Public Law 105–334
105th Congress

# An Act

To provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors who are 17 years of age and who engage in the operation of automobiles and trucks.

Oct. 31, 1998
[H.R. 2327]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Drive for Teen Employment Act.
29 USC 201 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Drive for Teen Employment Act".

**SEC. 2. AUTHORITY FOR MINORS TO OPERATE MOTOR VEHICLES.**

(a) AMENDMENT.—Section 13(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(c)) is amended by adding at the end the following:

"(6) In the administration and enforcement of the child labor provisions of this Act, employees who are under 17 years of age may not drive automobiles or trucks on public roadways. Employees who are 17 years of age may drive automobiles or trucks on public roadways only if—

"(A) such driving is restricted to daylight hours;

"(B) the employee holds a State license valid for the type of driving involved in the job performed and has no records of any moving violation at the time of hire;

"(C) the employee has successfully completed a State approved driver education course;

"(D) the automobile or truck is equipped with a seat belt for the driver and any passengers and the employee's employer has instructed the employee that the seat belts must be used when driving the automobile or truck;

"(E) the automobile or truck does not exceed 6,000 pounds of gross vehicle weight;

"(F) such driving does not involve—

"(i) the towing of vehicles;

"(ii) route deliveries or route sales;

"(iii) the transportation for hire of property, goods, or passengers;

"(iv) urgent, time-sensitive deliveries;

"(v) more than two trips away from the primary place of employment in any single day for the purpose of delivering goods of the employee's employer to a customer (other than urgent, time-sensitive deliveries);

"(vi) more than two trips away from the primary place of employment in any single day for the purpose of

transporting passengers (other than employees of the employer);

"(vii) transporting more than three passengers (including employees of the employer); or

"(viii) driving beyond a 30 mile radius from the employee's place of employment; and

"(G) such driving is only occasional and incidental to the employee's employment.

For purposes of subparagraph (G), the term 'occasional and incidental' is no more than one-third of an employee's worktime in any workday and no more than 20 percent of an employee's worktime in any workweek.".

(b) EFFECTIVE DATE.—

29 USC 213 note.

(1) IN GENERAL.—This Act shall become effective on the date of the enactment of this Act.

(2) EXCEPTION.—The amendment made by subsection (a) defining the term "occasional and incidental" shall also apply to any case, action, citation, or appeal pending on the date of the enactment of this Act unless such case, action, citation, or appeal involves property damage or personal injury.

Approved October 31, 1998.

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LEGISLATIVE HISTORY—H.R. 2327:

CONGRESSIONAL RECORD, Vol. 144 (1998):

Sept. 28, considered and passed House.

Oct. 12, considered and passed Senate, amended.

Oct. 13, House concurred in Senate amendment.

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