

**OPINION
50-99**

August 12, 1950 (OPINION)

LABOR

RE: Minors - Employment Involving Power Driven Machinery

I am in receipt of your letter of August 10, 1950, requesting an interpretation of section 34-0716(1) of the North Dakota Revised Code of 1943.

Your specific question is contained in the second paragraph of your letter, which reads as follows:

We would like your opinion as to whether this section (34-0716(1)) would apply to a minor under the age of sixteen years who helps to unload a power driven machine in the form of a truck but does not at any time drive or assist in driving said power driven truck. The specific question we would like you to answer is whether the loading or unloading of such power driven truck by a minor under sixteen years would be construed under the law as: 'Any employment involving the use of any power driven machinery.'

Section 34-0716(1), supra, provides:

PROHIBITED EMPLOYMENTS AND OCCUPATIONS OF MINORS. No minor under the age of sixteen years shall be employed or permitted to work in:

1. Any employment involving the use of any power driven machinery;* * *

In a previous opinion, written November 15, 1948, by Mr. P. O. Sathre, this office held that an automobile was a power-driven machine within the application of the above-quoted section. The same reasoning would apply to the truck mentioned in your letter.

It is our opinion, therefore, that the employment of minors under sixteen years of age to unload a truck is prohibited by section 34-0716(1), supra, as involving the use of power-driven machinery.

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Attorney General