

**State of California  
Office of Administrative Law**

**In re:**  
**Division of Labor Standards Enforcement**

**Regulatory Action:**

**Title , California Code of Regulations**

**Adopt sections: 11770, 11771.1, 11771.3,  
11772, 11773**

**NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION**

**Government Code Sections 11346.1 and  
11349.6**

**OAL File No. 2013-0926-01 E**


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This regulatory action establishes a permit process for those who represent or provide specified services to a minor who is an "artist" in the entertainment industry. The purpose is to protect such minors from persons who are required to be registered as sex offenders. It includes procedures for the denial, revocation or suspension of these permits.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 10/3/2013 and will expire on 4/2/2014. The Certificate of Compliance for this action is due no later than 4/1/2014.

Date: 10/3/2013

  
George C. Shaw  
Senior Counsel

For: DEBRA M. CORNEZ  
Director

Original: Julie Su  
Copy: Jennifer Stevens

# EMERGENCY

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

<b>OAL FILE NUMBERS</b>	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER	EMERGENCY NUMBER <b>2013-0926-01E</b>
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED FILED  
IN THE OFFICE OF

2013 OCT -3 PM 3:38

*Debra Bowen*  
DEBRA BOWEN  
SECRETARY OF STATE

2013 SEP 26 AM 11:11  
OFFICE OF  
ADMINISTRATIVE LAW

<b>AGENCY WITH RULEMAKING AUTHORITY</b> Division of Labor Standards Enforcement, Department of Industrial Relations	AGENCY FILE NUMBER (if any) N/A
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**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Child Performer Services Permit	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) N/A
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;"><b>SECTION(S) AFFECTED</b> (List all section number(s) individually. Attach additional sheet if needed.)</td> <td style="width: 60%;">                     ADOPT                      11770, 11771.1, 11771.3, 11772 and 11773                 </td> <td style="width: 20%;"></td> </tr> <tr> <td></td> <td>AMEND N/A</td> <td style="text-align: right;">per agency request</td> </tr> <tr> <td></td> <td>REPEAL N/A</td> <td></td> </tr> </table>	<b>SECTION(S) AFFECTED</b> (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 11770, 11771.1, 11771.3, 11772 and 11773			AMEND N/A	per agency request		REPEAL N/A	
<b>SECTION(S) AFFECTED</b> (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 11770, 11771.1, 11771.3, 11772 and 11773									
	AMEND N/A	per agency request								
	REPEAL N/A									
TITLE(S) 8										

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) N/A
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5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> 5100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Jennifer Stevens, AGPA-DLSE	TELEPHONE NUMBER 916-263-3400	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Julie A. Su</i>	DATE 9.19.13
TYPED NAME AND TITLE OF SIGNATORY Julie A. Su, Labor Commissioner & Chief, Division of Labor Standards Enforcement, DIR	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 03 2013

Office of Administrative Law

## AB 1660 – Proposed DLSE Regulations (CPSP)

Title 8 Industrial Relations  
Division 1 Department of Industrial Relations  
Chapter 6 Division of Labor Standards Enforcement

Add new Subchapter and sections 11770 through 11773, inclusive, as follows:

*(New) Subchapter 2.2 Child Performer Services Permits*

*Section 11770. Representation or Services to Child Performers*

- (a) Except for persons specified in Labor Code Section 1706(b), any person seeking to represent or provide specified services (as defined in Labor Code 1706(g)(4)), to any artist (as defined in Labor Code Section 1706(g)(1)) who is a minor under the age of 18 years, must first submit an application and fee to the Labor Commissioner for a permit as required in Labor Code 1706(a)(1).*
  - (b) A permit is required for each individual performing the regulated activity defined in Labor Code Section 1706(g)(4) who works directly with minor children or has supervision or disciplinary power over minor children other than only incidental and occasional contact pursuant to Labor Code Section 1706(b)(4), and who will provide for a fee (defined in Labor Code Section 1706(g)(2), representation or specified services to a minor; and includes:
    - (1) Any individual acting as a sole proprietor or independent contractor.*
    - (2) Any individual performing representation or specified services on behalf of or jointly with any person which includes non-individual business entities (company, firm, partnership, association, corporation, limited liability company, or other organization as defined in Labor Code Section 1706(g)(3) which receives a fee).*
    - (3) Each employee of a business specified in (1) or (2). A business entity shall ensure that its employees or agents performing the regulated activity comply with the requirements of this subchapter. A business entity which is not an individual person can only perform activities which are subject to a permit through an individual who possesses a permit pursuant to this subchapter.**
- For purposes of this section, "incidental and occasional contact" means physical presence within 10 feet of a minor artist who is unaccompanied by an adult which contact is of a short time, but not more than 10 minutes duration, and not more than two occurrences within any 7 day period.*
- (c) A permit issued by the Labor Commissioner, valid for two (2) years, must be received by the applicant and posted pursuant to Labor Code Section 1706(e) prior to the permit holder rendering any representation or specified services to an artist who is a minor.*

*(d) An applicant shall submit an on-line Child Performer Services Permit application and pay applicable fees, as set forth in Section 11771.3, through the Division of Labor Standards Enforcement's (DLSE) website located at <http://www.dir.ca.gov/DLSE/dlse.html>.*

*Note: Authority: Labor Code section 1706. Reference: Labor Code section 1706(a),(d),(e), (f), and (g).*

