TITLE 44
LABOR

CHAPTER 13
CHILD LABOR LAW

44-1301. RESTRICTIONS ON EMPLOYMENT OF CHILDREN UNDER FOURTEEN. No child under fourteen (14) years of age shall be employed, permitted or suffered to work in or in connection with any mine, factory, workshop, mercantile establishment, store, telegraph or telephone office, laundry, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages. It shall be unlawful for any person, firm or corporation to employ any child under fourteen (14) years of age in any business or service whatever during the hours in which the public schools of the district in which the child resides are in session, or before the hour of six o'clock in the morning, or after the hour of nine o'clock in the evening: provided, that any child over the age of twelve (12) years may be employed at any of the occupations mentioned in this chapter during the regular vacations of two (2) weeks or more of the public schools of the district in which such child resides. Provided however, a student may be employed by the public schools of the district for a maximum of ten (10) hours per week provided such employment is voluntary and with the consent of the student's legal guardian.

[(44-1301) 1907, p. 248, sec. 1; am. R.C., sec. 1466; am. 1911, ch. 159, sec. 166, p. 483; am. C.L. 38:280; C.S., sec. 1024; I.C.A., sec. 43-801; am. 2011, ch. 199, sec. 1, p. 581.]

44-1302. CHILDREN UNDER SIXTEEN -- EDUCATIONAL REQUIREMENTS. No minor who is under sixteen (16) years of age shall be employed or permitted to work at any gainful occupation during the hours that the public schools of the school district in which he resides are in session, unless he can read at sight and write legibly simple sentences in the English language, and has received instructions in spelling, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions, or has similar attainments in another language.

[(44-1302) 1907, p. 248, sec. 2; reen. R.C., sec. 1467; am. 1911, ch. 159, sec. 167, p. 483; reen. C.L. 38:281; C.S., sec. 1025; I.C.A., sec. 43-802.]

44-1303. EMPLOYERS TO KEEP RECORD OF MINOR EMPLOYEES. Every person, firm, corporation, agent or officer of a firm or corporation employing or permitting minors under sixteen (16) years of age and over fourteen (14) years of age to work in any mine, factory, workshop, mercantile establishment, store, telegraph or telephone office, laundry, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, shall keep a record of the names, ages, and place of residence of such minors.

[(44-1303) 1907, p. 248, sec. 3; reen. R.C., sec. 1468; am. 1911, ch. 159, sec. 168, p. 483; reen. C.L. 38:282; C.S., sec. 1026; I.C.A., sec. 43-803.]

44-1304. WORKING HOURS FOR CHILDREN UNDER SIXTEEN. No person under the age of sixteen (16) years shall be employed or suffered or permitted to work at any gainful occupation more than fifty-four (54) hours in any one week, nor more than nine (9) hours in any one day; nor before the hour of six o'clock in the morning nor after the hour of nine o'clock in the evening.

[(44-1304) 1907, p. 248, sec. 4; reen. R.C., sec. 1469; reen. 1911, ch. 159, sec. 169, p. 483; reen. C.L. 38:283; C.S., sec. 1027; I.C.A., sec. 43-804.]

44-1305. PENALTY FOR VIOLATIONS OF CHAPTER. Whoever employs a child under sixteen (16) years of age, and whoever having under his control a child under such age permits such child to be employed in violation of sections 44-1301 and 44-1302 shall, for such offense, be fined not more than fifty dollars ($50.00), and whoever continues to employ any child in the violation of either of said sections after being notified by a truant officer, probation officer or school authority shall, for every day thereafter that such employment continues, be fined not less than five dollars ($5.00) nor more than twenty dollars ($20.00). A failure to produce to a truant officer, policeman, probation officer or school authority, the age record required by this chapter shall be prima facie evidence of the illegal employment of any person whose age record is not produced. Any parent, guardian or custodian of a minor under sixteen (16) years of age who knowingly swears falsely as to the age of such child for the purpose of obtaining an age record is guilty of perjury.

[(44-1305) 1907, p. 248, sec. 5; reen. R.C., sec. 1470; reen. 1911, ch. 159, sec. 170, p. 483; reen. C.L. 38:284; C.S., sec. 1028; I.C.A., sec. 43-805.]

44-1306. PROHIBITION AGAINST THEATRICAL EMPLOYMENT OF CHILDREN -- PENALTY -- EXCEPTION. Any person, whether as parent, relative, guardian, employer or otherwise, having the care, custody or control of any child under the age of sixteen (16) years, who exhibits, uses or employs in any manner or under any pretense, sells, apprentices, gives away, lets out or disposes of such child to any person, under any name, title or pretense, for or in any business, exhibition or vocation, injurious to the health or dangerous to the life or limb of such child, or in or for the vocation, occupation, service or purpose of singing, playing on musical instruments, rope or wire walking, dancing, begging or peddling, or as a gymnast, acrobat, or contortionist, or rider, or in any place whatsoever, or for any obscene, indecent or immoral purposes, exhibition or practice whatsoever, or for or in any mendicant, or wandering business whatsoever, or who causes, procures or encourages such child to engage therein, is guilty of a misdemeanor, and punishable by a fine of not less than fifty dollars ($50.00) nor more than $250, or by imprisonment in the county jail for a term not exceeding six (6) months or by both such fine and imprisonment. Every person who takes, receives, hires, employs, uses, exhibits, or has in custody any child under the age and for any of the purposes mentioned in this section is guilty of a like offense and punishable by like imprisonment. Nothing in this section contained applies to or affects the employment or use of any such child as a singer or musician in any church, school or academy, or the teaching or learning of the science or practice of music.

[(44-1306) 1907, p. 248, sec. 6; reen. R.C., sec. 1471; reen. 1911, ch. 159, sec. 171, p. 483; reen. C.L. 38:285; C.S., sec. 1029; I.C.A., sec. 43-806.]

44-1307. EMPLOYMENT OF MINORS IN IMMORAL SURROUNDINGS. Any person, whether as parent, guardian, employer or otherwise, and any firm or corporation, who as employer or otherwise, shall send, direct, or cause to be sent or directed any minor, to any saloon, gambling house, house of prostitution or other immoral place; or who shall employ any minor to serve intoxicating liquors to customers, or who shall employ a minor in handling intoxicating liquor or packages containing such liquors in a brewery, bottling establishment or other place where such liquors are prepared for sale or offered for sale, shall, for each offense, be punished by a fine of not less than fifty dollars ($50.00) or imprisonment for not less than two (2) months, or by both such fine and imprisonment.

[(44-1307) 1907, p. 248, sec. 7; reen. R.C., sec. 1472; reen. 1911, ch. 159, sec. 172, p. 483; reen. C.L. 38:286; C.S., sec. 1030; I.C.A., sec. 43-807.]

44-1308. PROBATION OFFICERS AND SCHOOL TRUSTEES TO BRING COMPLAINT. The probation officer, or in counties where there is no probation officer, one or more of the school trustees shall visit the various places of employment mentioned in sections 44-1301 and 44-1307 and ascertain whether any minors are employed therein contrary to the provisions of this chapter, and they shall bring complaint for offenses under this chapter to the attention of the prosecuting attorney for prosecution, but nothing herein shall be held to prohibit any reputable citizen from bringing complaint for violations of this chapter. All offenses under this chapter shall be prosecuted in the probate court.

[(44-1308) 1907, p. 248, sec. 8; am. R.C., sec. 1473; reen. 1911, ch. 159, sec. 173, p. 483; reen. C.L. 38:287; C.S., sec. 1031; I.C.A., sec. 43-808.]