

**ASSEMBLY BILL**

**No. 2530**

---

---

**Introduced by Assembly Member Duvall**

February 21, 2008

---

---

An act to amend Section 512 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2530, as introduced, Duvall. Private employment: meal periods: transportation workers.

Existing law requires employers to provide meal periods to employees during work periods of specified duration.

This bill would specify that the meal period requirement does not apply to certain employees in the transportation industry.

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. Section 512 of the Labor Code is amended to  
2 read:  
3 512. (a) An employer may not employ an employee for a work  
4 period of more than five hours per day without providing the  
5 employee with a meal period of not less than 30 minutes, except  
6 that if the total work period per day of the employee is no more  
7 than six hours, the meal period may be waived by mutual consent  
8 of both the employer and employee. An employer may not employ  
9 an employee for a work period of more than 10 hours per day  
10 without providing the employee with a second meal period of not

1 less than 30 minutes, except that if the total hours worked is no  
2 more than 12 hours, the second meal period may be waived by  
3 mutual consent of the employer and the employee only if the first  
4 meal period was not waived.

5 (b) Notwithstanding subdivision (a), the Industrial Welfare  
6 Commission may adopt a working condition order permitting a  
7 meal period to commence after six hours of work if the commission  
8 determines that the order is consistent with the health and welfare  
9 of the affected employees.

10 (c) Subdivision (a) does not apply to an employee in the  
11 wholesale baking industry who is subject to an Industrial Welfare  
12 Commission wage order and who is covered by a valid collective  
13 bargaining agreement that provides for a 35-hour workweek  
14 consisting of five ~~seven-hour~~ 7-hour days, payment of ~~1 and~~  $\frac{1}{2}$   
15 *one and one-half* times the regular rate of pay for time worked in  
16 excess of seven hours per day, and a rest period of not less than  
17 10 minutes every two hours.

18 (d) If an employee in the motion picture industry or the  
19 broadcasting industry, as those industries are defined in Industrial  
20 Welfare Commission Wage Orders 11 and 12, is covered by a  
21 valid collective bargaining agreement that provides for meal  
22 periods and includes a monetary remedy if the employee does not  
23 receive a meal period required by the agreement, then the terms,  
24 conditions, and remedies of the agreement pertaining to meal  
25 periods apply in lieu of the applicable provisions pertaining to  
26 meal periods of subdivision (a) of this section, Section 226.7, and  
27 Industrial Welfare Commission Wage Orders 11 and 12.

28 (e) *Subdivision (a) of this section and Section 11090.11 of Title*  
29 *8 of the California Code of Regulations, which require employers*  
30 *to provide meal periods to persons employed in the transportation*  
31 *industry, shall not apply to employees whose hours are regulated*  
32 *by either of the following:*

33 (1) *Sections 395.1 to 395.13, inclusive, of Title 49 of the Code*  
34 *of Federal Regulations, regulating the hours of service of drivers.*

35 (2) *Subchapter 6.5 (commencing with Section 1200) of Title 13*  
36 *of the California Code of Regulations, regulating the hours of*  
37 *service of drivers.*

O