#### *Section 11771.1 Application for Permit*

- (a) An applicant for a permit must provide the following information certified as true and correct on an on-line Child Performer Services Permit form:*
- (1) Full name, including all other names or aliases or fictitious names used by applicant;*
  - (2) Physical home address (not a Post Office Box or private mail station), including street number; city, state, zip code, and phone number;*
  - (3) Social Security Number;*
  - (4) California driver's license or identification number;*
  - (5) Birthdate;*
  - (6) Physical description of applicant, including height, weight, color of hair, color of eyes;*
  - (7) Name of business for which applicant will perform services;*
  - (8) Business address (not a Post Office Box or private mail station) and phone number, if different from home address;*
  - (9) Phone numbers for home, business, and mobile phone;*
  - (10) Description of specific types of services listed in Labor Code Section 1706(g)(4) which the applicant will provide to artists who are minors;*
  - (11) Applicant shall report in writing any change in information required by the Labor Commissioner within 7 days of any change.*
- (b) Fingerprints. Upon receiving an application, the Labor Commissioner shall provide a form with Child Performer Permit Services billing information which must be taken to a Department of Justice (DOJ) fingerprint services location. An applicant shall provide to the DOJ electronic fingerprints and the DLSE-provided billing form, and any other information required by DOJ for purposes of obtaining criminal history information regarding state or federal arrests and convictions.*

*Note: Authority: Labor Code section 1706. Reference: Labor Code section 1706(a),(b)(4) and (c).*

#### *Section 11771.3 Fees*

- (a) Applicants must remit to the DLSE an application fee of \$200 which is the amount determined to sufficiently reimburse the Division for costs of administering the permit*

*program. The fee is non-refundable and shall be paid at the time of filing a permit application.*

*Note: Authority: Labor Code section 1706. Reference: Labor Code section 1706(a)(2), and (c)(2), and (c)(3).*

#### *Section 11772 Issuance of Permit; Denial*

- (a) After receiving the applicable filing fee and application, and within 15 days of receiving information provided by the Department of Justice (DOJ) pursuant to Labor Code 1706(c), the Labor Commissioner shall determine whether the applicant is required to register as a sex offender based on convictions for crimes specified in Penal Code Sections 290 to 290.006, inclusive.*
- (b) If the applicant fails to obtain or otherwise provide fingerprints necessary for processing the application by the Labor Commissioner and search by DOJ within 10 days of submitting an application, a permit shall not be issued and the application shall be denied. Any fees paid with the application shall not be refunded to the applicant. If an applicant fails to respond to a defect in the application within 30 days of notice by the Labor Commissioner, the initial or renewal application may be closed. If an applicant fails to respond to a second defect in the application within 30 days of notice, the application will be closed.*
- (c) If, after reviewing the DOJ report, the Labor Commissioner determines that the initial or renewal applicant is not required to register as a sex offender, she shall:
  - (1) Provide a copy of the report from DOJ to the applicant pursuant to Labor Code Section 1706(c)(4); and*
  - (2) Issue a permit on a form prescribed by the Labor Commissioner which shall be valid for two years and shall include a permit number and expiration date.*
  - (3) Add the permit holder's name, address (city and state), permit number, and permit expiration date to DLSE's website maintained for the purpose of making permit holder information available to the public pursuant to Labor Code Section 1706(d).**
- (d) If the Labor Commissioner determines that an initial or renewal applicant is required to register as sex offender based on a DOJ report, a permit shall not be issued and she shall:
  - (1) Notify the applicant in writing of DLSE's determination, provide a copy of the information received from DOJ pursuant to Labor Code 1706(c)(4), and provide DOJ contact information where an applicant can address any inaccurate information on the DOJ report;*
  - (2) Notify DOJ and the local district attorney's office or other prosecuting agency of the application for a permit and denial by the Labor Commissioner.**

*Note: Authority: Labor Code section 1706. Reference: Labor Code sections 1706(a)(3),(c)(4),(d), and (f); 1706.1; 1706.2; and 1706.5.*

*Section 11773 Suspension and Revocation of Permit*

- (a) Suspension. If DLSE receives information from DOJ under the subsequent arrest notification service pursuant to Labor Code 1706(c)(2)(C), or from a district attorney or other prosecuting agency that a permit holder has been arrested and charged with an offense related to any crimes which if convicted are subject to registration as a sex offender under Penal Code Sections 290 to 290.006, the Labor Commissioner shall promptly confirm the information and thereafter suspend a permit for an initial period not less than 60 days pending a determination of the crime in a criminal proceeding, or for a period stated in a specific directive issued by a court. The Labor Commissioner shall promptly provide permit information pertaining to the permit holder to the district attorney, other prosecuting agency, or a court upon request.*
- (b) Revocation of Permit. In the event that a permit holder is convicted of an offense related to crimes which are subject to registration under Penal Code Sections 290 to 290.006, inclusive, the Labor Commissioner shall revoke the permit of a holder based on a certified record of conviction or nolo contendere applicable to such person.*
- (c) Nothing in this subchapter limits the authority of any aggrieved person or a state, county, or city prosecuting agency from seeking, or a court from granting, injunctive or other judicial relief against a person from representing or providing specified services, as defined in Labor Code Section 1706(g)(4))*

*Note: Authority: Labor Code section 1706. Reference: Labor Code sections 1706.2, 1706.3, 1706.4, and 1706.5.*

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