HB1095_H_BUS.001

HOUSE COMMITTEE OF REFERENCE REPORT

_____   February 15, 2024
Chair of Committee   Date

Committee on Business Affairs & Labor.

After consideration on the merits, the Committee recommends the
following:

HB24-1095   be amended as follows, and as so amended, be referred to
            the Committee on   Appropriations with favorable
            recommendation:

1   Amend printed bill, page 7, line 9, strike "SUBSECTION (1)(c)" and
2   substitute "SUBSECTIONS (1)(c) AND (5)".

3   Page 7, line 14, strike "SUBSECTION (1)(d)" and substitute "SUBSECTIONS
4   (1)(d) AND (5)".

5   Page 8, line 19, strike "SUBSECTION (3)(c)" and substitute "SUBSECTIONS
6   (3)(c) AND (5)".

7   Page 8, line 23, strike "SUBSECTION (3)(d)" and substitute "SUBSECTIONS
8   (3)(d) AND (5)".

9   Page 9, after line 18 insert:

10   "(5) (a) THE DIVISION MAY REDUCE OR DECLINE TO IMPOSE
11 PENALTIES OR DAMAGES PURSUANT TO SUBSECTION (1) OR (3) OF THIS
12 SECTION IF:
13   (I) THE MINOR WORKER INTENTIONALLY MISLED THE EMPLOYER
14 WITH REGARD TO THE MINOR'S AGE; AND
15   (II) THE EMPLOYER ENGAGED IN OUTREACH TO A RELIABLE THIRD
16 PARTY TO VERIFY THE MINOR WORKER'S AGE IF ANY REASONABLE
17 EMPLOYER COULD HAVE BELIEVED THAT THE MINOR WORKER MIGHT BE
18 UNDER EIGHTEEN YEARS OF AGE AT THE TIME OF HIRING. THE RECEIPT OF
19 AN AGE CERTIFICATE, AS DESCRIBED IN SECTION 8-12-111, CONSTITUTES
20 OUTREACH TO A RELIABLE THIRD PARTY.
21   (b) IN DETERMINING WHETHER TO REDUCE OR DECLINE TO IMPOSE
22 DAMAGES AS DESCRIBED IN SUBSECTION (5)(a) OF THIS SECTION, THE
23 DIVISION SHALL CONSIDER THE FOLLOWING FACTORS:

1   (I) THE REASONABLENESS OF EFFORTS TAKEN BY THE EMPLOYER
2 TO VERIFY THE AGE OF THE MINOR WORKER;
3   (II)   THE EMPLOYER'S HISTORY OF COMPLIANCE OR
4 NONCOMPLIANCE WITH THIS ARTICLE 12;
5   (III) CORRECTIVE ACTION TAKEN BY THE EMPLOYER; AND
6   (IV) HARM TO THE MINOR WORKER.".

7 Renumber succeeding subsections accordingly.

8 Page 13, strike lines 19 and 20 and substitute:

9   "**SECTION 7. Effective date - applicability.** This act takes
10 effect January 1, 2025, and applies to conduct occurring on or after said
11 date.".

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