

An act to amend Sections 1308.10, 1684, 1698, 1700.18, 1706, 2059, 2065, 2658, 6507, 7311.4, 7314, 7315, 7340, 7341, 7342, 7343, 7344, 7345, 7346, 7347, 7348, 7350, 7351, 7352, 7353, 7354, 7354.5, 7356, 7357, 7373, 7720, 7721, 7722, 7904, 7929, 7991, 8001, 8002, 9021.6, and 9021.9 of, to amend the heading of Chapter 4 (commencing with Section 7340) of Part 3 of Division 5 of, to add Section 1308.11 to, to repeal Section 9021.7 of, and to repeal and add Section 7380 of, the Labor Code, relating to employment.



## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

## SECTION 1. Section 1308.10 of the Labor Code is amended to read:

1308.10. (a) Prior to the employment of a minor under the age of 16 years in any of the circumstances listed in subdivision (a) of Section 1308.5, the Labor Commissioner may issue a temporary permit authorizing employment of the minor to enable a parent or guardian of the minor to meet the requirement for a permit under subdivision (a) of Section 1308.5 and to establish a trust account for the minor or to produce the documentation required by the Labor Commissioner for the issuance of a permit under Section 1308.5, subject to all of the following conditions:

- (1) A temporary permit shall be valid for a period not to exceed 10 days from the date of issuance.
- (2) A temporary permit shall not be issued for the employment of a minor if the minor's parent or guardian has previously applied for or been issued a permit by the Labor Commissioner pursuant to Section 1308.5 or a temporary permit pursuant to this section for employment of the minor.
- (3) For infants who are subject to the requirements of Section 1308.8, a temporary permit shall not be issued before the requirements of that section are met.
- (4) The Division of Labor Standards Enforcement shall prepare and make available on its Internet Web site the application form for a temporary permit. An applicant for a temporary permit shall submit a completed application and application fee online to the division. Upon receipt of the completed application and fee, the division shall immediately issue a temporary permit.



~~(b) The Labor Commissioner shall deposit all fees for temporary permits received into the Entertainment Work Permit Fund, which is hereby created in the State Treasury. The funds deposited in the Entertainment Work Permit Fund shall be available to the Labor Commissioner, upon appropriation by the Legislature, to pay for the costs of administration of the online temporary minor's entertainment work permit program and to repay any loan from the Labor Enforcement and Compliance Fund made pursuant to subdivision (c).~~

~~(c) The Labor Commissioner may on a one-time basis borrow up to two hundred fifty thousand dollars (\$250,000) from the Labor Enforcement and Compliance Fund, as established by subdivision (c) of Section 62.5, for deposit in the Entertainment Work Permit Fund to cover the one-time startup costs related to the temporary permit program. The loan shall be repaid to the Labor Enforcement and Compliance Fund as soon as sufficient funds exist in the Entertainment Work Permit Fund to repay the loan without compromising the operations of the temporary work permit program.~~

~~(d)~~

~~(b) The Labor Commissioner shall set forth the fee in an amount sufficient to pay for these costs, the costs of administering the online temporary minor's entertainment work permit program, but not to exceed fifty dollars (\$50).~~

SEC. 2. Section 1308.11 is added to the Labor Code, to read:

1308.11. (a) All registrations, fees, and permit fees collected under this article shall be deposited in the Labor Enforcement and Compliance Fund.



(b) On the effective date of this section, any moneys in the Entertainment Work Permit Fund and any assets, liabilities, revenues, expenditures, and encumbrances of that fund shall be transferred to the Labor Enforcement and Compliance Fund.

SEC. 3. Section 1684 of the Labor Code is amended to read:

1684. (a) The Labor Commissioner shall not issue to any person a license to act as a farm labor contractor, nor shall the Labor Commissioner renew that license, until all of the following conditions are satisfied:

(1) The person has executed a written application in a form prescribed by the Labor Commissioner, subscribed and sworn to by the person, and containing all of the following:

(A) A statement by the person of all facts required by the Labor Commissioner concerning the applicant's character, competency, responsibility, and the manner and method by which the person proposes to conduct operations as a farm labor contractor if the license is issued.

(B) The names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates, or profit sharers, in the proposed operation as a farm labor contractor, together with the amount of their respective interests.

(C) A declaration consenting to the designation by a court of the Labor Commissioner as an agent available to accept service of summons in any action against the licensee if the licensee has left the jurisdiction in which the action is commenced or otherwise has become unavailable to accept service.



(D) The names and addresses of all persons who in the previous calendar year performed any services described in subdivision (b) of Section 1682 within the scope of his or her employment by the licensee on whose behalf he or she was acting, unless the person was employed as an independent contractor.

(2) The Labor Commissioner, after investigation, is satisfied as to the character, competency, and responsibility of the person.

(3) (A) The person has deposited with the Labor Commissioner a surety bond in an amount based on the size of the person's annual payroll for all employees, as follows:

(i) For payrolls up to five hundred thousand dollars (\$500,000), a twenty-five-thousand-dollar (\$25,000) bond.

(ii) For payrolls of five hundred thousand dollars (\$500,000) to two million dollars (\$2,000,000), a fifty-thousand-dollar (\$50,000) bond.

(iii) For payrolls greater than two million dollars (\$2,000,000), a seventy-five-thousand-dollar (\$75,000) bond.

(B) For purposes of this paragraph, the Labor Commissioner shall require documentation of the size of the person's annual ~~payroll~~ payroll, which may include, but is not limited to, information provided by the person to the Employment Development Department, the Franchise Tax Board, the Division of Workers' Compensation, the insurer providing the licensee's workers' compensation insurance, or the Internal Revenue Service.



(C) If the contractor has been the subject of a final judgment in a year in an amount equal to or greater than the amount of the bond required, he or she shall be required to deposit an additional bond within 60 days.

(D) All bonds required under this chapter shall be payable to the people of the State of California and shall be conditioned upon the farm labor contractor's compliance with all the terms and provisions of this chapter and subdivisions (j) and (k) of Section 12940 of, and Sections 12950 and 12950.1 of, the Government Code, and payment of all damages occasioned to any person by failure to do so, or by any violation of this chapter or of subdivision (j) or (k) of Section 12940 of, or of Section 12950 or 12950.1 of, the Government Code, or any violation of Title VII of the Civil Rights Act of 1964 (Public Law 88-352), or false statements or misrepresentations made in the procurement of the license. The bond shall also be payable for interest on wages and for any damages arising from violation of orders of the Industrial Welfare Commission, and for any other monetary relief awarded to an agricultural worker as a result of a violation of this code or of subdivision (j) or (k) of Section 12940 of, or Section 12950 or 12950.1 of, the Government Code, or any violation of Title VII of the Civil Rights Act of 1964 (Public Law 88-352).

