

AMENDED IN ASSEMBLY APRIL 8, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 344

Introduced by Assembly Member Ian Calderon

February 13, 2013

An act to amend Section 1308.5 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 344, as amended, Ian Calderon. Employment of minors: permit.

Existing law regulates the employment of minors in the entertainment industry and requires the written consent of the Labor Commissioner in the form of a permit for a minor under the age of 16 to take part in specified types of employment.

This bill would require the Labor Commissioner to impose a reasonable fee sufficient to offset the costs of carrying out these provisions, but not to exceed \$50.

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

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

1 SECTION 1. Section 1308.5 of the Labor Code is amended to
2 read:
3 1308.5. (a) This section, with the exception of paragraph (4)
4 of this subdivision, shall apply to all minors under ~~the age of 16~~
5 years *of age*. The written consent of the Labor Commissioner in
6 the form of a permit to employ a minor in the entertainment

1 industry is required for any minor, not otherwise exempted by this
2 chapter, for any of the following:

3 (1) The employment of any minor, in the presentation of any
4 drama, legitimate play, or in any radio broadcasting or television
5 studio.

6 (2) The employment of any minor 12 years of age or over in
7 any other performance, concert, or entertainment.

8 (3) The appearance of any minor over ~~the age of~~ eight years *of*
9 *age* in any performance, concert, or entertainment during the public
10 school vacation.

11 (4) Allowing any minor between ~~the ages of 8~~ *eight* and 18
12 *years of age, inclusive*, who is by any law of this state permitted
13 to be employed as an actor, actress, or performer in a theater,
14 motion picture studio, radio broadcasting studio, or television
15 studio, before 10 p.m., in the presentation of a performance, play,
16 or drama continuing from an earlier hour until after 10 p.m., to
17 continue his or her part in ~~such~~ *that* presentation between the hours
18 of 10 p.m. and midnight.

19 (5) The appearance of any minor in any entertainment which is
20 noncommercial in nature.

21 (6) The employment of any minor artist in the making of
22 ~~phonograph~~ *audio* recordings.

23 (7) The employment of any minor as an advertising or
24 photographic model.

25 (8) The employment or appearance of any minor pursuant to a
26 contract approved by the superior court under Chapter 3
27 (commencing with Section 6750) of Part 3 of Division 11 of the
28 Family Code.

29 (b) Any person, or the agent, manager, superintendent, or officer
30 thereof, ~~employing~~ *who employs a minor* either directly or
31 indirectly through third persons, or any parent or guardian of a
32 minor who ~~employs~~, *employs* or permits any minor to be employed,
33 in violation of any of the provisions of this section is guilty of a
34 misdemeanor. Failure to produce the written consent from the
35 Labor Commissioner is prima facie evidence of the illegal
36 employment of any minor whose written consent is not produced.

37 (c) The Labor Commissioner shall impose a fee for the issuance
38 of a permit *required by this section* in an amount sufficient to offset
39 the costs of implementing this section, but not to exceed fifty
40 dollars (\$50). The Labor Commissioner shall deposit fees collected

1 under this section into the Entertainment Work Permit Fund. The
2 funds shall be available to the Labor Commissioner, upon
3 appropriation by the Legislature, to pay for the costs associated
4 with carrying out this section.

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