

AMENDED IN ASSEMBLY MARCH 11, 2014

AMENDED IN ASSEMBLY MARCH 6, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 1680**

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**Introduced by Assembly Member Wilk**

February 12, 2014

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An act to amend Section 1706 of the Labor Code, relating to employment.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1680, as amended, Wilk. Child Performer Services Permit.

Existing law prohibits a person, except a person licensed as a talent agent and other specified persons, from representing or providing specified services to artists who are minors, under 18 years of age, unless he or she submits to the Labor Commissioner an application for a Child Performer Services Permit and receives that permit. Existing law requires the Labor Commissioner to maintain a list of all persons holding a valid Child Performer Services Permit issued under the above-described provisions and make this list publicly available on its Internet Web site. Existing law provides for penalties for persons who violate these provisions, enforceable by persons injured, and by specified public entities authorized to seek remedies that include misdemeanor criminal penalties.

This bill would require a person with a valid Child Performer Services Permit to include the permit number on advertising in print or electronic media, including, but not limited to, Internet Web sites, or in any other medium of advertising. ~~The bill would prohibit the operator of an Internet Web site that posts advertisements from posting the~~

~~advertisement of a person subject to the permit requirement unless the person has provided specified information to the operator to establish that the person is the recipient of a valid Child Performer Services Permit. By imposing new requirements on permit recipients and operators of Internet Web sites, and thereby changing the definition of a crime, this bill would impose a state-mandated local program.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 1706 of the Labor Code is amended to  
2 read:

3 1706. (a) (1) No person shall represent or provide specified  
4 services to any artist who is a minor, under 18 years of age, without  
5 first submitting an application to the Labor Commissioner for a  
6 Child Performer Services Permit and receiving that permit.

7 (2) The Labor Commissioner shall set forth a filing fee, to be  
8 paid by the applicant to the commissioner at the time the  
9 application is filed, in an amount sufficient to reimburse the Labor  
10 Commissioner for the costs of the permit program. This amount  
11 shall be in addition to any charge imposed by the Labor  
12 Commissioner pursuant to paragraph (3) of subdivision (c).

13 (3) (A) The Labor Commissioner shall issue a Child Performer  
14 Services Permit to the applicant after he or she has received the  
15 application and filing fee and determined from information  
16 provided by the Department of Justice that the person is not  
17 required to register pursuant to Sections 290 to 290.006, inclusive,  
18 of the Penal Code.

19 (B) After receiving his or her first Child Performer Services  
20 Permit, a person shall on a biennial basis renew his or her  
21 application by resubmitting his or her name and a new filing fee  
22 to the Labor Commissioner in the amount set forth by the Labor  
23 Commissioner pursuant to paragraph (2). The Labor Commissioner  
24 shall issue a renewed permit to the person after receiving his or

1 her application and filing fee and determining from the subsequent  
2 arrest notification provided by the Department of Justice pursuant  
3 to subparagraph (D) of paragraph (2) of subdivision (c) that the  
4 person is not required to register pursuant to Sections 290 to  
5 290.006, inclusive, of the Penal Code. A person shall not be  
6 required to resubmit his or her fingerprints in order to renew his  
7 or her permit.

8 (b) Except for subdivision (f) and Sections 1706.1 to 1706.5,  
9 inclusive, when applied to a violation of subdivision (f), this  
10 chapter does not apply to the following:

11 (1) A person licensed as a talent agent as specified in Chapter  
12 4 (commencing with Section 1700), or operating under the license  
13 of a talent agent.

14 (2) A studio teacher certified by the Labor Commissioner as  
15 defined in Section 11755 of Title 8 of the California Code of  
16 Regulations.

17 (3) A person whose contact with minor children is restricted to  
18 locations where, either by law or regulation, the minor must be  
19 accompanied at all times by a parent or guardian, and the parent  
20 or guardian must be within sight or sound of the minor.

21 (4) A person who has only incidental and occasional contact  
22 with minor children, unless the person works directly with minor  
23 children, has supervision or disciplinary power over minor children,  
24 or receives a fee.

25 (c) (1) Each person required to submit an application to the  
26 Labor Commissioner pursuant to paragraph (1) of subdivision (a)  
27 shall provide to the Department of Justice electronic fingerprinted  
28 images and related information required by the department of all  
29 permit applicants, for the purposes of obtaining information as to  
30 the existence and content of a record of state or federal arrests and  
31 convictions, including arrests for which the Department of Justice  
32 establishes that the person is free on bail or on his or her  
33 recognizance pending trial or appeal.

34 (2) (A) When received, the Department of Justice shall forward  
35 the fingerprint images and related information described in  
36 paragraph (1) to the Federal Bureau of Investigation and request  
37 a federal summary for criminal history information.

38 (B) (i) The Department of Justice shall review the information  
39 returned from the Federal Bureau of Investigation and compile  
40 and disseminate a response to the Labor Commissioner.

1 (ii) The Department of Justice's response shall provide both  
2 state and federal criminal history information pursuant to paragraph  
3 (1) of subdivision (p) of Section 11105 of the Penal Code.

4 (C) The Labor Commissioner shall request from the Department  
5 of Justice subsequent arrest notification service, as provided  
6 pursuant to Section 11105.2 of the Penal Code, for each person  
7 who submitted fingerprint images and the related information  
8 pursuant to paragraph (1).

9 (3) (A) The Department of Justice shall charge the Labor  
10 Commissioner a fee sufficient to cover the cost of processing the  
11 request described in paragraph (2).

