

Sub. S. B. No. 30
As Passed by the Senate

_____ moved to amend as follows:

In line 1 of the title, delete "and" and insert ","; after "4109.07" insert ", 4109.13, and 4109.99"

In line 4 of the title, delete "and" and insert ","

In line 7 of the title, after "certificate" insert ", and to make an appropriation"

In line 8, delete "and" and insert ","; after "4109.07" insert ", 4109.13, and 4109.99"

After line 168, insert:

"Sec. 4109.13. (A) The ~~administrator of the bureau of employment services~~ director of commerce shall designate enforcement officials to enforce this chapter.

(B) An enforcement official, upon discovery of a violation of this chapter and after notice to the employer, shall make a complaint against the offending employer in any court of competent jurisdiction.

(C) Enforcement officials shall make complaint by filing a



complaint before a court having competent jurisdiction against 17
any person violating any law relating to the employment of 18
minors. This section shall not be construed to limit the right 19
of other persons to make those complaints. 20

(D) County courts, municipal courts, and juvenile courts 21
have jurisdiction to try offenses under this chapter. Juvenile 22
courts have exclusive original jurisdiction to try offenses 23
under section 3321.38 of the Revised Code. 24

(E) No person or enforcement official instituting 25
proceedings under this section shall be required to file or give 26
security for the costs. If a defendant is acquitted, the judge 27
before whom the case is brought shall certify the costs to the 28
county auditor. The county auditor shall examine the amount and, 29
if necessary, correct it. The county auditor shall issue a 30
warrant on the county treasurer in favor of the persons to whom 31
the costs are due. 32

~~(F) Fines~~ (F) (1) Except as provided in division (F) (2) of 33
this section, fines collected for violations of this chapter and 34
section 3321.38 of the Revised Code shall be paid into the funds 35
of the school district in which the offense was committed. 36

(2) The minor labor law enforcement fund is created in the 37
state treasury. Fines collected pursuant to division (G) of 38
section 4109.99 of the Revised Code shall be deposited to the 39
credit of the fund. The director of commerce shall use the fund 40
to administer and enforce this chapter. 41

Sec. 4109.99. (A) Whoever violates section 4109.04, 42
division (C) of section 4109.07, division (A), (B), or (D) of 43
section 4109.08, section 4109.11, or division (B) of section 44
4109.12 of the Revised Code is guilty of a minor misdemeanor. 45

(B) Whoever violates section 4109.05 of the Revised Code 46
is guilty of a misdemeanor of the third degree. 47

(C) Whoever violates section 4109.03, division (A), (B), 48
or (D) of section 4109.07, or section 4109.10 of the Revised 49
Code is guilty of a minor misdemeanor on a first offense and a 50
misdemeanor of the third degree on each subsequent offense. 51

(D) Whoever violates division (A) of section 4109.12 of 52
the Revised Code is guilty of a minor misdemeanor for each day 53
the violation continues. 54

(E) Whoever violates division (A) of section 4109.21 of 55
the Revised Code is guilty of a misdemeanor of the fourth degree 56
on a first offense and a first degree misdemeanor on each 57
subsequent offense. If, however, the violation on a first 58
offense contains aggravating circumstances, including, but not 59
limited to, threats to a minor, reckless operation of a motor 60
vehicle, or abandonment of or endangerment to a minor but not 61
including circumstances that are the basis of a felony violation 62
of section 2919.22 of the Revised Code, then the person is 63
guilty of a misdemeanor of the first degree. If the offender 64
previously has been convicted under this section and if the 65
subsequent offense contains aggravating circumstances other than 66
circumstances that are the basis of a felony violation of 67
section 2919.22 of the Revised Code, then the person is guilty 68
of a felony of the fourth degree. 69

(F) Whoever violates division (F) of section 4109.22 of 70
the Revised Code shall be assessed a civil penalty of up to one 71
thousand seven hundred thirty dollars for each violation. 72

(G) (1) An employer that violates division (A) (4) of 73
section 4109.07 of the Revised Code by knowingly doing either of 74

the following shall be fined fifty thousand dollars: 75

(a) Employing a person under sixteen years of age between 76
seven p.m. and nine p.m. without permission from the person's 77
parent or legal guardian; 78

(b) Employing for more than one hour past nine p.m. a 79
person under sixteen years of age who has permission from the 80
person's parent or legal guardian to work until nine p.m. 81

(2) An employer who employs more than one person in 82
violation of division (G) (1) (a) or (b) of this section shall be 83
fined separately for each person so employed. A fine under 84
division (G) (1) of this section is in addition to any other 85
penalty described in this section." 86

In line 169, delete "and" and insert ","; after "4109.07" insert ",
4109.13, and 4109.99" 87
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After line 170, insert: 89

"Section 3. All items in this act are hereby appropriated 90
as designated out of any moneys in the state treasury to the 91
credit of the designated fund. For all operating appropriations 92
made in this act, those in the first column are for fiscal year 93
2024 and those in the second column are for fiscal year 2025. 94
The operating appropriations made in this act are in addition to 95
any other operating appropriations made for these fiscal years. 96

Section 4. 97

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|---|--|--------|-----------------------------|-----------|---|
| A | COM DEPARTMENT OF COMMERCE | | | | |
| B | Dedicated Purpose Fund Group | | | | |
| C | 5AL1 | 800658 | Minor Labor Law Enforcement | \$150,000 | \$150,000 |
| D | TOTAL DPF Dedicated Purpose Fund Group | | | \$150,000 | \$150,000 |
| E | TOTAL ALL BUDGET FUND GROUPS | | | \$150,000 | \$150,000 |
| | MINOR LABOR LAW ENFORCEMENT | | | | 100 |
| | The foregoing appropriation item 800658, Minor Labor Law Enforcement, shall be used by the Department of Commerce to hire staff to enforce Ohio laws governing the employment of minors. | | | | 101 102 103 |
| | Section 5. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the manner in which appropriation accounts shall be maintained. Expenditures from operating appropriations contained in this act shall be accounted for as though made in, and are subject to all applicable provisions of, the main operating appropriations act of the 135th General Assembly." | | | | 104 105 106 107 108 109 110 111 112 |
| | The motion was _____ agreed to. | | | | |
| | <u>SYNOPSIS</u> | | | | 113 |
| | Fines for violation | | | | 114 |

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| R.C. 4109.13 and 4109.99 | 115 |
| Requires an employer be fined \$50,000 for each instance in | 116 |
| which the employer knowingly does either of the following: | 117 |
| 1. Employs a person under age 16 between 7:00 p.m. and | 118 |
| 9:00 p.m. when the person does not have approval to work during | 119 |
| those hours from the person's parent or legal guardian; | 120 |
| 2. Employs a person under age 16 who has permission from a | 121 |
| parent or guardian to work between 7:00 pm and 9:00 pm for more | 122 |
| than one hour past 9:00 p.m. | 123 |
| Establishes the Minor Labor Law Enforcement Fund in the | 124 |
| state treasury for the deposit of the fines above and to be used | 125 |
| by the Director of Commerce to administer and enforce Ohio laws | 126 |
| governing the employment of minors. | 127 |
| Department of Commerce | 128 |
| Sections 3, 4, and 5 | 129 |
| Appropriates \$150,000 in both FY 2024 and FY 2025 under | 130 |
| the Minor Labor Law Enforcement Fund (Fund 5AL1) ALI 800658, | 131 |
| Minor Labor Law Enforcement. | 132 |
| Requires the amount to be used by the Department of | 133 |
| Commerce to hire staff to enforce Ohio laws governing the | 134 |
| employment of minors. | 135 |