

**ASSEMBLY BILL**

**No. 2822**

**Introduced by Assembly Member Chavez**

February 25, 2002

An act to add Part 13 (commencing with Section 2697.1) to Division 2 of the Labor Code, relating to carnival ride operators.

LEGISLATIVE COUNSEL'S DIGEST

AB 2822, as introduced, Chavez. Carnival ride operators.

Existing law regulates various aspects of workplace and employee safety and health.

This bill would regulate the industry of carnival ride operators, as defined, by providing specific requirements that employers of carnival ride operators must implement with regard to carnival ride operator wages, hours, breaks, tools, and working conditions. The bill would establish specified penalties for employers who fail to comply with provisions of the bill regarding payment of these employees.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Part 13 (commencing with Section 2697.1) is  
2 added to Division 2 of the Labor Code, to read:

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4 PART 13. CARNIVAL RIDE OPERATORS

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6 2697.1. (a) (1) For a carnival ride operator employed on a  
7 regularly scheduled 24-hour shift on a seven-day-a-week



1 “on-call” basis, an employer may, as an alternative to paying the  
2 minimum wage for all hours worked, instead pay no less than the  
3 weekly minimum wage of three hundred dollars (\$300).

4 (2) The amount of the weekly minimum wage permitted under  
5 paragraph (1) shall be increased each time that the state minimum  
6 wage is increased, effective on the same date as any increase in the  
7 state minimum wage. The amount of the increase shall be  
8 determined by calculating the percentage increase of the new rate  
9 over the previous rate, and then by applying the same percentage  
10 increase to the minimum weekly wage rate.

11 (b) (1) When tools or equipment are required by the employer  
12 or are necessary to the performance of a job, the tools and  
13 equipment shall be provided and maintained by the employer,  
14 except that a carnival ride operator whose wages are at least twice  
15 the minimum hourly wage or at least twice the minimum weekly  
16 wage, may be required to provide and maintain handtools and  
17 equipment customarily required by the trade or craft.

18 (2) An employer may require a reasonable deposit as security  
19 for the return of the items furnished by the employer under  
20 provisions of paragraph (1), but the employer must provide a  
21 receipt to the carnival ride operator for each deposit. The deposits  
22 shall be made pursuant to Article 2 (commencing with Section  
23 400) of Chapter 3. Alternatively, with the prior written  
24 authorization of the carnival ride operator, an employer may  
25 deduct from the carnival ride operator’s last check the cost of any  
26 item furnished pursuant to paragraph (1) when the item is not  
27 returned. No deduction shall be made at any time for normal wear  
28 and tear. All items furnished by the employer shall be returned by  
29 the carnival ride operator upon completion of the job.

30 (c) No employer of carnival ride operators shall employ a  
31 carnival ride operator for a work period of more than five hours  
32 without a meal period of no less than 30 minutes, except that when  
33 a work period of not more than six hours will complete a day’s  
34 work, the meal period may be waived by the mutual consent of the  
35 employer and the carnival ride operator. An employer may be  
36 relieved of this obligation if a meal period of 30 minutes cannot  
37 reasonably be provided because no one is available to relieve a  
38 carnival ride operator operating a ride alone on that day. When a  
39 meal period of 30 minutes can be provided but not without



1 interruption, a carnival ride operator shall be allowed to complete  
2 the meal period during that day.

3 (d) To the extent practicable, every employer shall authorize  
4 and permit all carnival ride operators to take rest periods. If  
5 possible, the rest period shall be in the middle of each work period.  
6 The length of the rest period shall be based on the total hours  
7 worked daily at the rate of 15 minutes rest time for every four hours  
8 of work. A rest period need not be authorized for carnival ride  
9 operators whose total daily worktime is less than three and  
10 one-half hours.

11 (e) When the nature of the work reasonably permits the use of  
12 seats, the employer shall provide suitable seats for carnival ride  
13 operators.

14 (f) Any employer or any other person acting on behalf of the  
15 employer who violates or causes to be violated the provisions of  
16 this section regarding payment of employees shall be subject to a  
17 civil penalty, as follows:

18 (1) For the initial violation, fifty dollars (\$50) for each  
19 underpaid employee for each week during which the employee  
20 was underpaid.

21 (2) For any subsequent violation, one hundred dollars (\$100)  
22 for each underpaid employee for each week during which the  
23 employee was underpaid.

24 (3) In addition to the civil penalties set forth in paragraphs (1)  
25 and (2), all unpaid wages owed to the carnival ride operator.

26 (g) Every employer of carnival ride operators shall post a copy  
27 of this part in an area frequented by carnival ride operators where  
28 it may be easily read during the workday. Where the location of  
29 work or other conditions make posting impractical, every  
30 employer shall make a copy of this part available to carnival ride  
31 operators upon request. Copies of this part shall be posted and  
32 made available in a language understood by the carnival ride  
33 operator.

34 (h) For the purposes of this section, “carnival ride operator”  
35 means a person who controls or has the duty to control the  
36 operation of amusement rides as defined in Section 7901 and who  
37 is employed on a full-time basis.

38 (i) If the application of any provision of any subdivision,  
39 sentence, clause, phrase, word, or portion of this legislation is held  
40 invalid, unconstitutional, unauthorized, or prohibited by statute,



- 1 the remaining provisions thereof shall not be affected and shall
- 2 continue to be given full force and effect as if the part held invalid
- 3 or unconstitutional had not been included.

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