12 (B) In addition to the filing fee paid by the applicant pursuant  
13 to subdivision (a) to reimburse the Labor Commissioner for the  
14 costs of the permit program, the Labor Commissioner may charge  
15 the applicant a fee sufficient to cover the costs of the fee imposed  
16 by the Department of Justice pursuant to subparagraph (A). The  
17 amount of the fee imposed pursuant to this subparagraph shall be  
18 forwarded by the Labor Commissioner to the Department of Justice  
19 with the applicant's name, fingerprints, and other information  
20 described in paragraph (1). This fee shall be available to the  
21 Department of Justice for the purposes described in subparagraph  
22 (A), upon appropriation by the Legislature.

23 (4) Upon receipt of information from the Department of Justice  
24 provided pursuant to subparagraphs (C) and (D) of paragraph (2),  
25 the commissioner shall timely cause a copy of the information to  
26 be sent to the person who has submitted the application, and shall  
27 keep a copy of the information and application on file.

28 (d) The Labor Commissioner shall maintain a list of all persons  
29 holding a valid Child Performer Services Permit issued under this  
30 chapter and make this list publicly available on its Internet Web  
31 site.

32 (e) (1) Upon receipt of a valid Child Performer Services Permit,  
33 the recipient shall post the permit in a conspicuous place in his or  
34 her place of business.

35 (2) A person who is a recipient of a valid Child Performer  
36 Services Permit shall include the permit number on advertising in  
37 print or electronic media, including, but not limited to, Internet  
38 Web sites, or in any other medium of advertising.

39 (f) No person, including a person described in subdivision (b),  
40 who is required to register pursuant to Sections 290 to 290.006,

1 inclusive, of the Penal Code may represent or provide specified  
2 services to any artist who is a minor.

3 (g) For purposes of this section, the following terms have the  
4 following meanings:

5 (1) “Artist” means a person who is or seeks to become an actor,  
6 actress, model, extra, radio artist, musical artist, musical  
7 organization, director, musical director, writer, cinematographer,  
8 composer, lyricist, arranger, or other person rendering professional  
9 services in motion picture, theatrical, radio, television, Internet,  
10 print media, or other entertainment enterprises or technologies.

11 (2) Except as used in the context of a fee an applicant is required  
12 to pay with his or her application, “fee” means any money or other  
13 valuable consideration paid or promised to be paid by an artist, by  
14 an individual on behalf of an artist, or by a corporation formed on  
15 behalf of an artist for services rendered or to be rendered by any  
16 person conducting the business of representing artists.

17 (3) “Person” means any individual, company, society, firm,  
18 partnership, association, corporation, limited liability company,  
19 trust, or other organization.

20 (4) To “represent or provide specified services to” means to  
21 provide, offer to provide, or advertise or represent as providing,  
22 for a fee one or more of the following services:

23 (A) Photography for use as an artist, including, but not limited  
24 to, still photography, digital photography, and video and film  
25 services.

26 (B) Managing or directing the development or advancement of  
27 the artist’s career as an artist.

28 (C) Career counseling, career consulting, vocational guidance,  
29 aptitude testing, evaluation, or planning, in each case relating to  
30 the preparation of the artist for employment as an artist.

31 (D) Public relations services or publicity, or both, including  
32 arranging personal appearances, developing and distributing press  
33 packets, managing fan mail, designing and maintaining Internet  
34 Web sites, and consulting on media relations.

35 (E) Instruction, evaluation, lessons, coaching, seminars,  
36 workshops, or similar training as an artist, including, but not limited  
37 to, acting, singing, dance, voice, or similar instruction services.

38 (F) A camp for artists, which includes, but is not limited to, a  
39 day camp or overnight camp in which any portion of the camp

1 includes any services described in subparagraphs (A) to (E),  
2 inclusive.

3 ~~(h) The operator of an Internet Web site that posts~~  
4 ~~advertisements shall not post the advertisement of a person subject~~  
5 ~~to paragraph (1) of subdivision (a) unless the person has provided~~  
6 ~~information to the operator to establish that the person is the~~  
7 ~~recipient of a valid Child Performer Services Permit, including a~~  
8 ~~permit number and a form of identification to verify that the person~~  
9 ~~is the recipient. Advertisements posted by the operator for a person~~  
10 ~~subject to paragraph (1) of subdivision (a) shall comply with~~  
11 ~~paragraph (2) of subdivision (e).~~

12 ~~(i)~~

13 ~~(h)~~ (1) The Labor Commissioner shall deposit all filing fees  
14 described in subdivision (a) into the Child Performer Services  
15 Permit Fund, which is hereby created in the State Treasury. The  
16 funds deposited in the Child Performer Services Permit Fund shall  
17 be available to the Labor Commissioner, upon appropriation by  
18 the Legislature, to pay for the costs of administration of the Child  
19 Performer Services Permit program and to repay any loan from  
20 the Labor Enforcement and Compliance Fund made pursuant to  
21 paragraph (2).

22 (2) Until June 30, 2013, the Labor Commissioner may, on a  
23 one-time basis, borrow up to two hundred fifty thousand dollars  
24 (\$250,000) from the Labor Enforcement and Compliance Fund,  
25 as established by subdivision (e) of Section 62.5, for deposit in  
26 the Child Performer Services Permit Fund to cover the one-time  
27 startup costs related to the Child Performer Services Permit  
28 program. The loan shall be repaid to the Labor Enforcement and  
29 Compliance Fund, or any successor fund, as soon as sufficient  
30 funds exist in the Child Performer Services Permit Fund to repay  
31 the loan without compromising the operations of the permit  
32 program.

33 SEC. 2. No reimbursement is required by this act pursuant to  
34 Section 6 of Article XIII B of the California Constitution because  
35 the only costs that may be incurred by a local agency or school  
36 district will be incurred because this act creates a new crime or  
37 infraction, eliminates a crime or infraction, or changes the penalty  
38 for a crime or infraction, within the meaning of Section 17556 of  
39 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California  
2 Constitution.

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