

SB119 ENROLLED



1 SB119
2 QGH7151-3
3 By Senators Stewart, Coleman-Madison, Beasley, Hatcher,
4 Smitherman, Singleton, Orr
5 RFD: Judiciary
6 First Read: 20-Feb-24



SB119 Enrolled

1 Enrolled, An Act,

2

3

4 Relating to child labor; to amend Section 25-8-59, Code
5 of Alabama 1975, to increase civil and criminal penalties for
6 an employer who violates child labor laws; and in connection
7 therewith would have as its purpose or effect the requirement
8 of a new or increased expenditure of local funds within the
9 meaning of Section 111.05 of the Constitution of Alabama of
10 2022.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 25-8-59, Code of Alabama 1975, is
13 amended to read as follows:

14 "§25-8-59

15 (a) Any employer who violates this chapter, or who
16 fails or refuses to obey within a reasonable time any lawful
17 order or direction given by the state officials charged with
18 the enforcement of this chapter, and any parent, guardian, or
19 custodian who suffers or permits ~~a person~~ an individual under
20 his or her care or control who is under 19 years of age to
21 work in violation of this chapter, shall be subject to civil
22 penalties in addition to other penalties provided in this
23 chapter.

24 (b) The department may impose a civil penalty of not
25 less than three hundred dollars (\$300) upon ~~the following a~~
26 ~~determination:~~ an that an employer has violated a statutory
27 provision of Section 25-8-35(17), 25-8-36, 25-8-37, 25-8-38,
28 25-8-39, 25-8-40, 25-8-41, 25-8-44(a), 25-8-44(b), 25-8-45,



SB119 Enrolled

29 25-8-54, 25-8-57, 25-8-60, or 25-8-61.

30 (c) The department ~~may~~ shall impose a civil penalty of
31 ~~one thousand dollars (\$1,000) to five thousand dollars~~
32 ~~(\$5,000) to ten thousand dollars (\$10,000) upon the following~~
33 a determination: An that an employer has violated a statutory
34 provision of Section 25-8-33, 25-8-35(1) ~~-(16), inclusive~~
35 through 25-8-35(16), 25-8-43(a), or 25-8-44(d).

36 (d) In determining the number of violations committed
37 by an employer, the department may assess a separate civil
38 penalty for each individual employee affected by the
39 employer's violation.

40 (e) In addition, the department may assess more than
41 one civil penalty against an employer with respect to the same
42 adversely affected employee if the employer has violated more
43 than one statutory provision ~~in Act 2009-565~~ of this chapter.

44 (f) The employer shall be notified of a civil penalty
45 assessment by the Notice of Violation and Opportunity to Show
46 Cause which shall be sent to the employer.

47 (g) The Notice of Violation and Opportunity to Show
48 Cause shall provide all of the following:

49 (1) The total civil penalty assessed.

50 (2) The right of the employer to request in writing a
51 hearing to show cause why the civil penalty should not be
52 assessed.

53 (3) An advisement that no hearing shall be granted
54 unless a written request for a hearing is received by the
55 department within 30 days from the date of issue of the
56 notice.



SB119 Enrolled

57 (4) The right of the employer to waive the right to
58 request a hearing and to respond in writing to the notice
59 within 30 days of the issue date of the notice.

60 (h) Any employer who seeks to contest a civil penalty
61 assessment shall file, within 30 days from the date the Notice
62 of Violation and Opportunity to Show Cause was issued, a
63 written request for an opportunity to be heard which shall
64 clearly state the reasons for such request, including facts to
65 demonstrate that no violation has occurred.

66 (i) If the secretary or his or her designee determines
67 that the employer has stated adequate facts or legal grounds
68 to warrant a hearing, the secretary or his or her designee
69 shall provide written notice of the hearing to show cause why
70 a civil penalty should not be assessed and shall mail written
71 notice to the employer of the date, time, and place of the
72 hearing. Such determination shall be within the discretion of
73 the secretary or his or her designee. The notice shall inform
74 the employer of ~~its~~ the employer's rights in the hearing
75 including the following:

76 (1) The right to be represented by any person,
77 including an attorney.

78 (2) The right to present documentary evidence and a
79 written argument in support of the employer's position.

80 (j) A request for postponement of a scheduled hearing
81 ~~so scheduled~~ shall only be granted where the rights of an
82 employer would be substantially prejudiced by the denial of
83 the request or in a medical emergency. Only the secretary or
84 his or her designee has discretion to grant such requests.



SB119 Enrolled

85 (k) Following a hearing or after the employer has
86 waived the right to request a hearing, the secretary or his or
87 her designee may uphold or modify the civil penalty
88 assessment. ~~Such~~ This determination shall be within the sole
89 discretion of the secretary or his or her designee.

90 (l) If the employer requests a hearing but the
91 secretary or his or her designee denies the request for a
92 hearing, the total civil penalty assessed in the notice shall
93 be the final civil penalty.

94 (m) If the employer does not request a hearing or
95 respond in writing to the notice, the total civil penalty
96 assessed in the notice shall be the final civil penalty unless
97 otherwise modified by the secretary or his or her designee.

98 (n) The department may file an action for the
99 collection of civil penalties imposed pursuant to this section
100 against an employer in the county where the violation
101 occurred.

102 (o) All ~~moneys~~ monies received from the assessment of
103 any penalty pursuant to this section shall accrue to the State
104 General Fund.

105 (p) In addition to the civil penalties provided for in
106 subsection (b), an employer who violates ~~Act 2009-565~~ this
107 chapter may be deemed guilty of a Class B or Class C
108 misdemeanor. A first conviction shall be deemed a Class C
109 misdemeanor. A second or subsequent conviction shall be deemed
110 a Class B misdemeanor.

111 (q) In addition to civil penalties provided for in
112 subsection (c), an employer who is found in violation of



SB119 Enrolled

113 subsection (c) involving serious physical injury to or death
114 of a minor may be deemed guilty of a ~~Class A misdemeanor~~
115 ~~or Class B felony or~~ Class C felony. A first conviction shall
116 be deemed a ~~Class A misdemeanor~~ C felony. A second or
117 subsequent conviction shall be deemed a ~~Class C~~ B felony."

118 Section 2. Although this bill would have as its purpose
119 or effect the requirement of a new or increased expenditure of
120 local funds, the bill is excluded from further requirements
121 and application under Section 111.05 of the Constitution of
122 Alabama of 2022, because the bill defines a new crime or
123 amends the definition of an existing crime.

124 Section 3. This act shall become effective on October
125 1, 2024.



SB119 Enrolled

126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB119

Senate 19-Mar-24

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives

Passed: 02-May-24

By: Senator Stewart