

# House Bill 4004

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Business and Labor for Commissioner of the Bureau of Labor and Industries Christina Stephenson)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

**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; amending ORS 653.370; and  
3 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 Commissioner of the Bureau  
7 of Labor and Industries may impose upon any person who violates ORS 653.305 to 653.370, or any  
8 rule adopted by the Bureau of Labor and Industries under ORS 653.305 to 653.370 or 653.400, a civil  
9 penalty not to exceed \$1,000 for each violation.

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

13 (3) Except as otherwise provided in this section, civil penalties under this section shall be im-  
14 posed as provided in ORS 183.745.

15 (4) All sums collected as penalties pursuant to this section shall be first applied toward re-  
16 imbursement of the costs incurred in determining the violations, conducting hearings under this  
17 section and assessing and collecting such penalties. The remainder, if any, of the sums collected as  
18 penalties pursuant to this section shall be paid over by the commissioner to the Department of State  
19 Lands for the benefit of the Common School Fund of this state. The department shall issue a receipt  
20 for the money to the commissioner.

21 *[(5)(a) Notwithstanding subsection (1) of this section, the commissioner may not impose a civil*  
22 *penalty pursuant to this section upon any person who provides evidence satisfactory to the commis-*  
23 *sioner that:]*

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

26 *[(B) The civil penalty involved the same factual circumstances at issue before the commissioner.]*

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

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

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

6        *[(B) The civil penalty involved the same factual circumstances underlying the commissioner's im-*  
7 *position of a civil penalty.]*

8        **SECTION 2. Section 1 of this 2024 Act applies to violations occurring before, on or after**  
9 **the effective date of this 2024 Act.**

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

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