(4) The person has paid to the Labor Commissioner a license fee of five hundred dollars (\$500) plus a filing fee of ten dollars (\$10). However, when a timely application for renewal is filed, the ten-dollar (\$10) filing fee is not required. The license fee shall increase by one hundred dollars (\$100), to six hundred dollars (\$600), on January 1, 2015. The amount attributable to this increase shall be expended by the Labor Commissioner to fund the Farm Labor Contractor Enforcement Unit and the Farm



Labor Contractor License Verification Unit. ~~Notwithstanding Section 1698, no portion of that increase shall be credited to the General Fund.~~ The Labor Commissioner shall deposit one hundred fifty dollars (\$150) of each licensee's annual license fee into the Farmworker Remedial Account. Funds from this account shall be disbursed by the Labor Commissioner only to persons determined by the Labor Commissioner to have been damaged by any licensee if the damage exceeds the amount of the licensee's bond or the surety fails to pay the full amount of the licensee's bond, or to persons determined by the Labor Commissioner to have been damaged by an unlicensed farm labor contractor. In making these determinations, the Labor Commissioner shall disburse funds from the Farmworker Remedial Account to satisfy claims against farm labor contractors or unlicensed farm labor contractors, which shall also include interest on wages and any damages arising from the violation of orders of the Industrial Welfare Commission, for any other monetary relief awarded to an agricultural worker as a result of a violation of this code, and for all damages arising from any violation of subdivision (j) or (k) of Section 12940 of, or of Section 12950 or 12950.1 of, the Government Code, or any violation of Title VII of the Civil Rights Act of 1964 (Public Law 88-352). The Labor Commissioner may disburse funds from the Farmworker Remedial Account to farm labor contractors, for payment of farmworkers, when a contractor is unable to pay farmworkers due to the failure of a grower or packer to pay the contractor. Any disbursed funds subsequently recovered by the Labor Commissioner pursuant to Section 1693, or otherwise, shall be returned to the Farmworker Remedial Account.

(5) The person has taken a written examination that demonstrates an essential degree of knowledge of the current laws and administrative regulations concerning



farm labor contractors as the Labor Commissioner deems necessary for the safety and protection of farmers, farmworkers, and the public, including the identification and prevention of sexual harassment in the workplace. To successfully complete the examinations, the person must correctly answer at least 85 percent of the questions posed. The examination period shall not exceed four hours. The examination may only be taken a maximum of three times in a calendar year. The examinations shall include a demonstration of knowledge of the current laws and regulations regarding wages, hours, and working conditions, penalties, employee housing and transportation, collective bargaining, field sanitation, and safe work practices related to pesticide use, including all of the following subjects:

- (A) Field reentry regulations.
- (B) Worker pesticide safety training.
- (C) Employer responsibility for safe working conditions.
- (D) Symptoms and appropriate treatment of pesticide poisoning.
- (6) The person has registered as a farm labor contractor pursuant to the federal

Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. Sec. 1801 et seq.), when registration is required pursuant to federal law, and that information is provided by the person to the Labor Commissioner.

(7) Each of the person's employees has registered as a farm labor contractor employee pursuant to the federal Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. Sec. 1801 et seq.) if that registration is required pursuant to federal law, and that information is provided by the person to the Labor Commissioner.



(8) (A) The person has executed a written statement, that has been provided to the Labor Commissioner, attesting that the person's supervisory employees, including any supervisor, crewleader, mayordomo, foreperson, or other employee whose duties include the supervision, direction, or control of agricultural employees, have been trained at least once for at least two hours each calendar year in the prevention of sexual harassment in the workplace, and that all new nonsupervisory employees, including agricultural employees, have been trained at the time of hire, and that all nonsupervisory employees, including agricultural employees, have been trained at least once every two years in identifying, preventing, and reporting sexual harassment in the workplace.

(B) Sexual harassment prevention training shall consist of training administered by a licensee or appropriate designee of the licensee.

(C) Sexual harassment prevention training shall include, at a minimum, components of the following as consistent with Section 12950 of the Government Code:

- (i) The illegality of sexual harassment.
- (ii) The definition of sexual harassment under applicable state and federal law.
- (iii) A description of sexual harassment, utilizing examples.
- (iv) The internal complaint process of the employer available to the employee.
- (v) The legal remedies and complaint process available through the Department of Fair Employment and Housing.
- (vi) Directions for how to contact the Department of Fair Employment and Housing.



(vii) The protection against retaliation provided under current law.

(D) The trainer may use the text of the Department of Fair Employment and Housing's pamphlet DFEH-185, "Sexual Harassment" as a guide to training, or may use other written material or other training resources covering the information required in subparagraph (C).

(E) At the conclusion of the training, the trainer shall provide the employee with a copy of the Department of Fair Employment and Housing's pamphlet DFEH-185, and a record of the training on a form provided by the Labor Commissioner that includes the name of the trainer and the date of the training.

(F) The licensee shall keep a record with the names of all employees who have received sexual harassment training for a period of three years.

(b) The Labor Commissioner shall consult with the Director of Pesticide Regulation, the Department of the California Highway Patrol, the Department of Housing and Community Development, the Employment Development Department, the Department of Fair Employment and Housing, the Department of Food and Agriculture, the Department of Motor Vehicles, and the Division of Occupational Safety and Health in preparing the examination required by paragraph (5) of subdivision (a) and the appropriate educational materials pertaining to the matters included in the examination, and may charge a fee of not more than two hundred dollars (\$200) to cover the cost of administration of the examination.

(c) The person shall also enroll and participate in at least nine hours of relevant educational classes each year. The classes shall include at least one hour of sexual harassment prevention training. The classes shall be chosen from a list of approved



classes prepared by the Labor Commissioner, in consultation with the persons and entities listed in subdivision (b) and county agricultural commissioners.

(d) The Labor Commissioner may renew a license without requiring the applicant for renewal to take the examination specified in paragraph (5) of subdivision (a) if the Labor Commissioner finds that the applicant meets all of the following criteria:

(1) Has satisfactorily completed the examination during the immediately preceding two years.

(2) Has not during the preceding year been found to be in violation of any applicable laws or regulations including, but not limited to, Division 7 (commencing with Section 12501) of the Food and Agricultural Code, subdivisions (j) and (k) of Section 12940 of, and Section 12950 or 12950.1 of, the Government Code, Part 1 (commencing with Section 17000) of Division 13 of the Health and Safety Code, Division 2 (commencing with Section 200), Division 4 (commencing with Section 3200), and Division 5 (commencing with Section 6300) of this code, and Chapter 1 (commencing with Section 12500) of Division 6 of the Vehicle Code.

(3) Has, for each year since the license was obtained, enrolled and participated in at least eight hours of relevant, educational classes, chosen from a list of approved classes prepared by the Labor Commissioner.

(4) Has complied with all other requirements of this section.

SEC. 4. Section 1698 of the Labor Code is amended to read:

1698. All fines collected for violations of this chapter shall be paid into the Farmworker Remedial Account and shall be available, upon appropriation, for purposes of this chapter. Of the moneys collected for licenses issued pursuant to this chapter,



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one hundred fifty dollars (\$150) of each annual license fee shall be deposited in the Farmworker Remedial Account pursuant to paragraph (4) of subdivision (a) of Section 1684, three hundred fifty dollars (\$350) of each annual license fee shall be expended by the Labor Commissioner to fund the Farm Labor Contractor Enforcement Unit and the Farm Labor Contractor License Verification Unit, both within the department, and the remaining money shall be paid into the ~~State Treasury and credited to the General Labor Enforcement and Compliance Fund.~~

SEC. 5. Section 1700.18 of the Labor Code is amended to read:

1700.18. ~~(a) All moneys collected for filing fees and licenses and all fines collected for violations of the provisions of under~~ this chapter shall be paid into the State Treasury and credited to the ~~General~~ Labor Enforcement and Compliance Fund.

(b) All fines collected for violations of this chapter shall be paid into the State Treasury and credited to the General Fund.

SEC. 6. Section 1706 of the Labor Code is amended to read:

1706. (a) (1) No person shall represent or provide specified services to any artist who is a minor, under 18 years of age, without first submitting an application to the Labor Commissioner for a Child Performer Services Permit and receiving that permit.

