

ASSEMBLY BILL NO. 74—ASSEMBLYMEN BERMAN,
CARPENTER AND GIBBONS

FEBRUARY 9, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Prohibits employment of children under 16 years of age in certain activities relating to commercial sales. (BDR 53-659)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to children; prohibiting the employment of children under 16 years of age in certain activities relating to commercial sales; providing civil and criminal penalties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 609 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2.** *1. Except as otherwise provided in this section, no child*
4 *under the age of 16 years may be employed, permitted or required to*
5 *work in any capacity, including, without limitation, as an independent*
6 *contractor, in connection with the solicitation for sale or selling of any*
7 *product, good or service from a vehicle or at a residence, place of*
8 *business or public place, including, without limitation, a street corner,*
9 *parking lot, median of a roadway, or facility for public transportation,*
10 *sporting events or the performing arts.*
11 *2. Subsection 1 does not apply to:*
12 *(a) The solicitation of subscriptions for newspapers at any location or*
13 *the delivery of newspapers to the residence or place of business of a*
14 *subscriber.*
15 *(b) The solicitation for sale or selling of any product, good or service*
16 *by one or more children under the age of 16 years acting solely on their*
17 *own behalf.*
18 *(c) The employment of a child by a retail establishment at a fixed*
19 *place of business in compliance with the provisions of the Fair Labor*
20 *Standards Act of 1938, 29 U.S.C. §§ 201 et seq.*
21 *(d) The employment of a child by his parent or guardian.*



- 1 (e) *The activities of a child who voluntarily and without any personal*
2 *remuneration acts on behalf of:*
3 (1) *A nonprofit organization that is exempt from taxation pursuant*
4 *to 26 U.S.C. § 501(c)(3);*
5 (2) *A public or charter school in this state; or*
6 (3) *A private school licensed pursuant to chapter 394 of*
7 *NRS.*
8 *This subsection does not authorize any child to be employed, permitted or*
9 *required to work in violation of any prohibition imposed pursuant to any*
10 *other provision of this chapter.*
11 **Sec. 3.** *A person who knowingly employs, permits or requires a child*
12 *to work in violation of section 2 of this act is liable, in addition to any*
13 *other penalty or remedy that may be provided by law, for a civil penalty*
14 *of not more than \$2,500 for each such violation, which may be recovered*
15 *in a civil action brought by the labor commissioner. All money collected*
16 *as civil penalties pursuant to this section must be deposited in the state*
17 *general fund.*
18 **Sec. 4.** NRS 609.270 is hereby amended to read as follows:
19 609.270 Except as otherwise provided in NRS 609.190 to 609.260,
20 inclusive, *and section 2 of this act*, whoever employs any child, and
21 whoever, having under his control as parent, guardian or otherwise, any
22 child, permits or suffers any child to be employed or to work in violation of
23 any of the provisions of NRS 609.190 to 609.260, inclusive, ~~shall be~~ *or*
24 *section 2 of this act, is* guilty of a misdemeanor.
25 **Sec. 5.** The amendatory provisions of this act do not apply to offenses
26 that were committed before the effective date of this act.
27 **Sec. 6.** This act becomes effective upon passage and approval.

