(Code 1950, § 40-100.3; 1958, c. 164; 1970, c. 321; 1979, c. 219; 1982, c. 136; 1991, c. 511.)

§ 40.1-88. Work-training certificate.

A work-training certificate shall permit the employment of a child between fourteen and sixteen years of age during school hours when enrolled in a regular school work-training program pursuant to a written agreement containing the same provisions as specified in § 40.1-89.

(Code 1950, § 40-100.4; 1970, c. 321; 1979, c. 219; 1982, c. 670.)

§ 40.1-89. Same; employment not allowed; revocation of certificate.

No child shall be employed pursuant to a work-training certificate as provided in § 40.1-88 where such employment requires such child to work in any occupation which is deemed hazardous under § 40.1-100 A or regulations promulgated thereunder. However, a child sixteen or seventeen years of age may be employed in certain such occupations as part of a work-training program in accordance with rules and regulations promulgated by the Commissioner. No child shall work in a work-training program except pursuant to a written agreement which shall provide: (1) that the work of such child shall be incidental to his training, shall be intermittent and for short periods of time and shall be under the direct and close supervision of a competent and experienced person; (2) that safety instruction shall be given by the school and correlated with on-the-job training given by the employer; and (3) that a schedule of organized and progressive work processes to be performed shall have been prepared. Such written agreement shall set forth the name of the child so employed and shall be signed by the employer and the coordinator of schools having jurisdiction. Copies of such agreement shall be retained by the school and the employer, and a copy thereof shall be filed with the Department.

Any such work-training certificate or written agreement may be revoked at any time that it shall appear that reasonable precautions for the safety of such child have not been observed.

(Code 1950, § 40-100.4:1; 1960, c. 434; 1968, c. 277; 1970, c. 321; 1982, c. 252; 1991, c. 511.)

§ 40.1-92. Issuance of certificates.

Employment certificates shall be issued only by the division superintendent of schools, or by any person designated by him and only upon application in person of the child desiring employment, accompanied by the parent, guardian or custodian of such child. 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 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 documents.

(Code 1950, § 40-101; 1960, c. 434; 1970, c. 321; 1979, c. 219; 1991, c. 511.)

§ 40.1-93. Proof required for employment certificate.

The person authorized to issue an employment certificate shall not issue such certificate until he 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.
2. Proof of age as provided in § 40.1-94.

(Code 1950, § 40-102; 1960, c. 434; 1970, c. 321; 1972, c. 480; 1991, c. 511.)

§ 40.1-94. Proofs of age.

The evidence of age required by this chapter shall consist of one of the following proofs of age, which shall be required in the order herein designated:

- (1) A birth certificate or attested transcript issued by a registrar of vital statistics or other officer charged with the duty of recording births.
- (2) A baptismal record or duly certified transcript thereof showing the date of birth and place of baptism of the child.
- (3) Other documentary proof of age specified by the Commissioner.

(Code 1950, § 40-103; 1970, c. 321.)

§ 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. 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. 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.

(Code 1950, § 40-105; 1960, c. 434; 1970, c. 321; 1978, c. 596; 1991, c. 511.)

§ 40.1-100. Certain employment prohibited or limited.

A. No child under 18 years of age shall be employed, permitted or suffered to work:

1. In any mine, quarry, tunnel, underground scaffolding work; in or about any plant or establishment manufacturing or storing explosives or articles containing explosive components; in any occupation involving exposure to radioactive substances or to ionizing radiations including X-ray equipment;
2. At operating or assisting to operate any grinding, abrasive, polishing or buffing machine, any power-driven metal forming, punching or shearing machine, power-driven bakery machine, power-driven paper products machine, any circular saw, band saw or guillotine shear, or any power-driven woodworking machine;
3. In oiling or assisting in oiling, wiping and cleaning any such machinery;
4. In any capacity in preparing any composition in which dangerous or poisonous chemicals are used;
5. In any capacity in the manufacturing of paints, colors, white lead, or brick tile or kindred products, or in any place where goods of alcoholic content are manufactured, bottled, or sold for consumption on the premises except in places (i) licensed pursuant to subdivision 5 of § 4.1-207, provided that a child employed at the premises shall not serve or dispense in any manner alcoholic beverages or (ii) where the sale of alcoholic beverages is merely incidental to the main business actually conducted, or to deliver alcoholic goods;
6. In any capacity in or about excavation, demolition, roofing, wrecking or shipbreaking operations;

7. As a driver or a helper on an automobile, truck, or commercial vehicle; however, children who are at least 17 years of age may drive automobiles or trucks on public roadways if:

