

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 | Application for Permit |
| 3. Adopt section 11771.1 | Permit Renewal Applications |
| 4. Adopt section 11771.2 | 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 April 2nd, 2018**. 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

- Supplement to Initial Statement of Reasons
- On-line Application Screen Shots – “CPSP Application Screenshots Mar_2018”

Other Documents relied upon include:

- CPSP Fee – Cost Sheet amended Feb_2018

FORMAT OF PROPOSED MODIFICATIONS

Proposed Text Noticed for this 15-Day Comment Period Identifying Modified Text:

The proposed changes to the text of the regulations are indicated by bold underlined text to identify additions (e.g. **added language**) and bold strikeout to identify deletions (e.g., ~~**deleted language**~~) made upon the original proposed text, as amended under the first 15-day notice of modifications.

SUMMARY OF PROPOSED TEXT CHANGES

Proposed Section 11770 Representation or Services to Child Performers:

- Subsection (d) is amended to correct the reference to the section regarding payment of fees to state Section 11771.2 as the appropriate section and adds language allowing the Labor Commissioner to accept in-person submission of the required information and fee at a local DLSE office to provide more complete access to the permit program.

Proposed Section 11771 Application for Permit

- Subsection (a) is amended to provide that the on-line application form, including the specified information items provided by an applicant, apply to both initial and renewal applications.

Proposed Section 11771 .1 Permit Renewal Applications

- Subsection (b) is amended to add language requiring a renewal applicant to indicate on the on-line application for that he or she is applying to renew their permit and removes previous language referencing specified subsections of Section 11771(a) which are no longer necessary due to the amendment to Section 11771(a).

Proposed Section 11771.2 Fees

- Subsection (a) is amended to modify the amount of the fee from \$200 to \$198 to correct the amount of the fee the Department of Justice (DOJ) charges to DSLE for providing a federal criminal history report. The amendment also adds language specifying that the fee amount (\$198) for initial permits includes fees charged by DOJ to DLSE for obtaining both state and federal criminal history reports and state arrest notification pursuant to Labor Code section 1706(c)(3).
- Subsection (b) is amended to provide that renewal applicants are required to pay a fee in the amount of \$166, which includes fees charged by DOJ to DLSE for obtaining current federal criminal history reports.

Proposed Section 11772 Issuance of Permit; Denial

- Subsection (b) is amended to clarify that the time from which the specified 30-day period to respond to a defect notice regarding an application is the date the notice is issued. The subsection further clarifies that a second defect notice must be sent and that a failure to respond within 30 days from the date the second notice is issued will result in closure of the application.

Updated Summary Results of the Economic Impact Analysis/Assessment

The decrease in the proposed permit fee amount for a permit applicant from \$200 for all applicants (payable every two years) to a fee structure providing an initial fee (\$198) and, thereafter, a permit renewal fee (\$166) every two years 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 revision which establishes a fee structure for an initial permit fee of \$198 and a renewal permit fee of \$166 results in a total estimated statewide cost over a 10-year

period incurred by the 425 estimated applicants of \$379,100. The total amount is based on \$892 as the total cost per business/person over 10 years (\$198 initial application fee + \$30 fingerprinting fee + \$644 [\$166 renewal application fee times 4 (every two years)] times 425 estimated applications. The fee revision 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.
