

# SENATE BILL NO. 809

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

3733S.01I

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal sections 294.005, 294.022, 294.024, 294.027, 294.045, 294.051, 294.054, 294.060, 294.070, 294.080, and 294.090, RSMo, and to enact in lieu thereof nine new sections relating to the regulation of employment.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 294.005, 294.022, 294.024, 294.027,  
2 294.045, 294.051, 294.054, 294.060, 294.070, 294.080, and  
3 294.090, RSMo, are repealed and nine new sections enacted in  
4 lieu thereof, to be known as sections 64.008, 65.710, 89.500,  
5 294.005, 294.022, 294.023, 294.070, 294.080, and 294.090, to  
6 read as follows:

**64.008. 1. As used in this section, the term "home-**  
2 **based work" means any lawful occupation performed by a**  
3 **resident within a residential home or accessory structure,**  
4 **which is clearly incidental and secondary to the use of the**  
5 **dwelling unit for residential purposes.**

2. A zoning ordinance or regulation adopted pursuant  
7 to this chapter that regulates home-based work shall not:

8 (1) Prohibit mail order or telephone sales for home-  
9 based work;

10 (2) Prohibit service by appointment within the home or  
11 accessory structure;

12 (3) Prohibit resident or non-resident employees or  
13 independent contractors within the home or accessory  
14 structure;

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

15           (4) Prohibit or require structural modifications to  
16 the home or accessory structure;

17           (5) Restrict the amount of floor space for home-based  
18 work;

19           (6) Restrict the hours of operation for home-based  
20 work; or

21           (7) Restrict storage or the use of equipment that does  
22 not produce effects outside the home or accessory structure.

23           3. A zoning ordinance or regulation adopted pursuant  
24 to this chapter that regulates home-based work shall not  
25 contain provisions that explicitly restrict or prohibit a  
26 particular occupation.

27           4. The application of this section does not supersede  
28 any deed restriction, covenant or agreement restricting the  
29 use of land nor any master deed, by law or other document  
30 applicable to a common interest ownership community.

65.710. 1. As used in this section, the term "home-  
2 based work" means any lawful occupation performed by a  
3 resident within a residential home or accessory structure,  
4 which is clearly incidental and secondary to the use of the  
5 dwelling unit for residential purposes.

6           2. A zoning ordinance or regulation adopted pursuant  
7 to this chapter that regulates home-based work shall not:

8           (1) Prohibit mail order or telephone sales for home-  
9 based work;

10           (2) Prohibit service by appointment within the home or  
11 accessory structure;

12           (3) Prohibit resident or non-resident employees or  
13 independent contractors within the home or accessory  
14 structure;

15           (4) Prohibit or require structural modifications to  
16 the home or accessory structure;

17           (5) Restrict the amount of floor space for home-based  
18 work;

19           (6) Restrict the hours of operation for home-based  
20 work; or

21           (7) Restrict storage or the use of equipment that does  
22 not produce effects outside the home or accessory structure.

23           3. A zoning ordinance or regulation adopted pursuant  
24 to this chapter that regulates home-based work shall not  
25 contain provisions that explicitly restrict or prohibit a  
26 particular occupation.

27           4. The application of this section does not supersede  
28 any deed restriction, covenant or agreement restricting the  
29 use of land nor any master deed, by law or other document  
30 applicable to a common interest ownership community.

          89.500. 1. As used in this section, the term "home-  
2 based work" means any lawful occupation performed by a  
3 resident within a residential home or accessory structure,  
4 which is clearly incidental and secondary to the use of the  
5 dwelling unit for residential purposes.