(2) The Labor Commissioner shall set forth a filing fee, to be paid by the applicant to the commissioner at the time the application is filed, in an amount sufficient to reimburse the Labor Commissioner for the costs of the permit program. This amount shall be in addition to any charge imposed by the Labor Commissioner pursuant to paragraph (3) of subdivision (c).



(3) (A) The Labor Commissioner shall issue a Child Performer Services Permit to the applicant after he or she has received the application and filing fee and determined from information provided by the Department of Justice that the person is not required to register pursuant to Sections 290 to 290.006, inclusive, of the Penal Code.

(B) After receiving his or her first Child Performer Services Permit, a person shall on a biennial basis renew his or her application by resubmitting his or her name and a new filing fee to the Labor Commissioner in the amount set forth by the Labor Commissioner pursuant to paragraph (2). The Labor Commissioner shall issue a renewed permit to the person after receiving his or her application and filing fee and determining from the subsequent arrest notification provided by the Department of Justice pursuant to subparagraph (D) of paragraph (2) of subdivision (c) that the person is not required to register pursuant to Sections 290 to 290.006, inclusive, of the Penal Code. A person shall not be required to resubmit his or her fingerprints in order to renew his or her permit.

(b) Except for subdivision (f) and Sections 1706.1 to 1706.5, inclusive, when applied to a violation of subdivision (f), this chapter does not apply to the following:

(1) A person licensed as a talent agent as specified in Chapter 4 (commencing with Section 1700), or operating under the license of a talent agent.

(2) A studio teacher certified by the Labor Commissioner as defined in Section 11755 of Title 8 of the California Code of Regulations.

(3) A person whose contact with minor children is restricted to locations where, either by law or regulation, the minor must be accompanied at all times by a parent or guardian, and the parent or guardian must be within sight or sound of the minor.



(4) A person who has only incidental and occasional contact with minor children, unless the person works directly with minor children, has supervision or disciplinary power over minor children, or receives a fee.

(c) (1) Each person required to submit an application to the Labor Commissioner pursuant to paragraph (1) of subdivision (a) shall provide to the Department of Justice electronic fingerprint images and related information required by the department of all permit applicants, for the purposes of obtaining information as to the existence and content of a record of state or federal arrests and convictions, including arrests for which the Department of Justice establishes that the person is free on bail or on his or her recognizance pending trial or appeal.

(2) (A) When received, the Department of Justice shall forward the fingerprint images and related information described in paragraph (1) to the Federal Bureau of Investigation and request a federal summary for criminal history information.

(B) (i) The Department of Justice shall review the information returned from the Federal Bureau of Investigation and compile and disseminate a response to the Labor Commissioner.

(ii) The Department of Justice's response shall provide both state and federal criminal history information pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.

(C) The Labor Commissioner shall request from the Department of Justice subsequent arrest notification service, as provided pursuant to Section 11105.2 of the Penal Code, for each person who submitted fingerprint images and the related information pursuant to paragraph (1).



(3) (A) The Department of Justice shall charge the Labor Commissioner a fee sufficient to cover the cost of processing the request described in paragraph (2).

(B) In addition to the filing fee paid by the applicant pursuant to subdivision (a) to reimburse the Labor Commissioner for the costs of the permit program, the Labor Commissioner may charge the applicant a fee sufficient to cover the costs of the fee imposed by the Department of Justice pursuant to subparagraph (A). The amount of the fee imposed pursuant to this subparagraph shall be forwarded by the Labor Commissioner to the Department of Justice with the applicant's name, fingerprints, and other information described in paragraph (1). This fee shall be available to the Department of Justice for the purposes described in subparagraph (A), upon appropriation by the Legislature.

(4) Upon receipt of information from the Department of Justice provided pursuant to subparagraphs (C) and (D) of paragraph (2), the commissioner shall timely cause a copy of the information to be sent to the person who has submitted the application, and shall keep a copy of the information and application on file.

(d) The Labor Commissioner shall maintain a list of all persons holding a valid Child Performer Services Permit issued under this chapter and make this list publicly available on its Internet Web site.

(e) (1) Upon receipt of a valid Child Performer Services Permit, the recipient shall post the permit in a conspicuous place in his or her place of business.

(2) Any person who is a recipient of a valid Child Performer Services Permit shall include the permit number on advertising in print or electronic media, including, but not limited to, Internet Web sites, or in any other medium of advertising.



(f) No person, including a person described in subdivision (b), who is required to register pursuant to Sections 290 to 290.006, inclusive, of the Penal Code may represent or provide specified services to any artist who is a minor.

(g) For purposes of this section, the following terms have the following meanings:

(1) "Artist" means a person who is or seeks to become an actor, actress, model, extra, radio artist, musical artist, musical organization, director, musical director, writer, cinematographer, composer, lyricist, arranger, or other person rendering professional services in motion picture, theatrical, radio, television, Internet, print media, or other entertainment enterprises or technologies.

(2) Except as used in the context of a fee an applicant is required to pay with his or her application, "fee" means any money or other valuable consideration paid or promised to be paid by an artist, by an individual on behalf of an artist, or by a corporation formed on behalf of an artist for services rendered or to be rendered by any person conducting the business of representing artists.

(3) "Person" means any individual, company, society, firm, partnership, association, corporation, limited liability company, trust, or other organization.

(4) To "represent or provide specified services to" means to provide, offer to provide, or advertise or represent as providing, for a fee one or more of the following services:

(A) Photography for use as an artist, including, but not limited to, still photography, digital photography, and video and film services.

(B) Managing or directing the development or advancement of the artist's career as an artist.



(C) Career counseling, career consulting, vocational guidance, aptitude testing, evaluation, or planning, in each case relating to the preparation of the artist for employment as an artist.

(D) Public relations services or publicity, or both, including arranging personal appearances, developing and distributing press packets, managing fan mail, designing and maintaining Internet Web sites, and consulting on media relations.

(E) Instruction, evaluation, lessons, coaching, seminars, workshops, or similar training as an artist, including, but not limited to, acting, singing, dance, voice, or similar instruction services.

(F) A camp for artists, which includes, but is not limited to, a day camp or overnight camp in which any portion of the camp includes any services described in subparagraphs (A) to (E), inclusive.

~~(h) (1) The Labor Commissioner shall deposit all filing fees described in subdivision (a) into the Child Performer Services Permit Fund, which is hereby created in the State Treasury. The funds deposited in the Child Performer Services Permit Fund shall be available to the Labor Commissioner, upon appropriation by the Legislature, to pay for the costs of administration of the Child Performer Services Permit program and to repay any loan from the Labor Enforcement and Compliance Fund made pursuant to paragraph (2):~~

~~(2) Until June 30, 2013, the Labor Commissioner may, on a one-time basis, borrow up to two hundred fifty thousand dollars (\$250,000) from the Labor Enforcement and Compliance Fund, as established by subdivision (c) of Section 62.5, for deposit in the Child Performer Services Permit Fund to cover the one-time startup costs related~~



~~to the Child Performer Services Permit program. The loan shall be repaid to the Labor Enforcement and Compliance Fund, or any successor fund, as soon as sufficient funds exist in the Child Performer Services Permit Fund to repay the loan without compromising the operations of the permit program.~~

(h) (1) The Labor Commissioner shall deposit all filing fees described in subdivision (a) into the Labor Enforcement and Compliance Fund to pay for the costs of administering the Child Performer Services Permit program.

(2) On the effective date of the statute adding this subdivision, any moneys in the Child Performer Services Permit Fund and any assets, liabilities, revenues, expenditures, and encumbrances of that fund shall be transferred to the Labor Enforcement and Compliance Fund.

