

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

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

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:

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 5:00 p.m. on June 23, 2017**. 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) 263-1563 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 – “CPSP Application Screenshots Mar_2017”

Other Documents relied upon include:

- Amended Cost sheet for application fee – “CPSP Fee 2-8-17”

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 11770 Application for Permit:

- Subsection (d) is amended to clarify that an applicant must submit an online permit application to obtain a permit and references the applicable regulation (Section 11771) which more specifically provides for the online application and procedure and the website address for accessing the application.

Proposed Section 11771.3 Fees

- Subsection (a) is amended to modify the amount of the fee from \$245 to \$200 and is based on a reduction in 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.

NOTICE OF REVISION OF INITIAL STATEMENT OF REASONS

The Labor Commissioner provides the following supplemental information or revisions, as identified, to the Initial Statement of Reasons for each of the following identified sections.

PURPOSE AND NECESSITY OF SECTIONS:

Section 11771(a): Inclusion of an applicant’s social security number is necessary to identify and distinguish among individuals who seek a permit. Along with the state driver’s license (or state identification) number, these sources of identification add to the reliability and integrity of the permit database and ensures accurate identification of persons whose criminal history information is obtained from federal or state reporting agencies or provided under requests by prosecutorial agencies, and thus, necessary for identity verification purposes regarding persons who have a sex offender history.

Section 11771(b): The Labor Commissioner determined that the 7-day period for notifying the agency of any change in information provided in a permit application was a reasonable balance for requiring prompt report of changes in view of the nature of the permit regulating the representation of minors. Unlike other programs administered by the Labor Commissioner which provide a 10-day period for reporting changes in contact information (e.g. Labor Code section 98(a)-10 days for parties in a wage claim; 8 CCR 13660(a)(3)—5 days for licensed farm labor contractors), a 7-day period is appropriate for holders of a permit (less regulated than a license). Since minors are the persons protected under this permit program, the need for the agency to maintain current and accurate records of permit holders is more reasonably accomplished through a prompt and short reporting period for changes to identification and contact information provided on the application by permit holders.

Section 11771.2(a): The Labor Commissioner has further reviewed and considered the amount of the fee and modifies (decreases) it from \$245 to \$200 as the amount sufficient to reimburse the agency for costs to administer the permit program. The change is due to an increase in the estimated number of annual permits from 325 to 425 and the operational costs specified in the separate document “CPSP Fee 2-18-17” added to the rulemaking file. The revised estimate

accounts for permits sought since 2014 (320) and the gradual increase in public awareness of the permit program under both general and targeted dissemination of information regarding the permit requirement by the Labor Commissioner's Office.

Results of the Economic Impact Analysis/Assessment

Based on the revision of the estimated 425 permits for permit applicants under a \$200 permit fee every two years, the total statewide cost incurred by persons or businesses over a 10-year period would be \$425,000 ($[\$200 \times 425] \times 5$ years). Also, the decrease in the permit fee amount for an applicant from \$245 to \$200 lessens the cost impact for a single permit incurred by any specific individual or individual(s) within a business seeking to perform the regulated activity.

The revised estimate to the estimated number of permits which results in a decrease in the permit fee amount from \$245 to \$200 incurred by any person or business does not otherwise change the results of the economic impact analysis stated the Initial Statement of Reasons.

Members of the public are invited to present written comments regarding these proposed revisions to the Initial Statement of Reason within the 15-day period and in the manner stated in this notice.