6           2. A zoning ordinance or regulation adopted pursuant  
7 to this chapter that regulates home-based work shall not:

8           (1) Prohibit mail order or telephone sales for home-  
9 based work;

10           (2) Prohibit service by appointment within the home or  
11 accessory structure;

12           (3) Prohibit resident or non-resident employees or  
13 independent contractors within the home or accessory  
14 structure;

15           (4) Prohibit or require structural modifications to  
16 the home or accessory structure;

17           (5) Restrict the amount of floor space for home-based  
18 work;

19           (6) Restrict the hours of operation for home-based  
20 work; or

21           (7) Restrict storage or the use of equipment that does  
22 not produce effects outside the home or accessory structure.

23           3. A zoning ordinance or regulation adopted pursuant  
24 to this chapter that regulates home-based work shall not  
25 contain provisions that explicitly restrict or prohibit a  
26 particular occupation.

27           4. The application of this section does not supersede  
28 any deed restriction, covenant or agreement restricting the  
29 use of land nor any master deed, by law or other document  
30 applicable to a common interest ownership community.

294.005. The purpose of this chapter is to ensure that  
2 no child [under sixteen years of age] is employed in an  
3 occupation, or in a manner, that is hazardous or detrimental  
4 to the child's safety, health, morals, educational processes  
5 or general well-being.

294.022. 1. For the purposes of this section, the  
2 following terms mean:

3           (1) "Employer", any person, firm or corporation  
4 employing or seeking to employ a child in the entertainment  
5 industry;

6           (2) "Entertainment industry", any person, employer,  
7 firm or corporation using the services of a child as a  
8 performer, extra or in any other performing capacity in  
9 motion picture productions, television or radio productions,  
10 theatrical productions, modeling productions, horse shows,  
11 rodeos and musical performances[;]

12           (3) "Work permit", a written certification issued by  
13 the director which specifies the terms and duration of the  
14 work permit for a child under sixteen years of age, for the  
15 purposes of employment as a performer, extra or in any other

16 performing capacity in the entertainment industry. A work  
17 permit may be issued for a period of twelve months or more  
18 and shall be eligible for renewal at the child's next  
19 birthday. A work permit shall generally be issued for a  
20 twelve-month period of time.

21 2. No child may be employed in the entertainment  
22 industry without an entertainment work permit issued by the  
23 director. No permit shall be issued without the following:

24 (1) Proof of age by birth certificate or other  
25 documentary evidence;

26 (2) Written consent of the child's parent, legal  
27 custodian or guardian;

28 (3) Upon entering into a contractual employment  
29 agreement, a written statement from the prospective employer  
30 shall be kept on file by the prospective employer. The  
31 written statement shall set forth the nature of employment  
32 and the projected duration of the employment or project].

33 [3.] 2. No child shall be permitted at the place of  
34 employment, unless the parent, legal custodian, guardian or  
35 designated guardian of a child is present at all times that  
36 the child is at the place of employment, and such person may  
37 accompany the child to wardrobe, makeup, hairdressing and  
38 dressing room facilities. The parent, legal custodian,  
39 guardian or designated guardian may designate an individual  
40 to accompany the child during times the child is at the  
41 place of employment, provided the designation is made in  
42 writing, signed by the parent or guardian and presented to  
43 the employer prior to the child's scheduled work. A copy of  
44 the written designation shall be kept on file by the  
45 employer at the site of the employment or project.

46 [4.] 3. The employer shall designate one individual on  
47 each set, stage or other place of employment to coordinate

48 all matters relating to the welfare of children and shall  
49 notify the parent, legal custodian or guardian of each child  
50 of the name of such individual.

51 [5.] 4. All of the hours in which a child may be at  
52 the place of employment are exclusive of meal periods. Meal  
53 periods shall be at least one-half hour, but not more than  
54 one hour in duration. In no event may a child be at the  
55 place of employment for a period longer than five and one-  
56 half hours without a meal break.

57 [6.] 5. A child shall receive a twelve-hour rest break  
58 at the end of the child's work day and prior to the  
59 commencement of the child's next day of work for the same  
60 employment. A child shall also receive a fifteen minute  
61 rest period after each two hours of continuous work.