SEC. 7. Section 2059 of the Labor Code is amended to read:

2059. (a) (1) The commissioner shall collect from employers a registration fee of two hundred fifty dollars (\$250) for each branch location. The commissioner location, and, except as provided in paragraph (2), may periodically adjust the registration fee for inflation to ensure that the fee is fee, in an amount sufficient to fund all direct and indirect costs to administer and enforce the provisions of this part.

(2) The fee established pursuant to paragraph (1) shall not be increased unless the published fund balance is projected to fall below 25 percent of annual expenditures.

(b) In addition to the fee specified in subdivision (a), each employer shall be assessed an annual fee of fifty dollars (\$50) in an amount equivalent to 20 percent of the registration fee collected pursuant to subdivision (a) for each branch location which that shall be deposited in the Car Wash Worker Restitution Fund.



SEC. 8. Section 2065 of the Labor Code is amended to read:

2065. (a) The Car Wash Worker Restitution Fund is established in the State Treasury.

(1) The following moneys shall be deposited into this fund:

(A) The annual fee required pursuant to subdivision (b) of Section 2059.

(B) Fifty percent of the fines collected pursuant to Section 2064.

(C) ~~Fifty dollars (\$50)~~ Pursuant to subdivision (b) of Section 2059, an amount equal to 20 percent of the initial registration fee required pursuant to subdivision (a) of Section 2059.

(2) Upon appropriation by the Legislature, the moneys in the fund shall be disbursed by the commissioner only to persons determined by the commissioner to have been damaged by the failure to pay wages and penalties and other related damages by any employer, to ensure the payment of wages and penalties and other related damages. Any disbursed funds subsequently recovered by the commissioner shall be returned to the fund.

(b) The Car Wash Worker Fund is established in the State Treasury.

(1) The following moneys shall be deposited into this fund:

(A) Fifty percent of the fines collected pursuant to Section 2064.

(B) The initial registration fee required pursuant to subdivision (a) of Section 2059, less the amount specified in subparagraph (C) of paragraph (1) of subdivision (a).

(2) Upon appropriation by the Legislature, the moneys in this fund shall be applied to all direct and indirect costs incurred by the commissioner in administering



~~the provisions of this part and all direct and indirect costs of enforcement and~~  
investigation of the car washing and polishing industry.

(c) The Department of Industrial Relations may establish by regulation those procedures necessary to carry out ~~the provisions of this section.~~

SEC. 9. Section 2658 of the Labor Code is amended to read:

2658. ~~No~~ (a) A person shall not employ an industrial homemaker in any industry not prohibited by Section 2651 unless the person employing an industrial homemaker has obtained a valid industrial homework license from the division.

~~Application~~

(b) Application for a license to employ industrial homeworkers shall be made to the division in ~~such~~ a form as the division may by regulation prescribe. A license fee of one hundred dollars (\$100) for each industrial homemaker employed shall be paid to the division and ~~such~~ the license shall be valid for a period of one year from the date of issuance unless sooner revoked or suspended.

~~Renewal~~

(c) Renewal fees shall be at the same rate and conditions as the original license.

~~The~~

(d) The division may revoke or suspend the license upon a finding that the person has violated this part or has failed to comply with the regulations of the division or ~~with any provision of the license.~~ The industrial homework license shall not be transferable.

~~All~~



(e) All license and permit fees received under this part shall be paid into the State Treasury, Labor Enforcement and Compliance Fund.

SEC. 10. Section 6507 of the Labor Code is amended to read:

6507. The division shall set ~~a fee~~ fees to be charged for ~~such permits and registrations in an amount~~ amounts reasonably necessary to cover the costs involved ~~in investigating and issuing such permits, administering the permitting and registration programs in this chapter. All permit and registration fees collected under this chapter shall be deposited in the Occupational Safety and Health Fund.~~

SEC. 11. Section 7311.4 of the Labor Code is amended to read:

7311.4. (a) The division shall establish fees for initial and renewal applications for certification under this chapter as a certified qualified conveyance inspector, certified qualified conveyance company, or certified competent conveyance mechanic based upon ~~the actual costs involved with the certification process, costs to the division of administering the certification and licensing program in this chapter,~~ including the cost of developing and administering any tests as well as any costs related to continuing education, investigation, revocation, or other associated costs. In fixing the amount of these fees, the division may include direct costs and a reasonable percentage attributable to the indirect costs of the division for administering this chapter.

(b) Fees collected pursuant to this chapter are nonrefundable.

SEC. 12. Section 7314 of the Labor Code is amended to read:

7314. (a) The division ~~may, shall,~~ subject to subdivision (f), fix and collect fees for the inspection of conveyances as ~~it deems~~ determines to be necessary to cover the actual costs of having the inspection performed by a division safety engineer, including



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~~administrative costs, and the costs related to regulatory development as required by Section 7323. An additional fee may, in the discretion of the division, be charged the costs to the division of administering the inspection and permitting programs in this chapter, including fees for necessary subsequent inspections to determine if applicable safety orders have been complied with. The division may fix and collect fees for field consultations regarding conveyances as it deems necessary to cover the actual costs of the time spent in the consultation by a division safety engineer, including administrative and travel expenses, with and for field consultations. In fixing the amount of these fees, the division may include direct costs and a reasonable percentage attributable to the indirect costs of the division for administering this chapter, including the costs related to regulatory development as required by Section 7323.~~

(b) Notwithstanding Section 6103 of the Government Code, the division may collect the fees authorized by subdivision (a) from the state or any county, city, district, or other political subdivision.

(c) Whenever a person owning or having the custody, management, or operation of a conveyance fails to pay the fees required under this chapter within 60 days after the date of notification, he or she shall pay, in addition to the fees required under this chapter, a penalty fee equal to 100 percent of the fee. Failure to pay fees within 60 days after the date of notification constitutes cause for the division to prohibit use of the conveyance.

(d) (1) Any fees required pursuant to this section shall, except as otherwise provided in paragraph (2), be set forth in regulations that shall be adopted as emergency regulations. These emergency regulations shall not be subject to the review and approval



of the Office of Administrative Law pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). These regulations shall become effective immediately upon filing with the Secretary of State.

(2) A suspension or reduction of fees pursuant to subdivision (f) is not required to be set forth in a regulation.

(e) For purposes of this section, the date of the invoice assessing a fee pursuant to this section shall be considered the date of notification.

(f) (1) For the 2015–16 fiscal year, the fees for the annual and biennial inspection of conveyances required by Section 7304 are suspended on a one-time basis.

(2) For the 2016–17 fiscal year, and for every fiscal year thereafter, the Director of Industrial Relations, upon concurrence of the Department of Finance, may suspend or reduce the fees for the annual and biennial inspections of conveyances required by Section 7304 on a one-time basis for that fiscal year in order to reduce the amount of moneys in the Elevator Safety Account.

SEC. 13. Section 7315 of the Labor Code is amended to read:

7315. Fees shall be paid before the issuance of any permit to operate a conveyance, but a temporary permit may be issued pending receipt of fee payment. ~~No~~ The division shall not charge an inspection fee may be charged by the division where if an inspection has been made by an inspector of an insurance company or municipality if that inspector who holds a certificate as a conveyance inspector and an inspection report is filed with the division within 21 days after inspection is made. The division may charge a fee for processing and issuing the permit to operate.



SEC. 14. The heading of Chapter 4 (commencing with Section 7340) of Part 3 of Division 5 of the Labor Code is amended to read:

CHAPTER 4. ~~AERIAL~~ PASSENGER TRAMWAYS

SEC. 15. Section 7340 of the Labor Code is amended to read:

7340. As used in this chapter:

(a) ~~“Aerial passenger~~ “Passenger tramway” includes any method or device used primarily for the purpose of transporting persons by means of cables or ropes suspended between two or more points or structures.

