

DRAFT

SUMMARY

Digest: The Act changes the state law that governs when BOLI can impose civil penalties against a person who violates child labor laws. The Act goes into effect 91 days after session ends. (Flesch Readability Score: 61.0).

Allows the Commissioner of the Bureau of Labor and Industries to impose civil penalties against a person for violating the child labor laws when the person has paid a civil penalty to the United States Department of Labor for a violation involving the same facts. Removes the requirement for the commissioner to refund any previously assessed civil penalties against the person when the person has already paid a civil penalty to the United States Department of Labor.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to unlawful employment of minors; creating new provisions;
3 amending ORS 653.370; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 653.370 is amended to read:

6 653.370. (1) In addition to any other penalty provided by law, the Com-
7 missioner of the Bureau of Labor and Industries may impose upon any person
8 who violates ORS 653.305 to 653.370, or any rule adopted by the Bureau of
9 Labor and Industries under ORS 653.305 to 653.370 or 653.400, a civil penalty
10 not to exceed \$1,000 for each violation.

11 (2) Notwithstanding ORS 183.482, any petition for review of an order im-
12 posing a civil penalty under this section must be filed within 30 days fol-
13 lowing the date the order upon which the petition is based is served.

14 (3) Except as otherwise provided in this section, civil penalties under this
15 section shall be imposed as provided in ORS 183.745.

1 (4) All sums collected as penalties pursuant to this section shall be first
2 applied toward reimbursement of the costs incurred in determining the vio-
3 lations, conducting hearings under this section and assessing and collecting
4 such penalties. The remainder, if any, of the sums collected as penalties
5 pursuant to this section shall be paid over by the commissioner to the De-
6 partment of State Lands for the benefit of the Common School Fund of this
7 state. The department shall issue a receipt for the money to the commis-
8 sioner.

9 *[(5)(a) Notwithstanding subsection (1) of this section, the commissioner may*
10 *not impose a civil penalty pursuant to this section upon any person who pro-*
11 *vides evidence satisfactory to the commissioner that:]*

12 *[(A) The person has paid a civil penalty to the United States Department*
13 *of Labor for violation of the child labor provisions of the federal Fair Labor*
14 *Standards Act (29 U.S.C. 201 et seq.); and]*

15 *[(B) The civil penalty involved the same factual circumstances at issue be-*
16 *fore the commissioner.]*

17 *[(b) Notwithstanding subsection (1) of this section, the commissioner shall*
18 *refund any civil penalty previously imposed on and collected from any person*
19 *pursuant to this section if the person provides evidence satisfactory to the*
20 *commissioner that:]*

21 *[(A) The person has paid a civil penalty to the United States Department*
22 *of Labor for violation of the child labor provisions of the federal Fair Labor*
23 *Standards Act (29 U.S.C. 201 et seq.); and]*

24 *[(B) The civil penalty involved the same factual circumstances underlying*
25 *the commissioner's imposition of a civil penalty.]*

26 **SECTION 2. Section 1 of this 2024 Act applies to violations occur-**
27 **ring before, on or after the effective date of this 2024 Act.**

28 **SECTION 3. This 2024 Act takes effect on the 91st day after the date**
29 **on which the 2024 regular session of the Eighty-second Legislative**
30 **Assembly adjourns sine die.**

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