- a. The automobile or truck does not exceed 6,000 pounds gross vehicle weight, the vehicle is equipped with seat belts for the driver and any passengers, and the employer requires the employee to use the seatbelts when driving the automobile or truck;
- b. Driving is restricted to daylight hours;
- c. The employee has a valid State license for the type of driving involved and has no record of any moving violations at the time of hire;
- d. The employee has successfully completed a State-approved driver education course;
- e. The driving does not involve: (i) the towing of vehicles; (ii) route deliveries or route sales; (iii) the transportation for hire of property, goods, or passengers; (iv) urgent, time-sensitive deliveries; or (v) the transporting at any time of more than three passengers, including the employees of the employer;
- f. The driving performed by the employee does not involve more than two trips away from the primary place of employment in any single day for the purpose of delivering goods of the employee's employer to a customer;
- g. The driving performed by the employee does not involve 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;
- h. The driving takes place within a 30-mile radius of the employee's place of employment; and
- i. The driving is only occasional and incidental to the employee's employment and involves no more than one third of the employee's work time in any workday and no more than 20 percent work time in any work week;

8. In logging or sawmilling, or in any lath mill, shingle mill or cooperage-stock mill, or in any occupation involving slaughtering, meatpacking, processing or rendering;

9. In any occupation determined and declared hazardous by rules and regulations promulgated by the Commissioner of Labor and Industry, except as otherwise provided in subsection D.

Notwithstanding the provisions of this section, children 16 years of age or older who are serving a voluntary apprenticeship as provided in Chapter 6 (§ 40.1-117 et seq.) of this title may be employed in any occupation in accordance with rules and regulations promulgated by the Commissioner.

B. Except as part of a regular work-training program in accordance with §§ 40.1-88 and 40.1-89, no child under 16 years of age shall be employed, permitted or suffered to work:

1. In any manufacturing or mechanical establishment, in any commercial cannery; in the operation of any automatic passenger or freight elevator; in any dance studio; or in any hospital, nursing home, clinic, or other establishment providing care for resident patients as a laboratory helper, therapist, orderly, or nurse's aide; in the service of any veterinarian while treating farm animals or horses; in any warehouse; in processing work in any laundry or dry cleaning establishment; in any undertaking establishment or funeral home; in any curb service restaurant, in hotel and motel room service; in any brick, coal or lumber yard or ice plant or in ushering in theaters. Children 14 years of age or more may be engaged in office work of a clerical nature in bona fide office rooms in the above types of establishments.

2. In any scaffolding work or construction trade; or in any outdoor theater, cabaret, carnival, fair, floor show, pool hall, club, or roadhouse; or as a lifeguard at a beach.

C. Children 14 years of age or more may be employed by dry cleaning or laundry establishments in branch stores where no processing is done on the premises, and in hospitals, nursing homes, and clinics where they may be engaged in kitchen work, tray service or room and hall cleaning. Children 14 years of age or more may be employed in bowling alleys completely equipped with automatic pin setters, but not in or about such machines, and in soda fountains, restaurants and hotel and motel food service departments. Children 14 years of age or more may work as gatekeepers and in concessions at swimming pools and may be employed by concessionaires operating on beaches where their duties and work pertain to the handling and distribution of beach chairs, umbrellas, floats and other similar or related beach equipment.

D. Notwithstanding any other provision of this chapter:

1. Children aged 16 years or older employed on farms, in gardens or in orchards may operate, assist in operating, or otherwise perform work involving a truck, excluding a tractor trailer, or farm vehicle as defined in § 46.2-1099, in their employment;

2. Children aged 14 years or older employed on farms, in gardens or in orchards may perform work as a helper on a truck or commercial vehicle in their employment, while engaged in such work exclusively on a farm, in a garden or in an orchard;

3. Children aged 16 years or older may participate in all activities of a volunteer fire company; however, any such child shall not enter a burning structure or a structure which contains burning materials prior to obtaining certification under National Fire Protection Association 1001, level one, fire fighter standards, pursuant to the provisions of clause (i) of subsection A of § 40.1-79.1, except where entry into a structure that contains burning materials is during training necessary to attain certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs.

(Code 1950, § 40-109; 1956, cc. 443, 463; 1958, c. 321; 1960, c. 434; 1964, c. 503; 1968, c. 278; 1970, c. 321; 1972, c. 824; 1973, c. 13; 1979, cc. 219, 348; 1991, c. 511; 1994, c. 156; 2005, c. 151; 2007, c. 645; 2008, c. 552; 2009, c. 218.)

§ 40.1-100.1. Employment where hazard capable of causing serious physical harm or death.

