

## **IF THE PIZZA MUST BE HOT, THE DRIVER MUST BE AT LEAST 18**

**Q. I operate a pizza parlor, and would like to hire a 16-year old to deliver pizza to customers. Is this legal as long as she has a valid driver's license?**

No. Even though she may be legally authorized to drive, the federal and state child labor laws prohibit you from having her drive on public roads.

**Do these rules change once she turns 17?**

**A.** Yes, to some degree. The law has recently created more leeway for 17-year olds. They may now 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 employee is licensed to drive the particular type of vehicle involved;
- The employee has successfully completed a state-approved driver education course and has no record of any moving violations at the time of hire;
- The vehicle does not exceed 6,000 pounds in weight;
- The vehicle has seat belts for the driver and passengers and you have instructed the employee that she must use them;
- The driving is only occasional and incidental to her employment. This means that she may not drive for more than one-third of her workday or more than 20% of her workweek.

**Q. So if she meets these restrictions, she may start delivering my pizzas, correct?**

**A.** Actually, not in your case. Even though 17-year olds may do a lot of work-related driving, the regulations still restrict them from doing “urgent and time-sensitive deliveries.” Delivering pizza is actually listed in the rules as an example of this type of “urgent” activity because of the potential for “rapid deterioration of the quality or change in temperature of the product.” The goal, of course, is to avoid putting minors in situations where they are pressured to drive more quickly in order to please the customer.

**Q. So if she can't deliver pizzas for me, can she at least deliver equipment from my Portland store to my Salem pasta factory?**

**A.** No. 17-year olds may not drive more than a 30-mile radius from their regular place of employment.

**Q. Maybe I won't use her at all in my pizza business. Can I instead have her make deliveries of my canned spaghetti sauce to various retail stores in the Portland area? This would not involve more than about 6 or 7 deliveries a day. She would also be occasionally driving my 5-person crew to pizza cooking classes in Portland.**

**A.** You may not have her do either one of those things. 17-year olds may not make more than two trips away from the primary place of employment in any single day to deliver the employer's goods to a customer. Employees of this age are also prohibited from transporting more than 3 people.

**Q. So will the law ever allow me to have her do these things?**

**A.** Yes, when she turns 18.

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