

Fact Sheet #34: Hazardous Occupations Order No. 2. Youth Employment Provision and Driving Automobiles and Trucks under the Fair Labor Standards (FLSA)

This fact sheet provides general information concerning the application of the federal youth employment provisions to the driving of motor vehicles. For detailed information about the federal youth provisions, please read Regulations, [29 CFR 570.52](#).

The Department of Labor is committed to helping young workers find positive, appropriate and safe employment experiences. The youth employment provisions of the FLSA were enacted to ensure that when young people work, the work does not jeopardize their health, well-being or educational opportunities. Working youth are generally entitled to the same minimum wage and overtime protections as older adults. Once a minor reaches 18 years of age, his or her employment is no longer subject to the federal youth employment provisions. For general information about the federal youth employment provisions, visit our ***YouthRules!*** Website at www.youthrules.dol.gov.

Hazardous Occupations Order No.2 (HO 2), generally prohibits minors under 18 years of age from driving motor vehicles or serving as an outside helper on such vehicles on any public road or highway; in or about any mine, logging or sawmilling operation; or in any excavation covered by Hazardous Occupations Order 17 (*Occupations in Excavation Operations*) (HO 17) - which includes excavation in trenches, building construction, or tunnels (see 29 CFR 570.68). In 1998, Congress amended the FLSA and set a minimum age of 17 for any on-the-job driving on public roads, and allowed it then only in certain limited circumstances.

OUTSIDE HELPER

No employee under 18 years may serve as an outside helper on a motor vehicle. An outside helper is any individual, other than a driver, whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivering goods.

DRIVING - Under 17-Years of Age

No employee under 17 years of age may drive a motor vehicle on public roads as part of his or her job if that employment is subject to the FLSA.

DRIVING - 17 Years of Age

Seventeen-year-olds may drive on public roadways as 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 violations at the time of hire;
- The automobile or truck does not exceed 6,000 pounds gross vehicle weight;
- 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; and
- The driving is only occasional and incidental to the 17-year-old's employment. This means that the youth may spend no more than one-third of his or her workday and no more than 20 percent of his or her work time in any workweek driving.

In addition, the driving may NOT involve:

- Towing vehicles;
- Any other vehicle than an automobile or truck (i.e. bus, motorcycle, ATVs, golf cart);
- Route deliveries or route sales;
- Transportation for hire of property; goods, or passengers;
- Urgent, time-sensitive deliveries; *Urgent, time sensitive deliveries are trips which, because of such factors as customers satisfaction, the rapid deterioration of the quality or change in temperature of the product, and/or economic incentives, are subject to time-lines, schedules, and/or turn-around times which might impel 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 (such as deposits to a bank at closing); and the shuttling of passengers to and from transportation depots to meet transport schedules. Urgent, time-sensitive deliveries would not depend on the delivery's points of origin and termination, and would include the delivery of people and things to the employer's place of business as well as from that business to some other location.*
- 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.

Where to Obtain Additional Information

For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

When state youth employment laws differ from the federal provisions, an employer must comply with the higher standard. Links to your state labor department can be found at www.dol.gov/esa/contacts/state_of.htm.

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

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