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.
**Notice**

**Division of Labor Standards Enforcement, Department of Industrial Relations**

**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

<table>
<thead>
<tr>
<th>Subject of Notice</th>
<th>Title(s)</th>
<th>First Section Affected</th>
<th>Requested Publication Date</th>
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<tbody>
<tr>
<td><strong>Notice re Proposed Regulatory Action</strong></td>
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**OAL USE ONLY**

<table>
<thead>
<tr>
<th>Action on Proposed Notice</th>
<th>Approved as Submitted</th>
<th>Approved as Modified</th>
<th>Disapproved/Withdrawn</th>
<th>Notice Register Number</th>
<th>Publication Date</th>
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<td><strong>Emergency</strong></td>
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**B. SUBMISSION OF REGULATIONS** (Complete when submitting regulations)

<table>
<thead>
<tr>
<th>Subject of Regulation(s)</th>
<th>All Previous Related OAL Regulatory Action Number(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child Performer Services Permit</td>
<td>N/A</td>
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**Sections Affected**

<table>
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<tr>
<th>Section(s)</th>
<th>Action</th>
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<tbody>
<tr>
<td>11770, 11771.1, 11771.3, 11772 and 11773</td>
<td>Adopt</td>
</tr>
<tr>
<td>11770, 11771.1, 11771.3, 11772 and 11773</td>
<td>Amend</td>
</tr>
<tr>
<td>11770, 11771.1, 11771.3, 11772 and 11773</td>
<td>Repeal</td>
</tr>
</tbody>
</table>

**Type of Filing**

- Regular Rulemaking (Gov. Code §11346)
- Resubmittal of disapproved or withdrawn, nonemergency filing (Gov. Code §§11349.3, 11349.4)
- Emergency (Gov. Code §11346.1(b))

**Effect**

- Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
- Effective on filing with Secretary of State (Gov. Code §11343.4(c))

**Contact Person**

Jennifer Stevens, AGPA-DLSE

916-263-3400

**Certification**

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**

Julie Su, Labor Commissioner & Chief, Division of Labor Standards Enforcement, DIR

**Office of Administrative Law**

ENDORSED APPROVED

Oct 03 2013
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.
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) Fingerprint. 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 (e)(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 290.06, 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))


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