§ 138. Employment of persons apparently under eighteen years of age. 1. If any person apparently under eighteen years of age is employed without the certificate on file as required by law, in or in connection with any employment to which the provisions of this article apply, the commissioner may require the employer to cease employing the person or file, within ten days after demand, evidence in the form required by the education law for the issuance of such certificate that the person is over the age for which the certificate is required.

2. If the employer fails to furnish such evidence within ten days after demand, and thereafter employs the person, proof of the service of the demand and of the failure to furnish such evidence shall be prima facie evidence in any prosecution brought for a violation of this article that such person is under the age for which such certificate is required and is unlawfully employed.