No person shall employ, suffer, or permit a child to work in any gainful occupation that exposes such child to a recognized hazard capable of causing serious physical harm or death to such child. Any person violating this section shall be subject to a civil monetary penalty in accordance with § 40.1-113 of this chapter.

(1991, c. 511.)

§ 40.1-100.2. Employment involving sexually explicit visual material prohibited.

A person under eighteen years of age shall not perform in or be a subject of sexually explicit visual material. As used in this section, "sexually explicit visual material" means a picture, photograph, drawing, sculpture, motion picture film or similar visual representation which is obscene for children, as defined in § 18.2-374.1, and which depicts nudity, sexual excitement, sexual conduct, sexual intercourse or sadomasochistic abuse, as defined in § 18.2-390, or a book, magazine or pamphlet which contains such a visual representation. An undeveloped photograph or similar visual material may be sexually explicit material notwithstanding that processing or other action is necessary to make its sexually explicit content apparent. A person who employs, permits or suffers a person to be employed or work in violation of this section is guilty of a Class 6 felony.

(1991, c. 511.)

§ 40.1-101. Qualifications as to theaters.

Notwithstanding the provisions of §§ 40.1-100 and 40.1-100.1, a child under sixteen years of age, whether a resident or nonresident of the Commonwealth, may be employed, permitted or suffered to participate in the presentation of a drama, play, performance, concert or entertainment, provided the management of the theater or other public place where such performance is to be held in the Commonwealth shall secure a permit from the Commissioner; provided, that no such permit shall be required for any nonprofit dance or music recital, nor for any television or radio broadcast in which the children participating are selected by the television or radio broadcasting station for sustaining noncommercial programs.

(Code 1950, § 40-110; 1960, c. 434; 1970, c. 321; 1973, c. 13; 1979, c. 348; 1991, c. 511.)

§ 40.1-102. Issuance of theatrical permit.

No permit shall be issued unless the Commissioner is satisfied that the environment in which the drama, play, performance, concert or entertainment is to be produced is a proper environment for the child and that the conditions of such employment are not detrimental to the health or morals of such child and that the child's education will not be neglected or hampered by its participation in such drama, play, performance, concert or entertainment. Applications for permits and every permit granted shall specify the name, age and sex of each child, together with such other facts as may be necessary for the proper identification of each child and the dates when, and the theaters or other places of amusement in which such drama, play, performance, concert or entertainment is to be produced and shall specify the name of the drama, play, performance, concert or entertainment in which each child is permitted to participate. Such application shall be filed with the Commissioner not less than five days before the date of such drama, play, performance, concert or entertainment. A permit shall be revocable by the Commissioner should it be found that the environment in which the drama, play, performance, concert or entertainment is being produced is not a proper environment for the child and that the conditions of such employment are detrimental to the health or morals of such child. The Commissioner shall prescribe and supply the forms required for carrying out the provisions of this section.

(Code 1950, § 40-111; 1960, c. 434; 1970, c. 321.)

§ 40.1-103. Cruelty and injuries to children; penalty; abandoned infant.

A. It shall be unlawful for any person employing or having the custody of any child willfully or negligently to cause or permit the life of such child to be endangered or the health of such child to be injured, or willfully or negligently to cause or permit such child to be placed in a situation that its life, health or morals may be endangered, or to cause or permit such child to be overworked, tortured, tormented, mutilated, beaten or cruelly treated. Any person violating this section shall be guilty of a Class 6 felony.

B. If a prosecution under this section is based solely on the accused parent having left the child at a hospital or rescue squad, it shall be an affirmative defense to prosecution of a parent under this section that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended rescue squad that employs emergency medical technicians, within the first 14 days of the child's life. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

(Code 1950, § 40-112; 1970, c. 321; 1991, c. 511; 2003, cc. 816, 822; 2006, c. 935.)

§ 40.1-104. Age certificates.

An age certificate shall be issued, upon request of the employer or the worker, for a person sixteen years of age or over. It shall be issued by the person authorized to issue employment certificates under the provisions of this chapter upon presentation of the same evidence of age as required for an employment certificate. The age certificate shall show the person's name and address, his date of birth and signature, the signature of the person issuing the certificate and the evidence accepted as proof of age.

An employment or age certificate duly issued shall be conclusive evidence of the age of the person for whom issued in any proceeding involving the employment of the person under any of the labor laws of this Commonwealth as to any act occurring subsequent to its issuance and prior to its revocation.

(Code 1950, § 40-113; 1970, c. 321; 1972, c. 824; 1979, c. 219.)

§ 40.1-109. Newspaper carriers on regular routes; hours.

Notwithstanding the other provisions of this chapter, any child between twelve and sixteen years of age may daily engage in the occupation of distributing newspapers on regularly established routes between the hours of four o'clock ante meridian and seven o'clock post meridian, excluding the time public schools are actually in session.

