

House Bill 838

By: Representatives Rhodes of the 124th, McClain of the 109th, Collins of the 71st, and Williams of the 148th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 39 of the Official Code of Georgia Annotated, relating to
2 regulation of employment of minors, so as to require the establishment of trust accounts for
3 certain minors who are employed or compensated; to provide for requirements related to
4 such trust accounts; to provide for rules and regulations; to provide for related matters; to
5 provide for an effective date and applicability; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 2 of Title 39 of the Official Code of Georgia Annotated, relating to regulation of
10 employment of minors, is amended by revising Code Section 39-2-18, relating to
11 applicability of provisions of chapter to minors employed as actors or performers, as follows:

12 "39-2-18.

13 (a) Notwithstanding any other provisions of this chapter to the contrary, nothing in this
14 chapter shall apply to any minor employed or compensated as an actor or performer in
15 motion pictures or theatrical productions, in radio or television productions, or in any other
16 performance, concert, or entertainment, ~~or~~ to any minor employed or compensated in the

17 making of phonographic records or as an advertising or photographic model; or to any
 18 minor employed or compensated for the use of such minor's name, image, or likeness,
 19 provided that the written consent of the Commissioner of Labor must be first obtained.

20 (b) Before the Commissioner of Labor shall give his or her written consent, as provided
 21 in subsection (a) of this Code section, he or she shall investigate and determine that:

22 (1) ~~That the~~ The environment in which the work is to be performed is proper for the
 23 minor;

24 (2) ~~That the~~ The conditions of employment or compensation are not detrimental to the
 25 health of the minor;

26 (3) ~~That the~~ The minor's education will not be neglected or hampered by his or her
 27 participation in any of the activities referred to in subsection (a) of this Code section; and

28 (4) ~~That the~~ The minor will not be used for pornographic purposes; and

29 (5) The minor's parent or legal guardian has established a trust account pursuant to Code
 30 Section 39-2-18.1 that designates the minor as the beneficiary."

31 SECTION 2.

32 Said chapter is further amended by adding a new Code section to read as follows:

33 "39-2-18.1.

34 (a) A trust account required pursuant to paragraph (5) of subsection (b) of Code Section
 35 39-2-18 shall provide, at a minimum, that:

36 (1) At least 15 percent of the gross earnings of the minor shall be deposited into the
 37 account;

38 (2) The funds in the account shall be available only to the minor;

39 (3) The account shall be held by a trust company, as defined in Code Section 44-5-111;

40 (4) The funds in the account shall become available to the minor upon the minor
 41 attaining the age of 18 years or until the minor is declared emancipated; and

42 (5) The account meets the requirements of Article 5 of Chapter 5 of Title 44, the 'Georgia
43 Transfers to Minors Act.'

44 (b) The minor's parent or legal guardian shall provide the minor's employer with the
45 information necessary to transfer funds into the trust account. Once the minor's employer
46 deposits the funds into the trust account, the minor's employer shall have no further
47 obligation or duty to monitor or account for such funds and only the trustee shall be
48 obligated to monitor and account for such funds.

49 (c) If the minor's parent or legal guardian fails to provide the minor's employer with the
50 information necessary to transfer funds into the trust account within 30 days after the start
51 of employment, funds that were to be transferred to the trust account shall be reported and
52 remitted to the commissioner of revenue in accordance with Code Section 44-12-214 of the
53 'Disposition of Unclaimed Property Act.'

54 (d) The Commissioner of Labor may adopt rules and regulations to implement this Code
55 section."

56 **SECTION 3.**

57 This Act shall become effective upon its approval by the Governor or upon its becoming law
58 without such approval and shall be applicable only to contracts entered into on or after such
59 date.

60 **SECTION 4.**

61 All laws and parts of laws in conflict with this Act are repealed.