62 [7.] 6. The employer shall provide a suitable place to  
63 rest or play for the children at the site of employment.

64 [8.] 7. The time spent by children in rehearsals and  
65 in learning or practicing any of the arts, such as singing  
66 or dancing, for, or under the direction of, a motion picture  
67 studio, theater or television studio shall be counted as  
68 work time under this section of law. Periods for meal  
69 breaks shall not be included in the overall work time;  
70 however, rest breaks shall be included in the overall work  
71 time.

72 [9.] 8. No child shall be required to work in a  
73 situation which places the child in a clear and present  
74 danger to life or limb. If a child believes he or she is in  
75 such a dangerous situation, after discussing the matter with  
76 his or her parent, legal custodian, guardian or designated  
77 person and the employer, the child shall not be required to  
78 perform in such situation, regardless of the validity or  
79 reasonableness of the child's belief.

80 [10.] 9. No child shall be required to work with an  
81 animal which a reasonable person would regard as dangerous  
82 in the same circumstances, unless an animal trainer or  
83 handler qualified by training and experience is present.

84 [11.] 10. No child shall be required to perform a  
85 stunt without prior consultation with the child, the child's  
86 parent, legal custodian or guardian and the employer. The  
87 prior written consent of the child's parent, legal custodian  
88 or guardian shall be obtained for the performance of any  
89 unusual physical, athletic or acrobatic activity, stunts,  
90 work involving special effects or other potentially  
91 hazardous activity. When any unusual physical, athletic or  
92 acrobatic activity, stunts, special effects or other  
93 potentially hazardous activity involving a child is to be  
94 done, the employer shall have available a person qualified  
95 to administer medical assistance on an emergency basis and  
96 transportation to the nearest medical facility providing  
97 emergency services. First-aid kits shall always be  
98 available at a child's place of employment.

99 [12.] 11. No child shall work in close proximity to  
100 explosives or the functioning parts of unguarded and  
101 dangerous moving equipment, aircraft or vessels, or of  
102 functioning blades or propellers.

103 [13.] 12. [An entertainment work permit does not] **This**  
104 **section shall not be construed to** authorize a child to be  
105 absent from school in violation of the requirements of state  
106 law or regulations or policies of the state board of  
107 education, the Missouri department of elementary and  
108 secondary education or the local school board.

294.023. 1. **The division, commission, department, or**  
2 **any other government entity in this state shall not, by rule**  
3 **or practice, require that a child under eighteen years of**

4 age be issued a work certificate of employment or  
5 entertainment work permit as a condition of employment.

6 2. The division, commission, department, or any other  
7 government entity shall not, by rule or practice, require  
8 that an employer obtain a work certificate of employment or  
9 entertainment work permit from a child under eighteen years  
10 of age as a condition of the child's employment.

294.070. No fee shall be charged for a work  
2 certificate [or work permit] as evidence of age issued under  
3 the provisions of this chapter. [The form of the work  
4 certificate shall be prepared by the state commissioner of  
5 education. Blank work certificates shall be furnished to  
6 the superintendent of each school district by the state  
7 commissioner of education.]

294.080. 1. Upon the request of a child or of an  
2 employer who wishes to employ a child who represents [his or  
3 her age] to be [sixteen years or more, the issuing officer  
4 upon the presentation of evidence of age, as provided in  
5 section 294.051 for children] under [sixteen] **eighteen** years  
6 of age, **the division** shall issue a certificate showing the  
7 age of the child and this **work** certificate **as evidence of**  
8 **age** shall be accepted as conclusive evidence of the age of  
9 the child.

10 2. For purposes of this section, proof of age of a  
11 child includes birth certificate, driver's license or other  
12 identification card issued by the division of motor vehicle  
13 and drivers licensing, school records, insurance records, or  
14 other documentary evidence prescribed by the division.

15 3. This section shall not be construed to mandate an  
16 employer or child obtain a work certificate as evidence of  
17 age.