(Code 1950, § 40-118; 1960, c. 434; 1962, c. 352; 1970, c. 321; 1972, c. 807; 1973, c. 13; 1979, c. 219; 1982, c. 83; 1991, c. 511.)

§ 40.1-112. Solicitation generally.

A. In order to provide for enforcement of the child labor laws and the protection of employees, it shall be unlawful for any person, firm or corporation, except a nonprofit organization as defined in § 501 (c) (3) of the United States Internal Revenue Code, to engage in or to employ any person for, or suffer or permit any person in his employment to work in, any trade in any street or public place, including but not limited to candy sales or soliciting for commercial purposes, selling, or obtaining subscription contracts or orders for books, magazines or other periodical publications other than newspapers, without obtaining from the Commissioner a permit to conduct such business. No permit shall be required for the placement of advertisements or literature on or near a business or private residence, if there is no attempt, in person, to solicit business or make a sale at the time of the placement of the material.

B. Such permits shall be valid from the date of issuance until June 30 next following the date of issuance. Applications may be made not more than thirty days prior to the requested date of issuance on forms furnished by the Commissioner, and the applicant shall supply such information as is required concerning his place or places of business, the prospective number of his employees, and the proposed hours of work and rate of

compensation for such employees. A separate permit shall be required for each place of business which the applicant operates within this Commonwealth.

C. Each permittee shall maintain such records as may be prescribed by the Commissioner showing the name, residence address and age of each employee, the hours worked by each employee, the place where such work was performed, and the compensation paid and payable to such employee. Such records shall be available for inspection by the Commissioner or a representative designated by him during business hours.

D. No child shall be employed or permitted to work by or for any permittee unless all the following conditions are satisfied:

1. The child is at least sixteen years of age;
2. The permittee has a permanent business address within this Commonwealth; and
3. The child works at all times under the immediate supervision of an adult.

E. No child shall be required, permitted or directed to make any false statement representing himself, his employer or products or services in his employment.

F. Any person violating any provision or condition of this section shall be guilty of a Class 1 misdemeanor for each such violation. Any violation of this section by a permittee or with his knowledge and consent shall in addition be grounds for revocation of the permit.

(Code 1950, § 40-118.3; 1964, c. 315; 1966, c. 603; 1968, c. 743; 1970, c. 321; 1973, c. 13; 1979, c. 219; 1982, c. 137; 1991, c. 511; 1998, c. [157](#).)

§ 40.1-113. Child labor offenses; civil penalties.

A. Whoever employs, procures, or, having under his control, permits a child to be employed, or issues an employment certificate, in violation of any of the provisions of this chapter other than §§ [40.1-100.2](#), [40.1-103](#) and [40.1-112](#), shall be subject to a civil penalty that (i) shall not exceed \$10,000 for each violation that results in the employment of a child who is seriously injured or who dies in the course of that employment and (ii) shall not exceed \$1,000 for each other violation. In determining the amount of such penalty, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The determination by the Commissioner shall be final, unless within fifteen days after receipt of such notice the person charged with the violation notifies the Commissioner by certified mail that he intends to contest the proposed penalty before the appropriate general district court.

B. Civil penalties owed under this section shall be paid to the Commissioner for deposit into the general fund of the treasury of the Commonwealth. The Commissioner shall

prescribe procedures for the payment of proposed penalties which are not contested by employers.

(Code 1950, § 40-119; 1964, c. 504; 1970, c. 321; 1973, c. 425; 1979, c. 348; 1982, c. 416; 1991, c. 511; 2007, c. 667.)

§ 40.1-114. Enforcement of child labor law.

The Commissioner with the assistance of state and local law-enforcement officers, shall enforce the provisions of this chapter and shall have authority to appoint such representatives as may be necessary to secure the enforcement of this chapter. He shall make all necessary rules and regulations for carrying out the purposes of this chapter, and shall prescribe and supply to the proper officials blanks for employment certificates and such other forms as may be required for carrying out the provisions of this chapter.

(Code 1950, § 40-120; 1970, c. 321; 1979, c. 219.)

§ 40.1-115. School attendance.

Nothing contained in this chapter shall be construed as qualifying in any way the provisions of the compulsory education laws of this Commonwealth, nor as authorizing the employment of any child who is absent unlawfully from school.

(Code 1950, § 40-121; 1970, c. 321.)

§ 40.1-116. Curfew ordinances not affected.

Nothing in this chapter shall be construed to permit the violation of a curfew ordinance of any city.

(Code 1950, § 40-122; 1970, c. 321.)