(b) “Permit” means a permit issued by the division to operate ~~an aerial~~ a passenger tramway in any place.

SEC. 16. Section 7341 of the Labor Code is amended to read:

7341. ~~No aerial~~ A passenger tramway shall not be operated in any place in this state unless a permit for the operation ~~thereof~~ of the tramway is issued by the division, and unless ~~such~~ the permit remains in effect and is kept posted conspicuously in the main operating terminal of the tramway.

SEC. 17. Section 7342 of the Labor Code is amended to read:

7342. The operation of ~~an aerial~~ a passenger tramway by any person owning or having the custody, management, or operation thereof without a permit is a misdemeanor, and each day of operation without a permit is a separate offense. No prosecution shall be maintained where the issuance or renewal of a permit has been requested and remains unacted upon.



SEC. 18. Section 7343 of the Labor Code is amended to read:

7343. Whenever ~~an aerial~~ a passenger tramway in any place is being operated without the permit herein required, and is in such condition that its use is dangerous to the life or safety of any person, the division, or any person affected thereby, may apply to the superior court of the county in which the ~~aerial~~ passenger tramway is located for an injunction restraining the operation of the ~~aerial~~ passenger tramway until the condition is corrected. Proof by certification of the division that a permit has not been issued, together with the affidavit of any safety engineer of the division that the operation of the ~~aerial~~ passenger tramway is dangerous to the life or safety of any person, is sufficient ground, in the discretion of the court, for the immediate granting of a temporary restraining order.

SEC. 19. Section 7344 of the Labor Code is amended to read:

7344. (a) The division shall cause all ~~aerial~~ passenger tramways to be inspected at least two times each year.

(b) At least one of the inspections required by subdivision (a) shall take place between November 15 of each year and March 15 of the succeeding year.

(c) If ~~an aerial~~ a passenger tramway is found upon inspection to be in a safe condition for operation, a permit for operation for not longer than one year shall be issued by the division.

SEC. 20. Section 7345 of the Labor Code is amended to read:

7345. If inspection shows ~~an aerial~~ a passenger tramway to be in an unsafe condition, the division may issue a preliminary order requiring repairs or alterations to be made to the ~~aerial~~ passenger tramway ~~which~~ that are necessary to render it safe,



and may order the operation or use thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed.

SEC. 21. Section 7346 of the Labor Code is amended to read:

7346. Unless the preliminary order is complied with, a hearing before the division shall be allowed, upon request, at which the owner, operator, or other person in charge of the ~~aerial~~ passenger tramway may appear and show cause why he should not comply with the order.

SEC. 22. Section 7347 of the Labor Code is amended to read:

7347. If it thereafter appears to the division that the ~~aerial~~ passenger tramway is unsafe and that the requirements contained in the preliminary order should be complied with, or that other things should be done to make ~~such aerial~~ the passenger tramway safe, the division may order or confirm the withholding of the permit and may make ~~such~~ requirements as it ~~deems~~ determines to be proper for its repair or alteration or for the correction of ~~such the~~ unsafe condition. ~~Such~~ The order may thereafter be reheard by the division or reviewed by the courts only in the manner specified for safety orders by Part 1 ~~of this division and not otherwise. (commencing with Section 6300).~~

SEC. 23. Section 7348 of the Labor Code is amended to read:

7348. If the operation of ~~an aerial~~ a passenger tramway during the making of repairs or alterations is not immediately dangerous to the safety of employees or others, the division may issue a temporary permit for the operation ~~thereof~~ of the tramway for a term not to exceed 30 days during the making of repairs or alterations.

SEC. 24. Section 7350 of the Labor Code is amended to read:



7350. (a) The division ~~may~~ shall fix and collect fees for the inspection of ~~an aerial~~ passenger tramways as it deems necessary to cover the ~~actual cost of having the inspection performed by a division safety engineer.~~ costs of the division in administering this chapter. In fixing the amount of these fees, the division may include direct costs and a reasonable percentage attributable to the indirect costs of the division for administering this chapter. The division ~~may~~ shall not charge an inspection fee for inspections performed by certified insurance inspectors, but may charge a fee of ~~not more than ten dollars (\$10) to cover the cost of~~ for processing the permit when issued by the division as a result of the inspection. Notwithstanding Section 6103 of the Government Code, the division may collect the fees authorized by this section from the state or any county, city, district, or other political subdivision.

(b) Whenever a person owning or having custody, management, or operation of ~~an aerial~~ a passenger tramway fails to pay any fee required under this chapter within 60 days after the date of notification by the division, the division shall assess a penalty fee equal to 100 percent of the initial fee. For purposes of this section, the date of the invoice fixing the fee shall be considered the date of notification.

SEC. 25. Section 7351 of the Labor Code is amended to read:

7351. Fees shall be paid before issuance of a permit to operate ~~an aerial~~ a passenger tramway, except that the division, at its own discretion, may issue a temporary operating permit not to exceed 30 days, pending receipt of payment of fees.

SEC. 26. Section 7352 of the Labor Code is amended to read:



7352. ~~(a)~~ All fees collected by the division under this chapter shall be deposited into the ~~Elevator Safety Account~~ Occupational Safety and Health Fund to support the division's ~~aerial~~ passenger tramway inspection program.

(b) On the effective date of the statute adding this subdivision, any moneys in the Elevator Safety Account that, before that date, were deposited pursuant to this section, subdivision (a) of Section 7904, or subdivision (b) of Section 7929 shall be transferred to the Occupational Safety and Health Fund, together with any assets, liabilities, revenues, expenditures, and encumbrances of that fund that are attributable to the division's passenger tramway inspection program under this chapter, the portable amusement ride inspection program under Part 8 (commencing with Section 7900), and the Permanent Amusement Ride Safety Inspection Program (Part 8.1 (commencing with Section 7920)).

SEC. 27. Section 7353 of the Labor Code is amended to read:

7353. ~~No aerial~~ (a) A passenger tramway shall not be constructed or altered until the plans and design information have been properly certified to the division by an engineer qualified under the ~~Civil and~~ Professional Engineers Act (Chapter ~~7,~~ commencing 7 (commencing with Section ~~6700, 6700~~) of Division 3 of the Business and Professions Code).

~~Any~~

(b) Any person who owns, has custody of, manages, or operates ~~an aerial a~~ passenger tramway shall notify the division prior to any major repair of ~~such the~~ tramway.

SEC. 28. Section 7354 of the Labor Code is amended to read:



7354. The division shall not issue an operating permit to operate ~~an aerial~~ a passenger tramway until it receives certification in writing by an engineer qualified under the ~~Civil and Professional Engineers Act (Chapter 7, commencing with Section 6700, 7 (commencing with Section 6700))~~ of Division 3 of the Business and Professions Code) that the erection work on ~~such the~~ tramway has been completed in accordance with the design and erection plans for ~~such the~~ tramway.

SEC. 29. Section 7354.5 of the Labor Code is amended to read:

7354.5. (a) Notwithstanding any other provision of this chapter, in any case in which an insurer admitted to transact insurance in this state has inspected or caused to be inspected, by a qualified, licensed professional engineer ~~who is~~ registered in California pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code, any ~~aerial~~ passenger tramway used as a ski lift, the division may, if it finds ~~such those~~ inspections were made according to ~~the provisions of subdivisions (a) and (b) of Section 7344, accept~~ ~~such the~~ inspections in lieu of any other inspections for that year, except that the initial inspection of a new ski lift or of a major alteration to an existing ski lift shall be performed by a division safety engineer. ~~Such~~ A private inspector shall, before commencing his or her duties therein, secure from the division a certificate of competency to make ~~such~~ inspections. The division may determine the competency of any applicant for ~~such a~~ certificate, either by examination or by other satisfactory proof of qualification.

