

Enrolled 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)

CHAPTER

AN ACT

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

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

SECTION 1. ORS 653.370 is amended to read:

653.370. (1) In addition to any other penalty provided by law, the Commissioner of the Bureau of Labor and Industries may impose upon any person who violates ORS 653.305 to 653.370, or any rule adopted by the Bureau of Labor and Industries under ORS 653.305 to 653.370 or 653.400, a civil penalty not to exceed [~~\$1,000~~] **\$10,000** for each violation.

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

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

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

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

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

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

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

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

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

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

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

Passed by House February 14, 2024

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate February 26, 2024

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Rob Wagner, President of Senate

Received by Governor:

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Approved:

.....M,....., 2024

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2024

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LaVonne Griffin-Valade, Secretary of State