

34:2-21.57 et seq.

LEGISLATIVE HISTORY CHECKLIST

NJSA 34:2-21.57 et seq (Motion picture productions--child labor--permit certain employment)
LAWS 1981 CHAPTER 147
Bill No. S3194
Sponsor(s) Herbert and Merlino
Date Introduced April 27, 1981
Committee: Assembly -
Senate -

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Senate April 27, 1981

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Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto Message Yes No

Message on signing Yes No

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Reports Yes No

Hearings Yes No

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SENATE, No. 3194

STATE OF NEW JERSEY

INTRODUCED APRIL 27, 1981

By Senators HERBERT and MERLINO

(Without Reference)

AN ACT concerning child labor in theatrical productions, amending and supplementing P. L. 1962, c. 91 and repealing section 7 thereof.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 1 of P. L. 1962, c. 91 (C. 34:2-21.57) is amended to
2 read as follows:

3 1. As used in this act:

4 a. "Professional employment" means employment for pay as an
5 actor or performer in a theatrical production.

6 b. "Theatrical production" means and includes stage, motion
7 picture and television performances and rehearsals therefor.

8 c. "Prohibited performance" means and includes appearances
9 as a rope or wire walker or rider, gymnast, wrestler, boxer, con-
10 tortionist, acrobat, rider of a horse or other animal *unless the minor*
11 *is trained to safely ride such horse or animal* or rider of any vehi-
12 cle other than that [normally] generally used [as a toy] by a
13 minor of the same age, or appearance in any illegal, indecent or
14 immoral exhibition or practice, or in any practice or exhibition
15 dangerous to the life, limb, health or morals of a minor or a per-
16 formance upon any premises licensed for the sale and consumption
17 of alcoholic beverages, or appearance or exhibition of any physi-
18 cally deformed or mentally deficient minor.

1 2. Section 3 of P. L. 1962, c. 91 (C. 34:2-21.59) is amended to
2 read as follows:

3 3. Upon application of an employer, bearing the endorsed ap-
4 proval of a parent or guardian of the minor [the issuing officer as
5 defined in the act hereby supplemented may issue] a permit autho-
6 rizing employment of the minor in a theatrical production [if it
7 finds that] *may be issued if:*

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

8 (a) The minor is in good health and will not likely be endangered
9 by the working conditions of the prospective employment as certi-
10 fied by a currently issued statement of a licensed physician based
11 upon a physical examination which, for minors under 8 years of
12 age, includes a visual acuity screening if practicable;

13 (b) The place of employment is approved by the Department
14 of Labor **[and Industry]** and the period for which the permit is
15 desired is not in excess of 3 months;

16 (c) **[If the]** *The* minor is not attending public school and the
17 application is for a period other than during the school summer
18 vacation period, that he is receiving equivalent instruction ap-
19 proved by the Department of Education or by the State or county
20 of his residence if he be a nonresident of New Jersey;

21 (d) The proposed employment will not exceed two **[perform-**
22 **ances]** *shows or productions* in a day or a total of eight **[perform-**
23 **ances]** *shows or productions* in any week *where the professional*
24 *employment is reasonably separable into discrete shows or produc-*
25 *tions*; that the employment will not be for more than 6 days in any
26 week, 5 hours in any day or a total of 24 hours, including rehearsal
27 time, in any week and that the minor will not be employed before
28 7:00 **[p.m.] a.m.** or after 11:30 p.m. and that school and theatrical
29 performance time shall not exceed 8 hours in any 1 day *and that*
30 *time spent on a motion picture set or on location while on call shall*
31 *be excluded from any calculation of the number of hours employed*
32 *if adequate provision has been made for the minor's education,*
33 *supervision, health and welfare during such intervals;*

34 (e) The employment does not involve a type of prohibited per-
35 formance as hereinafter defined;

36 (f) The minor will be under the direct care and supervision of
37 an adult who is a parent, guardian or a representative of the em-
38 ployer, named in the application, at all times during his employ-
39 ment or while living away from home when required as an incident
40 of such employment.

