



U.S. Department of Labor Child Labor Laws regarding Employment of 16- and 17-year-old Students

By law, minors may not be employed in “hazardous occupations.” While automotive repair itself is not considered a “hazardous occupation” generally, there are some workplace activities that are considered hazardous and are therefore prohibited for workers under 18. Minors working in automotive repair facilities are most often limited by two federal hazardous occupation orders: HO 2: Motor Vehicle Operations and HO 7: Power-Driven Hoisting Apparatus Occupations. To summarize, those who are 16 and 17 may work in automotive repair shops, with a few specific limitations:

1. With some exceptions, they may not drive vehicles on public streets. But this does **not** prohibit them from driving vehicles on the repair facility’s private property, although employers may choose to limit this.
2. They may not operate engine hoists (“cherry pickers”), power winches, or tow truck hoists. But this does **not** prohibit them from operating a vehicle lift, jack, tire machine, or wheel balancer.

Note that this is a federal “floor” for the employment of minors, and state regulations may be more restrictive. You should always check with your state’s Department of Labor for additional restrictions.

Supporting documentation is found on the U.S. DOL website in the Field Operations Handbook – Chapter 33. Applicable portions are copied below, with specific details highlighted. Employers should fully read, understand, and follow the law.

HO 2: Motor Vehicle Operations - <https://www.dol.gov/agencies/whd/field-operations-handbook/Chapter-33#b33h02>

(a) Scope of HO 2

(1) Driving a motor vehicle involves a high degree of accident risk for persons of all ages and is particularly hazardous for minors between the ages of 16 and 18 due to their lack of experience. Despite the prohibitions of HO 2, transportation-related deaths (largely highway incidents) remained the most frequently recorded cause of occupational deaths of 16- and 17-year-olds between 1980 and 2007. **HO 2 applies to all employers subject to the non-agricultural child labor provisions of the FLSA and, with a limited statutory exception, specifically prohibits the employment of persons under the age of 18 as motor vehicle operators and as outside helpers on any public road, highway, and in or about any mine** (including open-pit mine or quarry); place where logging or sawmill operations are in progress; or in any excavation covered by HO 17. **However, driving on private property (other than described above) is permitted. These provisions apply whether the employee is driving a personal or business-owned vehicle.**

(2) The Drive for Teen Employment Act, effective 10/31/1998, amended the FLSA by creating section 13(c)(6) and established the conditions under which 17-year-olds (but not those under 17 years of age) may drive certain automobiles and trucks on the job.

(b) Occupations prohibited

(1) Driving any type of motor vehicle on public roads or highways and in or about any mine (including open-pit mine or quarry), place where logging or sawmill operations are in progress, or in any excavation covered by HO 17, except as authorized by FLSA section 13(c)(6)

(2) Riding outside the cab of a vehicle as an outside helper

(3) Towing of any vehicles

(c) Occupations not specifically banned

(1) 16- and 17-year-olds may operate motor vehicles on private property other than any mine (including open-pit mine or quarry), place where logging or sawmill operations are in progress, or in any excavation covered by HO 17.

(d) Exemptions

(1) HO 2 does not contain an exemption for apprentices or student-learners. Furthermore, none of the limited exemptions applicable to HOs 5, 8, 10, 12, 14, 16, and 17 permit apprentices or student-learners to drive motor vehicles as part of their training programs.

(2) Occasional and incidental driving by 17-year-olds

The Drive for Teen Employment Act, enacted on 10/31/1998, amended the FLSA to permit 17-year-olds (but not those under 17 years of age) to drive automobiles and trucks as part of their employment if all of the following criteria are met:

- a. The automobile or truck does not exceed 6,000 pounds gross vehicle weight.
- b. The driving is restricted to daylight hours.
- c. The minor holds a state license valid for the type of driving involved in the job performed.
- d. The minor has successfully completed a state approved driver education course.
- e. The minor has no records of any moving violation at the time of hire.
- f. The vehicle 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.
- g. The driving does not involve:

1. towing vehicles;
2. route deliveries or route sales;
3. transportation for hire of property, goods, or passengers;
4. urgent, time-sensitive deliveries;
5. transporting more than 3 passengers, including employees of the employer;
6. driving beyond a 30-mile radius from the minor's place of employment;
7. 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); or
8. more than two trips away from the primary place of employment in any single day to transport passengers, other than employees of the employer.

h. Such driving is only occasional and incidental to the minor's employment. This means that the youth may spend no more than 1/3 of the worktime in any workday and no more than 20 percent of the worktime in any workweek driving.

HO 7: Power-Driven Hoisting Apparatus Occupations - <https://www.dol.gov/agencies/whd/field-operations-handbook/Chapter-33#b33h07>

(a) Scope of HO 7

(1) The investigation of occupations involved in the operation of hoisting apparatus was initiated because of the generally accepted belief that such equipment presented a high degree of accident risk and was inappropriate for young workers. Accidents have involved improper rigging where loads have fallen on people and crushed them; persons falling from stacked materials or down elevator shafts; and people coming into contact with overhead electrical conductors. These injuries not only occurred during the operation of the equipment, but also while assisting in the operation of hoisting apparatus.

(2) HO 7 originally prohibited 16- and 17-year-olds from operating (or, in some cases, assisting to operate) all power-driven hoisting apparatus which consist of elevators, cranes, derricks, hoists and high-lift trucks and portable elevators, and tiering or piling machines. HO 7 is broadly written and prohibits the operation of this equipment no matter where located.

(3) Revisions to HO 7 in 2010 (see FOH 33h07(b) and 75 FR 28433) more broadly prohibited 16- and 17-year-olds from operating, tending, riding upon, working from, repairing, servicing, or disassembling such equipment.

(4) Definitions

f. The term "hoist" shall mean a power-driven apparatus for raising or lowering a load by the application of a pulling force that does not include a car or platform running in guides. This term includes all types of hoists, such as base mounted electric, clevis suspension, hook suspension, monorail, overhead electric, simple drum and trolley suspension hoists.

(6) Operating, tending, riding upon, working from, repairing, servicing, or disassembling a hoist (including hoists that do not exceed a one-ton capacity)

a. Prior to 07/19/2010, 16- and 17-year-olds were permitted to operate certain electric or air-operated hoists that did not exceed a one-ton capacity (see 75 FR 28433).

b. This prohibition includes hoists commonly used on tow trucks. HO 2 prohibits minors from operating a motor vehicle while towing another vehicle.

(c) Occupations not specifically banned

(1) Automotive and truck servicing establishments

a. Grease rack lifts used in gasoline service stations, tire stores, and other establishments servicing automobiles are not power-driven hoisting apparatus covered by HO 7.

b. Service jacks, hand jacks, air compressors, tire changers, truck tire changers, and wheel balancers are all outside the scope of HO 7.

(e) Enforcement positions

(3) Power winches

The WHD has opined since as early as 1961 that HO 7 prohibits minors under the age of 18 from operating power winches, including those affixed to tow trucks or wrecker trucks. Although HO 7 does not specifically state that winches are covered, the HO does state that the term "hoist" shall mean a power-driven apparatus for raising or lowering a load by the application of a pulling force that does not include a car or platform running in guides. The definition further adds that the term shall include all types of hoists.

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