

AMENDED IN SENATE MARCH 24, 2011

**SENATE BILL**

**No. 892**

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**Introduced by Senator Lieu**

February 18, 2011

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An act to amend Section ~~7600~~ of the Labor Code, relating to ships and vessels. *1393.5 of the Labor Code, relating to employment.*

LEGISLATIVE COUNSEL'S DIGEST

SB 892, as amended, Lieu. ~~Ships and vessels: safety.~~ *Employment of minors: agricultural packing plants.*

*Existing law prescribes limits on the hours of employment of minors, but authorizes the Labor Commissioner to grant an exemption to employers operating agricultural packing plants for employment of minors 16 and 17 years of age for up to 10 hours on days when school is not in session, during the peak harvest season. Under existing law, which will be repealed January 1, 2012, that exemption may additionally authorize employment of a minor who is enrolled in a school in Lake County to be employed for more than 48, but not more than 60, hours a week upon prior written approval by the Lake County Board of Education. Existing law requires the Labor Commissioner to report annually to the Legislature regarding the working conditions of minors employed in the agricultural packing industry.*

*This bill would extend the operation of the Lake County exemption and the requirement that the Labor Commissioner report annually until January 1, 2016.*

~~Existing law specifies safety requirements applicable to the loading or unloading of a ship or vessel that has a carrying capacity of 50 tons or more.~~

~~This bill would make nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1393.5 of the Labor Code is amended to  
2 read:

3     1393.5. (a) Notwithstanding any other provision of this article  
4 or Article 2 (commencing with Section 49110) of Chapter 7 of  
5 Part 27 of Division 4 of Title 2 of the Education Code, an exemption  
6 issued pursuant to Section 1393 may authorize the employment  
7 during the peak harvest season of a minor, 16 or 17 years of age  
8 who resides in Lake County, during any day in which school is  
9 not in session for up to 10 hours per day and more than 48 hours  
10 but not more than 60 hours in any one week, only upon the prior  
11 written approval of the Lake County Office of Education.

12     (b) Each year, the Labor Commissioner, prior to issuing or  
13 renewing an exemption under this section, shall inspect the affected  
14 agricultural packing plant.

15     (c) As a condition of receiving an exemption or a renewal of an  
16 exemption under this section, an affected employer shall, on or  
17 before March 1 of each year, file a written report to the Labor  
18 Commissioner that contains the following employment information  
19 regarding the employer’s prior year’s payroll:

- 20         (1) The number of minors employed by that employer.
- 21         (2) A list of the age and hours worked on a weekly basis of each  
22 minor employed.

23     (d) Notwithstanding Chapter 24 (commencing with Section  
24 7550) of Division 7 of Title 1 of the Government Code, the Labor  
25 Commissioner shall submit a written report to the Legislature, on  
26 or before March 1 of each year, that describes the general working  
27 conditions of minors employed in the agricultural packing industry  
28 during the past year, and that includes all of the following  
29 information:

- 30         (1) The number of minors employed in the agricultural packing  
31 industry.
- 32         (2) The number of exemptions issued, renewed, or denied  
33 pursuant to this section.
- 34         (3) A summary of the inspections conducted by the Labor  
35 Commissioner pursuant to this section.

1 (4) The number of workplace injuries that occurred to minors  
2 at agricultural packing plants.

3 (5) The number of violations of labor laws and regulations that  
4 occurred at agricultural packing plants.

5 (e) This section shall remain in effect only until January 1, 2012  
6 *January 1, 2016*, and as of that date is repealed.

7 ~~SECTION 1. Section 7600 of the Labor Code is amended to~~  
8 ~~read:~~

9 ~~7600. A person who is engaged in the business of loading or~~  
10 ~~unloading ships or vessels, or who is authorized or contracts to~~  
11 ~~load or unload a ship or vessel, or who is in charge of a ship or~~  
12 ~~vessel while it is being loaded or unloaded, and that ship or vessel~~  
13 ~~has a carrying capacity of 50 tons or greater, shall employ and~~  
14 ~~supply upon every ship or vessel while being loaded or unloaded,~~  
15 ~~a person over the age of 18 years to act as signalman or~~  
16 ~~hatch-tender whose sole duty it shall be to observe the operations~~  
17 ~~of loading or unloading of each working hatch on that ship or~~  
18 ~~vessel, and to warn all persons engaged in the operation of loading~~  
19 ~~or unloading of any possibility of injury to any of the articles of~~  
20 ~~which the cargo is composed, or of danger to any person in or~~  
21 ~~about the ship or vessel while it is being loaded or unloaded.~~