41 *A permit may be issued by the issuing officer or by the Commis-*
42 *sioner of Labor in cases involving a significant contribution to the*
43 *development of the motion picture industry in the State as deter-*
44 *mined by the Motion Picture and Television Development Commis-*
45 *sion. In such cases, the commissioner shall also have the authority*
46 *to alter or amend the hours of the day but not the total hours in*
47 *the day during which a minor may work set forth in subsection*
48 *(d) of this section, if such alteration or amendment will not fore-*
49 *seeably impair the educational instruction, supervision, health and*

50 *welfare of the minor, and such an alteration or amendment is nec-*
 51 *essary for good reasons shown by the employer. The commissioner*
 52 *shall set forth the terms of any alteration or amendment in the*
 53 *permit.*

1 3. Section 4 of P. L. 1962, c. 91 (C. 34:2-21.60) is amended to
 2 read as follows:

3 4. The issuing officer *or the Commissioner of Labor* may refuse
 4 to grant a certificate if, in his judgment, the best interests of the
 5 minor would be served by such refusal and he shall keep a record
 6 of such refusals, and the reasons thereof. *A refusal by the issuing*
 7 *officer shall not preclude a contrary decision by the commissioner*
 8 *and a refusal by the commissioner shall not preclude a contrary*
 9 *decision by the issuing officer.*

1 4. Section 6 of P. L. 1962, c. 91 (C. 34:2-21.62) is amended to
 2 read as follows:

3 6. The Department of Education shall deliver a copy of each
 4 application to the Department of Labor **[and Industry]**.

1 5. Section 8 of P. L. 1962, c. 91 (C. 34:2-21.64) is amended to
 2 read as follows:

3 8. The Department of Education *and the Department of Labor*
 4 shall prescribe forms and regulations concerning applications for
 5 and issuance of permits and the Department of Labor **[and Indus-**
 6 **try]** may issue regulations concerning the administration and en-
 7 forcement of this act and, notwithstanding any provisions of law
 8 to the contrary, after consultation with the Department of Edu-
 9 cation, shall prescribe special safeguards governing the working
 10 conditions, supervision and education of minors under the age
 11 of 16, with particular attention to minors under the age of 6 years
 12 not inconsistent with the purposes of this act.

1 6. (New section) Any person who violates the provisions of this
 2 act (P. L. 1962, c. 91; C. 34:2-21.57 et seq.) is guilty of a crime of
 3 the fourth degree. Each day during which any violation of this
 4 act continues shall constitute a separate and distinct offense, and
 5 the employment of any minor in violation of the act shall with
 6 respect to each minor so employed, constitute a separate and dis-
 7 tinct offense.

1 7. Section 7 of P. L. 1962, c. 91 (C. 34:2-21.63) is repealed.

1 8. This act shall take effect immediately.

STATEMENT

This bill would authorize the Commissioner of Labor to grant permits to employers to employ children to work in motion picture productions, where the production involves a significant contribution to the development of the motion picture industry in the State. The commissioner is also authorized to alter the hours of the day during which a child may work in a motion picture production, so long as the education, supervision, health and welfare of the child are not impaired. Movie-making often involves night-time filming that, as a matter of economic necessity and artistic integrity, must extend beyond 11:30 p.m., the hour after which a child may not work under existing law. The producers of the film "Annie," about to be filmed on location in New Jersey, have requested permission to commence such night-time shooting with child actors.

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53194 (1981)

FOR IMMEDIATE RELEASE
MAY 14, 1981

FOR FURTHER INFORMATION:
KATHRYN FORSYTH

Governor Brendan Byrne today signed a bill that would permit the Commissioner of Labor, in certain cases, to extend the working curfew governing child actors under the age of 16 in motion picture and television productions. It does not affect the total number of hours per day that a child may work.

The bill, S-3194, was sponsored by Senator Francis X. Herbert (D-Bergen).

Its enactment enables the producers of the film "Annie" to shoot night scenes on location in West Long Branch and Newark by allowing the Commissioner of Labor to permit the employment of child actors after 11:30 p.m. Under current law, children are not allowed to work after that hour under any circumstances.

Byrne signed the bill at Monmouth College in West Long Branch, where "Annie," is currently in production by Rastar Films for Columbia Pictures. The Governor was joined at the ceremony by Ray Stark, producer of the film, and nine-year-old Aileen Quinn, who plays the title role.

The measure provides that in cases which the New Jersey Motion Picture and Television Development Commission determines involve "a significant contribution to the development of the motion picture industry in the State," the Commissioner of Labor will have the authority to issue work permits. Prior to the signing of this bill, these permits could only be issued by local education officials.

In these special cases, the Commissioner will also have the authority to extend the current 11:30 p.m. curfew, providing the health, welfare and education of the child is maintained. The bill makes no change in the statutes prohibiting a child from working more than five hours a day or from working and being in school for a total of more than eight hours a day.

Finally, the bill amends the current statute to provide that time spent on a motion picture set or on location while on call but not actually acting or rehearsing will be excluded from any calculation of the number of hours that the child is employed if adequate provision is made for the child's education, supervision, health and welfare during these intervals.

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