

ADMINISTRATIVE POLICY



STATE OF WASHINGTON DEPARTMENT OF LABOR AND INDUSTRIES EMPLOYMENT STANDARDS

**TITLE: DRIVING BY MINORS
IN NON-AGRICULTURAL JOBS**

NUMBER: ES.C.4.3

**CHAPTER: RCW [49.12](#)
WAC [296-125-030](#)**

ISSUED: May 23, 2005

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This policy is designed to provide general information in regard to the current opinions of the Department of Labor & Industries on the subject matter covered. This policy is intended as a guide in the interpretation and application of the relevant statutes, regulations, and policies, and may not be applicable to all situations. This policy does not replace applicable RCW or WAC standards. If additional clarification is required, the Program Manager for Employment Standards should be consulted.

This document is effective as of the date of print and supersedes all previous interpretations and guidelines. Changes may occur after the date of print due to subsequent legislation, administrative rule, or judicial proceedings. The user is encouraged to notify the Program Manager to provide or receive updated information. This document will remain in effect until rescinded, modified, or withdrawn by the Director or his or her designee.

Background: In 1998 the federal law, Drive for Teen Employment Act (PL 105-334), changed the provisions for minors driving in the workplace. In February, 2005 this change was incorporated into the federal child labor regulations, Hazardous Order 2. Some of the federal provisions exceed Washington State's regulations. This policy aims to prevent jeopardy for employers by clarifying the federal and state laws, and makes Washington at least as effective as the federal regulations. These driving restrictions for 16- and 17-year-old minors are based on both federal and state law.

1. Driving Requirements and Restrictions

- **No employee 16 years of age or under may drive on public roadways.**

Seventeen-year-olds may drive on public roadways as an incidental part of their employment, but **ONLY** if all of the following requirements are met:

- The driving is limited to daylight hours;
- The 17-year-old holds a State license valid for the type of driving involved in the job performed;

- The 17-year-old has successfully completed a State approved driver education course and has no record of any moving violation at the time of hire;
- The automobile or truck is equipped with a seat belt for the driver and any passengers and the employer has instructed the youth that the seat belts must be used when driving the vehicle;
- The automobile or truck does not exceed 6,000 pounds gross vehicle weight;
- Such driving is only ***occasional and incidental*** to the 17-year-old's employment. This means that driving is not the primary job activity.

Note: Federal law states that 17-year-olds may spend no more than one-third of the worktime in any workday and no more than 20 percent of the worktime in any workweek driving.

2. Prohibited Duties – on a Public Roadway

The driving may **NOT** involve:

- Driving a vehicle to tow another vehicle or piece of equipment;
- Driving a motorcycle, ATV, golf cart, bus or any other motorized vehicle or truck;
- Driving a delivery route for goods, products or sales;
- Transportation for hire of property, goods, or passengers;
- Urgent, time-sensitive deliveries;
 - The term *urgent, time-sensitive deliveries* means trips to and from the business location or any other location, which are subject to time-lines, schedules, and/or turn-around times which might cause the driver to hurry in the completion of the delivery. Prohibited trips would include, but are not limited to, the delivery of pizzas and prepared foods to the customer; the delivery of materials under a deadline, and the shuttling of passengers to and from transportation depots to meet transport schedules.
- Transporting more than three passengers, including employees of the employer;
- Driving beyond a 30-mile radius from the youth's place of employment;
- More than two trips away from the primary place of employment in any single day to deliver the employer's goods to a customer (other than urgent, time-sensitive deliveries which are prohibited);
- More than two trips away from the primary place of employment in any single day to transport passengers, other than employees of the employer.
- Driving on or about any logging, sawmilling or mining operation, or in any excavation activity including around building construction, trenches, or tunnels.
- **All minors** are prohibited from occupations of outside helper or flagger on any public road or highway

3. Other Related Restrictions on Private Property

- 16- and 17-year-old minors may drive on a private employer's premises as long as the driving is occasional and incidental to their job or does not violate any other prohibition listed in the child labor regulations involving the operation of heavy equipment. Sixteen-year-olds may not perform work on private property that also involves driving onto or crossing a public roadway

Moving cars on private property for a car wash or auto repair shop are examples of driving that is incidental to the job of washing or repairing cars and is not prohibited.

- **All minors** are prohibited from work which involves directing moving motor vehicles in or around warehouses or loading/unloading areas including but not limited to loading docks, transfer stations, or landfills.

4. For more information

- Fact Sheet from the U.S. Department of Labor, <http://www.dol.gov/whd/regs/compliance/whdfs34.htm>
- [Washington State Prohibited Duties, WAC 296-125-030\(2\)](#)