

(123rd General Assembly)  
(Amended Substitute House Bill Number 93)

# AN ACT

To amend section 4109.02 of the Revised Code to exempt minors aged sixteen and seventeen from having to provide an age and schooling certificate to be employed during a specified seasonal period at a seasonal amusement or recreational establishment, except when specifically required, and to declare an emergency.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That section 4109.02 of the Revised Code be amended to read as follows:

Sec. 4109.02. (A) Except as provided in division (B) of this section or in section 4109.06 of the Revised Code, no minor of compulsory school age shall be employed by any employer unless the minor presents to the employer a proper age and schooling certificate, as a condition of employment. The employer shall keep the certificate on file in the establishment where the minor is employed or in the office of the business or in the residence in or about which the minor is employed for inspection by any enforcement official.

A valid certificate constitutes conclusive evidence of the age of the minor and of the employer's right to employ the minor in occupations not denied by law to minors of that age under section 4109.06 of the Revised Code or rules adopted thereunder.

(B) Minors The following minors aged sixteen or seventeen are not required to provide an age and schooling certificate as a condition of employment:

(1) Those who are to be employed during summer vacation months after the last day of the school term in the spring and before the first day of the school term in the fall, in nonagricultural and nonhazardous employment as defined by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 201, and similar state statutes, or in other employment not prohibited to minors age sixteen or seventeen by law, ~~shall not be required to provide an age and schooling certificate as a condition of employment. In order to:~~

(2) Those who are to be employed not more than two months before the last day of the school term in the spring and not more than two months after the first day of the school term in the fall by a seasonal amusement or recreational establishment, on the condition that, for the period while school is in session, they are to be employed only for hours that occur between the end of the school day on Friday and eleven p.m. on Sunday, unless required by the superintendent of schools of the school district where the minor resides.

(C) To be hired for the type of employment during summer vacation months, such described in division (B) of this section, minors shall provide the employer with the following:

(1) Evidence of proof of age in the same manner as proof of age is provided the superintendent of schools under division (C) of section 3331.02 of the Revised Code;

(2) A statement signed by the minor's parent or guardian consenting to the proposed employment ~~during the summer vacation months~~. For the purposes of this section, in the absence of a parent or guardian, a person over eighteen years of age with whom the minor resides may sign such statement;

(3) An age and schooling certificate if one is required under division (B)(2) of this section by the superintendent of schools of the school district where the minor resides.

The employer shall retain a copy of the proof of age and the statement of consent with the employment records of the minor.

(D) As used in this section, "seasonal amusement or recreational establishment" means both of the following:

(1) An amusement or recreational establishment that does not operate for more than seven months in any calendar year;

(2) An amusement or recreational establishment whose average receipts for any six months during the preceding calendar year were not more than thirty-three and one-third per cent of its average receipts for the other six months of that calendar year.

SECTION 2. That existing section 4109.02 of the Revised Code is hereby repealed.

SECTION 3. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for the necessity is that seasonal amusement industries will shortly begin hiring workers for the coming 1999 season and need the necessary authorizations provided by the act prior to the actual start of the season. Therefore, this act shall go into immediate effect.

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*Speaker \_\_\_\_\_ of the House of Representatives.*

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*President \_\_\_\_\_ of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_