

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2118 Session of
2024

INTRODUCED BY D'ORSIE, KAUFFMAN, JAMES, ROWE, M. MACKENZIE,
T. JONES, KEEFER AND ZIMMERMAN, MARCH 14, 2024

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, MARCH 14, 2024

AN ACT

1 Amending the act of October 24, 2012 (P.L.1209, No.151),
2 entitled "An act regulating child labor; conferring powers
3 and duties on the Department of Labor and Industry and the
4 Department of Education; imposing penalties; and making a
5 repeal," providing for disposition of administrative
6 penalties.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The act of October 24, 2012 (P.L.1209, No.151),
10 known as the Child Labor Act, is amended by adding a section to
11 read:

12 Section 11.1. Disposition of administrative penalties.

13 (a) Authorization.--Money collected by the department
14 through administrative penalties imposed under section 11(c)
15 shall be collected and distributed in accordance with this
16 section.

17 (b) Recordkeeping.--When imposing administrative penalties
18 under this section, the department shall maintain a record of
19 the following information:

20 (1) For each violation, whether a specific minor was the

1 subject of the violation and either of the following:

2 (i) The identity of the minor who is the subject of
3 each violation and the amount of the administrative
4 penalty imposed for each violation.

5 (ii) A record of each violation that was not related
6 to a specific minor, the amount of the administrative
7 penalty imposed for each violation and the location of
8 the violation.

9 (2) The total amount of administrative penalties
10 collected for violations related to each minor who is the
11 subject of multiple violations.

12 (3) The total amount of administrative penalties
13 collected from each employer for violations that are not
14 related to a specific minor.

15 (c) Penalties for violations related to specific minor.--The
16 following apply to administrative penalties for violations that
17 are related to a specific minor:

18 (1) Upon receipt of administrative penalties paid by
19 employers that violated this act, the department shall make
20 reasonable efforts to determine:

21 (i) The existence of any educational savings
22 accounts established exclusively for the payment of the
23 postsecondary education or nonpublic school tuition of
24 the minor.

25 (ii) Whether the minor attends a nonpublic school
26 for which the minor or a parent or guardian of the minor
27 is responsible to pay tuition or other fees.

28 (iii) The existence of any long-term savings or
29 investment account established for the exclusive benefit
30 of the minor.

1 (iv) The existence of any depository account held in
2 the name of the minor.

3 (v) Whether the minor is in the custody of a county
4 agency.

5 (vi) The preferences of the parents or guardians of
6 the minor with respect to the payment of money under
7 paragraph (3).

8 (2) Reasonable efforts under paragraph (1) shall, at a
9 minimum, include:

10 (i) Diligent attempts to confirm the contact
11 information for the parents or guardians of the minor.

12 (ii) Attempting to contact the parents or guardians
13 of the minor by telephone and first-class mail to inquire
14 about the information enumerated in paragraph (1).

15 (iii) Inquiring about the existence of any
16 educational savings account or other savings account
17 maintained by the State Treasurer for the benefit of the
18 minor. Notwithstanding any other provision of law, for
19 the purposes of this subparagraph, the State Treasurer
20 may confirm to the department whether or not there exists
21 an educational savings account or other savings account
22 for the benefit of the minor.

23 (iv) Reasonable inquiries with the appropriate
24 issuing officer.

25 (3) The department shall forward the proceeds of
26 administrative penalties related to a specific minor, less
27 the amount determined under paragraph (4), for the benefit of
28 the minor, in the following order of priority:

29 (i) A payment to an educational savings account
30 established exclusively for the payment of the

1 postsecondary education or nonpublic school tuition of
2 the minor or a direct payment to a nonpublic school for
3 tuition of the minor, based on the preference of the
4 parents or guardians of the minor.

5 (ii) A payment to a long-term savings or investment
6 account established for the exclusive benefit of the
7 minor, based on the preference of the parents or
8 guardians of the minor.

9 (iii) A payment to a depository account held in the
10 name of the minor, based on the preference of the parents
11 or guardians of the minor.

12 (iv) If subparagraphs (i), (ii) and (iii) do not
13 apply, a payment to a county agency in custody of the
14 minor for the benefit of the minor.

15 (v) A payment to the parents or guardians of the
16 minor, accompanied by information on the reason for the
17 payment and information prepared by the State Treasurer
18 on how to establish an educational savings account for
19 the minor.

20 (vi) If it is not reasonably possible to make
21 payment for the benefit of the minor under subparagraph
22 (i), (ii), (iii), (iv) or (v), a payment in accordance
23 with subsection (d).

24 (4) The department may retain a portion of each payment
25 made under paragraph (3) for its expenses in complying with
26 the requirements of this subsection. The following apply:

27 (i) If the department retains a portion of a
28 payment, the department shall provide a statement to the
29 parents or guardians of the minor explaining the amount
30 of the deduction.

1 (ii) The amount retained by the department shall be
2 the lesser of the following:

3 (A) The actual expenses of the department in
4 making reasonable efforts to determine where payment
5 should be made and making the payment.

6 (B) Five percent of the amount of administrative
7 penalties collected for violations related to the
8 minor for which payments are made.

9 (5) The department shall not be required to split a
10 payment under paragraph (3) among multiple accounts or
11 payment methods for the benefit of a single minor.

12 (d) Penalties for violations not related to specific
13 minor.--Upon receipt of administrative penalties for violations
14 that are not related to a specific minor, or as provided in
15 subsection (c) (3) (vi), administrative penalties shall be paid to
16 the school district in which the violation occurred.

17 (e) Confidentiality.--In fulfilling its duties under this
18 section, the department shall, to the greatest extent possible,
19 maintain the privacy of the minor and the parents and guardians
20 of the minor regarding information on any educational savings
21 account, long-term savings or investment account, depository
22 account, payment preference, custody status with a county agency
23 or attendance at a nonpublic school.

24 (f) Definitions.--As used in this section, the following
25 words and phrases shall have the meanings given to them in this
26 subsection unless the context clearly indicates otherwise:

27 "County agency." As defined in 23 Pa.C.S. § 6303(a)
28 (relating to definitions).

29 Section 2. This act shall take effect in six months.