294.090. 1. The director is charged with the enforcement of the provisions of this chapter and all other laws regulating the employment of children. The director is vested with the power and jurisdiction to exercise such supervision over every employment as may be necessary to adequately enforce and administer the provisions of this chapter, including the right to enter any place where children are employed and to inspect the premises and to require the production of [work certificates or work permits and] any [other] necessary documents specifically requested that involve the employment of children.

2. Every employer subject to any provision of sections 294.005 to 294.150 or any regulation issued pursuant to sections 294.005 to 294.150 shall make and keep for a period of not less than two years, on the premises where any child is employed, [the work certificate,] a record of the name, address, and age of the child, and times and hours worked by the child each day.

3. All records and information obtained by the division pertaining to minors are confidential and personal identifying information shall be disclosed only by order of a court of competent jurisdiction.

4. If it appears that a work certificate [or work permit] **as evidence of age** has been improperly granted or illegally used, or the child is being injured, or is likely to be injured by the employment, this fact shall be reported to the issuing officer who shall cancel the work certificate [or work permit] **as evidence of age**. Notice in writing of the cancellation, with reasons therefor, shall be transmitted immediately to the child and to the person employing the child, and thereafter it shall be unlawful for any such person to continue to employ the child.

2 [294.024. A child may not be employed  
3 during the regular school term unless the child  
4 has been issued a work certificate or a work  
5 permit pursuant to the provisions of this  
chapter.]

2 [294.027. Work certificates shall permit  
3 (1) The employment of children between  
4 fourteen and sixteen years of age during  
5 nonschool hours during the school term; or  
6 (2) The employment of children between  
7 fourteen and sixteen years of age who are  
8 excused from attendance at school by the  
provisions of chapter 167.]

2 [294.045. 1. Notwithstanding any other  
3 law, any of the following individuals may issue  
4 a work certificate to a child subject to the  
5 requirements of this chapter:

6 (1) The superintendent of public schools  
7 of the district in which the child resides;

8 (2) The chief executive officer, or the  
9 equivalent position, of a charter school that  
the child attends;

10 (3) A person holding a student services  
11 certificate who is authorized by the  
12 superintendent of the school district or chief  
13 executive officer in writing;

14 (4) Subject to the requirements and  
15 conditions of paragraphs (a), (b), and (c) of  
16 this subdivision inclusive, the principal of a  
17 public or private school may issue, or designate  
18 another administrator of the school to issue,  
19 work certificates to children who attend the  
20 school. If the principal of a public or private  
21 school chooses not to issue work certificates  
22 under this subdivision, work certificates may be  
23 issued to children attending school under  
24 subdivision (1) or (3) of this subsection.

25 (a) A principal who issues a work  
26 certificate under this subdivision shall provide  
27 a self-certification that he or she understands  
28 the requirements in existing law for issuing a  
29 work certificate. The principal shall submit a  
30 copy of each work certificate he or she issues  
31 along with a copy of the application for each  
32 work certificate to the superintendent of the  
33 school district in which the school is located;

34 (b) The superintendent of a school  
35 district may revoke a work certificate issued by  
36 the principal of a public or private school  
37 located within the district if the  
38 superintendent becomes aware of any grounds upon  
39 which the child may be deemed ineligible for a  
40 work certificate under existing law;

41 (c) An individual with authority to issue  
42 a work certificate under this subdivision shall  
43 not issue a work certificate to his or her own

44 child; except that any student solely enrolled  
45 in a course of education not otherwise  
46 prohibited under chapter 167 whose parent, legal  
47 guardian, or designated private tutor is the  
48 student's primary education provider and is also  
49 the primary individual responsible for the  
50 student's education program and schedule shall  
51 be issued a work certificate by such primary  
52 education provider.