~~The~~

(b) The division may rescind at any time, upon good cause being shown therefor, and after hearing, if requested, any certificate of competency issued by it to a ski lift



inspector. The inspection reports made to the division shall be in ~~such a~~ form and content as the division ~~may find~~ finds necessary for acceptance as a proper inspection made by ~~such a~~ private inspector.

SEC. 30. Section 7356 of the Labor Code is amended to read:

7356. The division shall, under the authority of Section 7355, promulgate and cause to be published safety orders directing each owner or operator of ~~an aerial~~ a passenger tramway to report to the division each known incident where the maintenance, operation, or use of ~~such the~~ tramway results in injury to any person, unless ~~such the~~ injury does not require medical service other than ordinary first aid treatment.

SEC. 31. Section 7357 of the Labor Code is amended to read:

7357. The division shall establish standards for the qualification of persons engaged in the operation of ~~aerial~~ passenger tramways, whether as employees or otherwise. The standards shall be consistent with the general objective of this chapter in providing for the safety of members of the public who use ~~aerial~~ passenger tramways and those engaged in their operation.

SEC. 32. Section 7373 of the Labor Code is amended to read:

7373. (a) ~~No~~ A tower crane shall not be operated at any worksite unless an employer obtains a permit from the division. The division shall conduct an investigation for purposes of issuing a permit in an expeditious manner. If the division does not issue a permit within 10 days after being requested to do so by a crane employer, the crane employer may operate the crane without a permit.

(b) The division shall set ~~a fee~~ fees to be charged for these permits in an amount sufficient to cover the ~~cost of funding the issuance of the permits and the safety~~



engineers as provided by subdivision (a) of Section 7372, costs of administering this article. In fixing the amount of these fees, the division may include direct costs and a reasonable percentage attributable to the indirect costs of the division for administering this article.

(c) The permit for a fixed tower crane shall be valid for the period of time that the tower crane is fixed to the site.

(d) The permit for a mobile tower crane shall be valid for one calendar year.

SEC. 33. Section 7380 of the Labor Code is repealed.

~~7380. The division may collect fees for the examination and licensing of crane certifiers as necessary to cover the actual costs, including administrative costs. All fees collected by the division under this chapter shall be paid into the General Fund.~~

SEC. 34. Section 7380 is added to the Labor Code, to read:

7380. (a) The division shall set fees for the examination and licensing of crane certifiers as necessary to cover the costs of administering this article. In fixing the amount of these fees, the division may include direct costs and a reasonable percentage attributable to the indirect costs of the division for administering this article.

(b) All fees collected by the division under this chapter shall be deposited into the Occupational Safety and Health Fund.

SEC. 35. Section 7720 of the Labor Code is amended to read:

~~7720. No fee shall be charged by the division.~~ The division shall not charge an inspection fee where an inspection is made by a certified inspector; provided, inspector if the inspection has been made and reports have been submitted within the time limits specified in this part.



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SEC. 36. Section 7721 of the Labor Code is amended to read:

7721. (a) The division ~~may~~ shall fix and collect fees for the shop, field, and resale inspection of tanks and boilers and for consultations, surveys, audits, and other activities required or related to national standards concerning the design or construction of boilers or pressure vessels or for evaluating fabricator's plant facilities when these services are requested of the division by entities desiring these services. The division ~~may~~ shall fix and collect the fees for the inspection of pressure vessels ~~as it deems necessary to cover the actual costs of having the inspection performed by a division safety engineer, including administrative costs. An additional fee may, in the discretion of the division, be charged~~ engineer. The division may charge an additional fee for necessary subsequent inspections to determine if applicable safety orders have been complied with.

(b) The division ~~may~~ shall charge a fee ~~of not more than fifteen dollars (\$15) to cover the cost of~~ for processing a permit.

(c) The division ~~may~~ shall fix and collect fees for field consultations regarding pressure vessels ~~as it deems necessary to cover the actual costs of the time spent in the consultation by a division safety engineer, including administrative expenses.~~ vessels.

(d) Whenever a person owning or having the custody, management, or operation of a pressure vessel fails to pay the fees required under this chapter within 60 days after notification, he or she shall pay, in addition to the fees required under this chapter, a penalty fee equal to 100 percent of the fee.

(e) Any fees required pursuant to this section shall be ~~embodied in regulations~~ which in amounts sufficient to cover the direct and indirect costs of the division for



administering this part and shall be adopted as emergency regulations. These emergency regulations shall not be subject to the review and approval of the Office of Administrative Law pursuant to the provisions of the Administrative Procedure Act provided for in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. These regulations shall become effective immediately upon filing with the Secretary of State.

SEC. 37. Section 7722 of the Labor Code is amended to read:

7722. ~~(a) The inspection fees collected under this chapter part shall be paid into the Pressure Vessel Account, which is hereby created, to be used for the administration of the division pressure vessel safety program.~~

~~The~~

(b) The division shall establish criteria upon which fee charges are based and prepare an annual report concerning revenues obtained and expenditures appropriated for the pressure vessel safety program. The division shall file the report with the Legislative Analyst, the Joint Legislative Audit Committee, and the Department of Finance.

SEC. 38. Section 7904 of the Labor Code is amended to read:

7904. ~~(a) The division may shall fix and collect all fees for the inspection of amusement rides that it deems necessary to cover the actual cost of having the inspection performed by a division safety engineer. The division may not charge for inspections performed by certified insurance inspectors or an inspector for a public entity, but may charge a fee of not more than ten dollars (\$10) to cover the cost of processing the permit when issued by the division as a result of the inspection. administering this part. Fees~~



shall be charged to a person or entity receiving the division's services as provided by this part, as set out in regulations adopted pursuant to this part, including, but not limited to, approvals, determinations, permits, investigations, inspections and reinspections, certifications and recertifications, receipt and review of certificates, and reports and inspections. In fixing the amount of these fees, the division may include direct costs and a reasonable percentage attributable to the indirect costs of the division for administering this part. All fees collected by the division under this section shall be deposited into the Elevator Safety Account Occupational Safety and Health Fund to support the division's portable amusement ride inspection program.

(b) Any fees required pursuant to this section shall be set forth in regulations. For the 2016-17 fiscal year, those regulations shall be adopted as emergency regulations. These emergency regulations shall not be subject to the review and approval of the Office of Administrative Law pursuant to the rulemaking provisions of the Administrative Procedure Act provided for in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. These emergency regulations shall become effective immediately upon filing with the Secretary of State.

(b)

(c) The division shall annually prepare and submit to the Division of Fairs and Expositions within the Department of Food and Agriculture, post on its Internet Web site a report summarizing all inspections of amusement rides and accidents occurring on amusement rides. This annual report shall also may contain all route location information submitted to the division by permit applicants.

SEC. 39. Section 7929 of the Labor Code is amended to read:



7929. (a) The division ~~may~~ shall fix and collect all fees necessary to cover the cost to the division of administering this part. Fees shall be charged to a person or entity receiving the division's services as provided by ~~this part or by part, as set out in~~ regulations adopted pursuant to this part, including, but not limited to, approvals, determinations, certifications and recertifications, receipt and review of certificates, and inspections. In fixing the amount of these fees, the division may include direct costs and a reasonable percentage attributable to the ~~general cost~~ indirect costs of the division for administering this part. Notwithstanding Section 6103 of the Government Code, the division may collect these fees from the state or any county, city, district, or other political subdivision.

