

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative McGee**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE ANN. §11-6-103 AND 11-12-103 TO
9 PROVIDE FOR CIVIL PENALTIES FOR VIOLATIONS OF CHILD LABOR
10 LAWS; TO AMEND ARK. CODE ANN. §11-6-110 RELATING TO HOURS
11 OF EMPLOYMENT FOR CHILDREN AGE SIXTEEN (16) OR SEVENTEEN
12 (17); AND FOR OTHER PURPOSES."

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

16 SECTION 1. Ark. Code Ann. §11-6-103 is hereby amended to read as
17 follows:

18 "11-6-103. Penalty - Disposition of fines.

19 (a) Any person, firm, or corporation employing a child in violation of
20 this subchapter or any person authorized to sign any certificate, affidavit,
21 or paper called for by this subchapter or any employer, parent, guardian, or
22 custodian of any child, who employs, permits, or suffers a child to be
23 employed in violation of this subchapter shall be subject to a civil penalty
24 of not less than fifty dollars (\$50.00) nor more than one thousand dollars
25 (\$1,000). Each day of violation shall constitute a separate offense.

26 (b) The Director of the Department of Labor shall determine the amount
27 of the penalty and shall consider the appropriateness of such penalty to the
28 size of the business and the gravity of the violation. If it is a first
29 violation, the director may issue a warning citation and waive the penalty.

30 (c) The determination by the Director of the Department of Labor shall
31 be final, unless within fifteen (15) days after receipt of notice by certified
32 mail, the person, firm, corporation, partnership or association charged with
33 the violation notifies the director in writing that he contests the proposed
34 penalty. In the event a penalty is contested, a final determination shall be
35 made pursuant to the Administrative Procedures Act (Ark. Code Ann. §25-15-201

1 et seq.).

2 (d) Any penalty assessed under this section may be recovered in a civil
3 action brought by the Director of the Department of Labor in a court of
4 competent jurisdiction.

5 (e) Assessments of civil penalties by the Director of the Department of
6 Labor shall be made no later than two (2) years from the date of the
7 occurrence of the violation.

8 (f) In addition to the civil penalty provided for in this section, the
9 Director of the Department of Labor may petition any court of competent
10 jurisdiction, to enjoin or restrain any person, firm, corporation, partnership
11 or association who violates the provisions of this subchapter or Ark. Code
12 Ann. §11-12-101 et seq."

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14 SECTION 2. Ark. Code Ann. §11-6-110 is hereby amended to read as
15 follows:

16 "11-6-110. Children under age 18 years - Hours of employment.

17 (a) No boy or girl under the age of eighteen (18) years shall be
18 employed, permitted, or suffered to work in any occupation for more than six
19 (6) days in any week or more than fifty-four (54) hours in any week, nor more
20 than ten (10) hours in any one (1) day or before 6:00 a.m. (b) A minor
21 who is sixteen (16) or seventeen (17) years of age and is enrolled in school
22 shall not be employed after eleven o'clock p.m. (11:00 p.m.) on a night
23 preceding a school day."

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25 SECTION 3. Ark. Code Ann. §11-12-103 is hereby amended to read as
26 follows:

27 "11-12-103. Penalty.

28 (a) Any person who violates a provision of this chapter or a lawful
29 regulation promulgated under this chapter shall be liable for a civil penalty
30 in accordance with the provisions of Ark. Code Ann. §11-6-103.

31 (b) Any person who willfully or intentionally violates the provisions
32 of this chapter or a lawful regulation promulgated under this chapter is
33 guilty of a misdemeanor and upon conviction shall be punished by a fine not to
34 exceed one thousand dollars (\$1,000) or by imprisonment for not more than
35 thirty (30) days, or by both a fine and imprisonment. Each day the violation

1 continues shall be deemed a separate offense."

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3 SECTION 4. All provisions of this act of a general and permanent nature
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
5 Revision Commission shall incorporate the same in the Code.

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7 SECTION 5. If any provision of this act or the application thereof to
8 any person or circumstance is held invalid, such invalidity shall not affect
9 other provisions or applications of the act which can be given effect without
10 the invalid provision or application, and to this end the provisions of this
11 act are declared to be severable.

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13 SECTION 6. All laws and parts of laws in conflict with this act are
14 hereby repealed.

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