53 2. If the certificated person designated  
54 to issue work certificates by the superintendent  
55 of a school district or the chief executive  
56 officer, or the equivalent position, of a  
57 charter school is not available, and delay in  
58 issuing a certificate would jeopardize the  
59 ability of a child to secure work, another  
60 person authorized by the superintendent of the  
61 school district or the chief executive officer,  
62 or the equivalent position, of a charter school  
63 may issue the work certificate.

64 3. If a school district or charter school  
65 does not employ or contract with a person  
66 holding a student services certificate, the  
67 superintendent of the school district or the  
68 chief executive officer, or the equivalent  
69 position, of a charter school may authorize, in  
70 writing, a person who does not hold that  
71 credential to issue work certificates during  
72 periods of time in which the superintendent is  
73 absent from the district or the chief executive  
74 officer is absent from the charter school.

75 4. Notwithstanding the hour limitations  
76 imposed by this chapter or any other provision  
77 of law, the hour limitations that apply to a  
78 work certificate issued by any of the  
79 individuals described in subsection 1 of this  
80 section shall be based on the school calendar of  
81 the school the child attends.]

2 [294.051. A work certificate may be issued  
3 after the issuing officer is satisfied that the  
4 employment will serve the best interest of the  
5 child and, in the first instance, only upon  
6 application in person of the child with the  
7 written consent of his parent, legal custodian  
8 or guardian or, if deemed necessary by the  
9 issuing officer, the child shall be accompanied  
10 by his parent, guardian or custodian. The  
11 certificate may be renewed or another  
12 certificate issued on application of the child  
13 with the written parental consent but in no case  
14 shall a certificate be issued until the issuing  
15 officer has received and approved the following  
16 papers:

17 (1) A statement of intention to employ  
18 signed by the prospective employer setting forth  
the specific nature of the occupation in which

19 he intends to employ the child and the exact  
20 hours of the day, the number of hours per day  
21 and the days per week during which the child is  
22 to be employed;

23 (2) Proof of the age of the child by a  
24 birth certificate or other documentary evidence  
25 of such character in such form as is prescribed  
26 by the issuing officer;

27 (3) A certificate of the physician of the  
28 public schools of the district in which the  
29 child resides or other licensed physician, if  
30 required by the issuing officer, showing that he  
31 has personally examined the child and has found  
32 the child in good mental and physical health and  
33 is capable of performing labor without injury to  
34 his health and mental development;

35 (4) A certificate of the principal of the  
36 school which the child attends or has attended  
37 giving the grades of school work completed by  
38 the child, except that for children permanently  
39 excused from attendance at school under the  
40 provisions of chapter 167, this requirement may  
41 be waived.]

2 [294.054. 1. The work certificate shall  
show

3 (1) The age, sex, place and date of birth  
4 and place of residence of the child;

5 (2) The name and place of residence of the  
6 child's parent, guardian or custodian;

7 (3) The name and address of the employer;  
8 and

9 (4) The nature of the employment for which  
10 the work certificate is issued.

11 2. Work certificates authorizing the  
12 employment of a child during nonschool hours  
13 shall be of a form and color distinct from those  
14 authorizing full time employment.]

2 [294.060. 1. Whenever a child is granted  
3 a work certificate or work permit, the  
4 certificate or work permit shall be transmitted  
5 by the issuing officer to the employer of the  
6 child and a copy shall be transmitted to the  
7 division. The employer shall keep the work  
8 certificate or work permit on file and shall  
9 post in a conspicuous place in the employer's  
10 place of business a list of all children who are  
11 employed and under the age of sixteen.

12 2. On termination of the employment of the  
13 child, the child's work certificate or work  
14 permit shall be sent immediately by the employer  
15 to the officer who issued it.

16 3. A new certificate or work permit may be  
17 issued for a child whose certificate or work  
18 permit has been returned by the employer to the  
issuing officer.

19                   4. A copy of each work certificate or work  
20 permit issued and notice of its cancellation  
21 shall be retained by the issuing officer and a  
22 copy shall be transmitted by the issuing officer  
23 to the division.]

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