(b) ~~Effective June 30, 2007, all~~ All fees collected pursuant to this section shall be deposited into the ~~Elevator Safety Account~~ Occupational Safety and Health Fund to support the Permanent Amusement Ride Safety Inspection Program. ~~All moneys in the Permanent Amusement Ride Safety Inspection Fund as of that date shall be transferred to the Elevator Safety Account to be used for the same purpose, and any outstanding liabilities and encumbrances of the fund shall become liabilities and encumbrances payable from the Elevator Safety Account.~~

(c) Whenever a person owning or having custody, management, or operation of a permanent amusement ride fails to pay any fee required under this part within 60 days after the date of notification by the division, the division shall assess a penalty equal to 100 percent of the initial fee. For purposes of this section, the date of the invoice fixing the fee shall be considered the date of notification.

SEC. 40. Section 7991 of the Labor Code is amended to read:



7991. (a) To obtain a license under Section 7990, and to renew such a that license, a person shall pass an oral and written examination given by the division. The division shall offer ~~such the~~ examination in Spanish, or any other language, when requested by the applicant. The division shall administer ~~such an~~ examination orally when requested by an applicant who cannot write. ~~Application for such license shall cost fifteen dollars (\$15), which is nonreturnable.~~ Licenses shall be renewable every ~~five years at a fee of fifteen dollars (\$15).~~ years.

(b) The division shall set a nonrefundable fee for processing applications for licenses required by Section 7990 and a fee for administering examinations under this section. In fixing the amount of these fees, the division may include direct costs and a reasonable percentage attributable to the indirect costs of the division for administering this chapter. Those fees shall be deposited into the Occupational Safety and Health Fund.

SEC. 41. Section 8001 of the Labor Code is amended to read:

8001. ~~A~~ The division shall charge a fee sufficient to cover the direct and indirect costs of the division to administer the examination and certification of gas testers and safety representatives for tunnels and mines, but not more than fifteen dollars (\$15) for original applications and fifteen dollars (\$15) for renewals, may be charged by the division; mines. Renewals shall be made every five years.

SEC. 42. Section 8002 of the Labor Code is amended to read:

8002. All fees from ~~such~~ applications shall be nonrefundable. ~~Such~~ Those fees shall be ~~paid~~ deposited into the ~~State Treasury by the division to the credit of the~~ General Occupational Safety and Health Fund.



SEC. 43. Section 9021.6 of the Labor Code is amended to read:

9021.6. ~~(a)~~ The division shall charge a fee to each asbestos consultant and site surveillance technician who applies for certification pursuant to subdivision (b) of Section 9021.5 and Article 11 (commencing with Section 7180) of Chapter 9 of Division 3 of the Business and Professions Code. The fee shall be sufficient to cover the ~~division's cost~~ direct and indirect costs to the division for administering the certification process, including preparation and administration of the examination. The fees collected shall be deposited in the ~~Asbestos Consultant Certification Account. Establishment~~ Occupational Safety and Health Fund of any fee pursuant to this section shall be accomplished through the regulatory process required by subdivision (b) of Section 9021.5.

(b) On the effective date of the measure adding this subdivision, any moneys in the Asbestos Training and Consultant Certification Fund and any assets, liabilities, revenues, expenditures, and encumbrances of that fund shall be transferred to the Occupational Safety and Health Fund.

SEC. 44. Section 9021.7 of the Labor Code is repealed.

~~9021.7. (a) There is hereby created the Asbestos Training and Consultant Certification Fund, which shall consist of the Asbestos Training Approval Account and the Asbestos Consultant Certification Account. Moneys in the Asbestos Training Approval Account shall consist of the fees collected pursuant to Section 9021.9. Moneys in the Asbestos Consultant Certification Account shall consist of the fees collected pursuant to Section 9021.6.~~



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~~(b) Moneys in the Asbestos Training Approval Account shall be available, upon appropriation by the Legislature, for expenditure only for administering the training entity approval process provided for in Section 9021.9. Moneys in the Asbestos Consultant Certification Account shall be available, upon appropriation by the Legislature, only for administering the certification process provided for in Section 9021.6.~~

SEC. 45. Section 9021.9 of the Labor Code is amended to read:

9021.9. (a) The division shall establish an advisory committee to develop and recommend by September 30, 1994, for action by the standards board in accordance with Section 142.3, specific requirements for hands-on, task-specific training programs for all craft employees who may be exposed to asbestos-containing construction materials and all employees and supervisors involved in operations pertaining to asbestos cement pipe, as specified in subdivision (c) of Section 6501.8. The training programs shall include, but not be limited to, the following information:

- (1) The physical characteristics and health hazards of asbestos.
- (2) The types of asbestos cement pipe or asbestos-containing construction materials an employee may encounter in his or her specific work assignments.
- (3) Safe practices and procedures for minimizing asbestos exposures from operations involving asbestos cement pipe or asbestos-containing construction materials.
- (4) A review of general industry and construction safety orders relating to asbestos exposure.
- (5) Hands-on instruction using pipe or other construction materials and the tools and equipment employees will use in the workplace.



(b) The division shall approve training entities to conduct task-specific training programs that include the requirements prescribed by the standards board pursuant to this section for employees and supervisors involved in operations pertaining to asbestos cement pipe or asbestos-containing construction materials.

(c) The division shall charge a fee to each asbestos training entity approved by the division pursuant to subdivision (b). The fee shall be sufficient to cover the division's ~~cost~~ direct and indirect costs for administering the approval process provided for in subdivision (b). The fees collected shall be deposited in the ~~Asbestos Training Approval Account~~; Occupational Safety and Health Fund. Establishment of any fee pursuant to this section shall be accomplished through the regulatory process required by subdivision (b) of Section 9021.5.



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## LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, \_\_\_\_\_.

General Subject: Employment: fees and permits.

(1) Existing law regulates the employment of minors in the entertainment industry and requires the written consent of the Labor Commissioner for a minor under the age of 16 to take part in certain types of employment. Existing law establishes a program to be administered by the commissioner that enables a minor's parent or guardian, prior to the first employment of a minor performer and under specified conditions, to obtain a temporary permit for the employment of a minor. Existing law requires the commissioner to deposit all fees for temporary permits received into the Entertainment Work Permit Fund, with the funds to be available upon appropriation by the Legislature to pay for the costs of administration of the online temporary minor's entertainment work permit program.

This bill would require those permit fees and certain other revenues to instead be deposited in the Labor Enforcement and Compliance Fund. The bill would abolish



the Entertainment Work Permit Fund and transfer moneys in, and assets, liabilities, revenues, expenditures, and encumbrances of, that fund to the Labor Enforcement and Compliance Fund.

(2) Existing law requires farm labor contractors to be licensed by the commissioner and to comply with specified employment laws applicable to farm labor contractors. Existing law requires farm labor contractors to pay license fees to the commissioner and continuously appropriates a portion of the fee revenues for enforcement and verification purposes. Existing law requires specified amounts of a license fee to be deposited in the Farmworker Remedial Account and expended by the commissioner to fund the Farm Labor Contractor Enforcement Unit and the Farm Labor Contractor License Verification Unit, and the remaining money to be credited to the General Fund.

This bill would require the money not used to fund those units to be paid instead into the Labor Enforcement and Compliance Fund and would make a conforming change.

(3) Existing law governs talent agency licensure and establishes specific fees. Existing law requires moneys collected for licenses and fines collected for violations to be paid into the State Treasury and credited to the General Fund.

