

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
Division of Labor Standards Enforcement

**AMENDED NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED
REGULATIONS
AND NEW DOCUMENTS ADDED TO THE RULEMAKING FILE**

AMENDED 9/4/15

Subject Matter of Regulations: Child Performer Services Permits

**TITLE 8, CALIFORNIA CODE OF REGULATIONS
New Sections 11770 et seq.**

NOTICE IS HEREBY GIVEN that the Labor Commissioner, Chief of the Division of Labor Standards Enforcement, Department of Industrial Relations, pursuant to the authority vested in her by Labor Code sections 59, 79, and 1706 proposes to modify the text of the following proposed regulations:

9/4/15: Notice has been amended to extend the comment period as the original notice failed to provide a full 15 days. The comment period has been extended to close at **5pm on September 21, 2015.**

Add new Subchapter 2.2 Child Performer Services Permits

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|--------------------------|--|
| 1. Adopt section 11770 | Representation or Services to Child Performers |
| 2. Adopt section 11771.1 | Application for Permit |
| 3. Adopt section 11771.2 | Permit Renewal Applications |
| 4. Adopt section 11771.3 | Fees |
| 5. Adopt section 11772 | Issuance of Permit; Denial |
| 6. Adopt section 11773 | Suspension and Revocation of Permit |

NOTICE IS FURTHER GIVEN that the Labor Commissioner is adding the documents identified below to the rulemaking file. A copy of the proposed modifications to the text of the proposed regulations identified above and other documents will also be included in the rulemaking file and posted on DLSE's website at:

<https://www.dir.ca.gov/Rulemaking/DIRProposed.html>

**PRESENTATION OF WRITTEN COMMENTS AND DEADLINE FOR SUBMISSION
OF WRITTEN COMMENTS REGARDING MODIFICATIONS TO TEXT**

Members of the public are invited to present written comments regarding these proposed modifications **and additional documents identified below.** **Only comments directly concerning the proposed modifications to the text of the regulations and additional documents identified below will be considered and responded to in the Final Statement of Reasons.**

Written comments should be addressed to:

Jennifer Stevens, Legislative Analyst and Regulations Coordinator
Department of Industrial Relations
Division of Labor Standards Enforcement, Legal Unit
2031 Howe Avenue, Suite 100
Sacramento, CA 95825

The Division's contact person must receive all written comments concerning the proposed modifications to the regulations **no later than 5pm on September 21, 2015.** ~~no later than 5:00 p.m. on September 8, 2015.~~ Written comments may be submitted via facsimile transmission (FAX), addressed to the above-named contact person at (916) 263-2920. Written comments may also be sent electronically (via e-mail) using the following e-mail address: DSLERegulations@dir.ca.gov

Due to the inherent risks of non-delivery by facsimile transmission, the Division suggests, but does not require, that a copy of any comments transmitted by facsimile transmission also be submitted by regular mail.

Comments sent to other e-mail addresses or facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.

AVAILABILITY OF TEXT OF REGULATIONS AND RULEMAKING FILE

Copies of the original text and modified text with modifications clearly indicated, and the entire rulemaking file, are currently available for inspection at the Department of Industrial Relations, Division of Labor Standards Enforcement, 2031 Howe Avenue, Suite 100, Sacramento, California 95825, between 9:00 A.M. and 4:30 P.M., Monday through Friday. Please contact the Division's regulations coordinator, Ms. Jennifer Stevens, at (916) 263-3400 to arrange to inspect the rulemaking file.

ADDITIONAL DOCUMENTS ADDED TO THE RULEMAKING FILE

The following documents are added to the rulemaking file which may be commented upon within the 15-day time period specified in this notice:

Documents referenced in the Proposed Regulations

- On-line Application Screen Shots

Other Documents relied upon include:

- Cost sheet for application fee

FORMAT OF PROPOSED MODIFICATIONS

Proposed Text Noticed for 45-Day Comment Period:

The proposed text was indicated by single underlining, thus: added language. Deletions were indicated by strikeout, thus: ~~deleted language~~.

Proposed Text Noticed for 15-Day Comment Period on Modified Text:

The proposed text is indicated by double underlining, thus: added language. Deletions are indicated by double strikeout, thus: ~~~~deleted language~~~~.

SUMMARY OF PROPOSED TEXT CHANGES

Proposed Section 11771.1 Application for Permit:

- Subsection (a) is amended to clarify that the application an applicant must provide is an on-line permit application form and inserted the agency's website page for accessing the on-line application. Adds specific identification and contact information items for on-line application and requires response as to whether applicant has a history of sex crimes resulting in disposition, as specified.
- Subsection (c) is modified to clarify that the Labor Commissioner will provide the applicant applicable CPSP billing information on a printable form which must be taken to a DOJ fingerprint services location. The subsection is also amended to correct a typographical error.

Proposed Section 11771.2 Permit Renewal Application

- Subsection (b) is amended to clarify that the renewal application an applicant must provide is an on-line application form and corrects punctuation errors.

Proposed Section 11771.3 Fees

- Subsection (a) is amended to clarify that the applicant shall pay to the DLSE a non-refundable application fee in the amount of \$245 at the time of filing the permit application. This amount has been modified from \$93 and is the amount determined by the DLSE as sufficient to reimburse the DLSE for costs in administering the permit program. The modification is based on adjustments for ongoing program operation costs and reduced estimate of annual permits.
- Subsection (b) is amended to clarify that the amount of the application fee paid by the applicant includes covering the cost of the fee paid by the DLSE to DOJ to obtain a state and federal criminal history report, as well as the cost of subsequent state arrest notification requests by the DLSE pursuant to Labor Code Section 1706(c)(3).

Proposed Section 11772 Issuance of Permit; Denial

- Subsection (c) is modified to substitute the term "Labor Commissioner" in lieu of the pronoun "she" when enumerating the steps that the Labor Commissioner shall take to issue a permit after determining that an initial or renewal applicant is not required to register as a sex offender. Subsection (c)(2) is amended to include that the form permit issued by the Labor Commissioner shall also include the name and business address of the permit holder and effective date of the permit in addition to the permit number and expiration date. Amendments also correct punctuation and grammar.

- Subsection (d) is modified to substitute the term “Labor Commissioner” in lieu of the pronoun “she” when enumerating the steps that the Labor Commissioner shall take in denying a permit after determining that an initial or renewal applicant is required to register as a sex offender. The subsection also corrects a typographical error.

Proposes Section 11773 Suspension and Revocation

- Subsection (c) is modified to correct a typographical error at end of sentence.