This bill would instead require that all moneys collected for filing fees and licenses be credited to the Labor Enforcement and Compliance Fund, and that fines collected for violations be credited to the General Fund.

(4) Existing law establishes a Child Performer Services Permit program and requires the commissioner to deposit filing fees into the Child Performer Services



Permit Fund (permit fund), the revenues of which are available, upon appropriation by the Legislature, to pay for the costs of administering the program.

This bill would require the fees to be deposited in the Labor Enforcement and Compliance Fund. The bill would abolish the permit fund and transfer any moneys in the permit fund and any assets, liabilities, revenues, expenditures, and encumbrances of that fund to the Labor Enforcement and Compliance Fund.

(5) Existing law regulates various aspects of the car washing and polishing industry and requires the commissioner to collect a \$250 registration fee from employers engaged in the business for each branch location and to periodically adjust the registration fee for inflation to ensure that the fee is sufficient to fund all costs to administer and enforce those provisions. Existing law requires, in addition to that fee, each employer be assessed an annual \$50 fee for each branch location to be deposited in the Car Wash Worker Restitution Fund.

This bill would remove the specific amount for the registration fee and would authorize the periodic adjustment of the fee, except as specified, in an amount sufficient to fund all direct and indirect costs to administer and enforce those provisions. The bill would fix the annual fee for deposit in the Car Wash Worker Restitution Fund in an amount equaling 20% of the registration fee.

(6) Existing law requires a person employing an industrial homemaker to obtain a valid industrial homework license from the Division of Labor Standards Enforcement, and establishes license and renewal fees, to be paid into the State Treasury. Existing law requires a person doing industrial homework to have a valid homemaker's permit issued to him by the division and sets the fee at \$25.



This bill would require those fee and permit moneys to be paid into the Labor Enforcement and Compliance Fund.

(7) Existing law requires the Division of Occupational Safety and Health to require a permit for specific types of construction, demolition, and work in mines and tunnels, and requires an employer or contractor who engages in certain asbestos-related work to register with the division. Existing law requires the division to set fees for permits in an amount reasonably necessary to cover the costs involved in investigating and issuing such permits.

This bill would require the division to set the fees to be charged for permits and registrations in amounts reasonably necessary to cover the costs involved in administering the permitting and registration programs and would require all permit and registration fees collected to be deposited in the Occupational Safety and Health Fund.

(8) Existing law governs the design, erection, construction, installation, material alteration, inspection, testing, maintenance, repair, service, and operation of specific conveyances and their associated parts. Existing law establishes certification and licensing programs for inspectors, companies, and mechanics, and for conveyance inspection and permitting programs, with fees established by the Division of Occupational Safety and Health based on prescribed costs to the division.

This bill would revise those provisions to require the fees to be based on costs to the division of administering those programs, including direct costs and a reasonable percentage attributable to the indirect costs of the division for administering those provisions.



(9) Existing law requires the Division of Occupational Safety and Health to administer a permit and inspection program for aerial passenger tramways. Existing law authorizes the division to fix fees for inspection as it deems necessary to cover the actual cost of having the inspection performed by a division safety engineer. Existing law prohibits the division from charging for inspections performed by certified insurance inspectors, but authorizes a fee of not more than \$10 to cover the cost of processing the permit when issued by the division as a result of the inspection. Fees collected by the division are deposited into the Elevator Safety Account to support the program.

This bill would remove the term “aerial” in those provisions and would instead refer only to “passenger tramways.” The bill would require the division to fix and collect fees for inspection of passenger tramways to cover direct costs and a reasonable percentage attributable to the indirect costs of the division for administering those provisions. The bill would remove the cap on the processing fee. The bill would require those fees to be deposited in the Occupational Safety and Health Fund instead of the Elevator Safety Account, and would transfer specific moneys in the Elevator Safety Account to the Occupational Safety and Health Fund, together with any assets, liabilities, revenues, expenditures, and encumbrances of that fund attributable to the program, the portable amusement ride inspection program, and the Permanent Amusement Ride Safety Inspection Program.

(10) Existing law requires the Division of Occupational Safety and Health to administer a permit and inspection program for tower cranes. Existing law requires the division to set fees for permits sufficient to cover prescribed program costs. Existing law authorizes the division to collect fees for the examination and licensing of crane



certifiers as necessary to cover actual costs of administration. Fees collected by the division under those provisions are deposited into the General Fund.

This bill would require the division to collect those crane certifier fees, would require all the above fees to be set to cover the costs of administering the above provisions, and would authorize the inclusion of direct costs and a reasonable percentage attributable to the indirect costs of the division for administration. The bill would require that fees be deposited in the Occupational Safety and Health Fund instead of the Elevator Safety Account.

(11) Existing law authorizes the establishment and collection of fees by the Division of Occupational Safety and Health for specified services relating to tanks, boilers, and pressure vessels. Under existing law, inspection fees collected are paid into the Pressure Vessel Account.

This bill would remove an existing \$15 cap on a permit processing fee, and would require all fees relating to tanks, boilers, and pressure vessels to be in amounts sufficient to cover the division's direct and indirect costs for administering these provisions. The bill would expand the fees paid into the Pressure Vessel Account to include all fees collected under those tank, boiler, and pressure vessel provisions.

(12) The Amusement Rides Safety Law authorizes the establishment and collection of fees by the Division of Occupational Safety and Health for inspection and permitting of amusement rides. Fees collected under those provisions are deposited into the Elevator Safety Account. Existing law requires the division to submit an annual report on amusement ride safety to the Division of Fairs and Expositions within the



Department of Food and Agriculture (DFA), including route location information submitted by permit applicants.

The bill would require the division to set fees relating to amusement rides, initially by emergency regulation, in amounts necessary to cover costs for administering those provisions, and would authorize the inclusion of direct costs and a reasonable percentage attributable to the indirect costs of the division for administration. The bill would require that fees be deposited in the Occupational Safety and Health Fund instead of the Elevator Safety Account. The bill would require the division to post the amusement ride safety report on its Internet Web site instead of submitting it to the DFA, and would make the inclusion of route location information discretionary.

(13) Existing law establishes the Permanent Amusement Ride Safety Inspection Program, which authorizes the Division of Occupational Safety to fix and collect fees to cover the costs of administering the program, and fees collected are deposited in the Elevator Safety Account.

This bill would require the division to collect those fees and include direct and reasonable indirect costs for administration. The bill would require the division to impose a penalty equal to 100% of the initial fee if a person owning or having custody, management, or operation of a permanent amusement ride fails to pay any fee required under the program within 60 days after the date of notification by the division. The bill would require that fees be deposited in the Occupational Safety and Health Fund instead of the Elevator Safety Account.

(14) Existing law establishes licensing and certification provisions relating to tunnel and mine safety for explosive blasters, gas testers, and safety representatives



administered by the Division of Occupational Safety and Health. Those provisions set fees for licensure and renewals. Existing law requires those fees to be deposited in the General Fund.

This bill would revise those provisions to require the division to set fees to include direct costs and a reasonable percentage attributable to the indirect costs of the division for administration, and to deposit those fees in the Occupational Safety and Health Fund.

(15) Under existing law relating to the certification of asbestos consultants and site surveillance technicians, fees authorized to be collected by the Division of Occupational Safety and Health, as provided, are deposited in accounts within the Asbestos Training and Consultant Certification Fund.

This bill would require the division to collect those fees and require that fees be deposited in the Occupational Safety and Health Fund instead of the Asbestos Training and Consultant Certification Fund, which latter fund the bill would abolish.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

