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# A BILL FOR AN ACT

RELATING TO CHILD PERFORMERS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the Coogan Act, also  
2 known as the California Child Actor's Bill, was first passed in  
3 California in 1939 to protect child actors from exploitation in  
4 the entertainment industry. The act was named after actor  
5 Jackie Coogan, who became one of the highest-paid child stars of  
6 his time, only to have his earnings mismanaged by his parents,  
7 leaving him with little financial security when he reached  
8 adulthood. The Coogan Act has had a lasting impact by securing  
9 financial protection for child actors, ensuring that they can  
10 enjoy the benefits of their hard work once they become adults,  
11 and promoting greater responsibility in the entertainment  
12 industry.

13           The purpose of this Act is to protect the safety, morals,  
14 health, and well-being of child performers who work or reside in  
15 the State by requiring that a portion of the child performer's  
16 earnings be kept in trust for the benefit of the child performer  
17 until the child reaches the age of majority.



1 SECTION 2. Chapter 554B, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§554B- Minors in theatrical employment; mandatory

5 trust account; fiduciary duty. (a) The parent or legal  
6 guardian of a minor in theatrical employment shall establish a  
7 trust account for the benefit of the minor prior to the minor's  
8 first instance of theatrical employment and shall maintain the  
9 account until the custodian of the account transfers the  
10 contents of the account to the minor or the minor's estate.

11 (b) The employer of the minor in theatrical employment  
12 shall deposit at least fifteen per cent of the minor's gross  
13 earnings to the trust account for the minor's benefit until the  
14 minor attains majority or is emancipated.

15 (c) The trust account shall be established with an  
16 independent third-party trustee that ensures the security and  
17 growth of the trust account and that provides the minor and the  
18 minor's parent or legal guardian with quarterly statements.

19 (d) Any contracts or agreements involving a minor in  
20 theatrical employment shall be signed by at least one parent or  
21 legal guardian.



1       (e) A parent or legal guardian of a minor in theatrical  
2 employment may access the funds within the mandatory trust  
3 account established pursuant to subsection (a), for the minor,  
4 but only for the benefit of the minor.

5       (f) Any misappropriation or fraudulent use of funds within  
6 the mandatory trust account established pursuant to subsection  
7 (a) by the parent or legal guardian of a minor in theatrical  
8 employment, or the independent third-party trustee acting as the  
9 custodian of the mandatory trust account, shall be a breach of  
10 fiduciary duty subject to civil penalties, criminal prosecution,  
11 and, in the case of the third-party trustee, removal from the  
12 position of trustee.

13       (g) This section shall only apply when the gross income of  
14 the minor in theatrical employment is at least:

15       (1) \$5,000 for a project; or

16       (2) \$20,000 in a calendar year.

17       (h) As used in this section:

18       "Employer" includes any individual, partnership,  
19 association, joint stock company, trust, corporation, the  
20 personal representative of the estate of a deceased individual  
21 or the receiver, trustee, or successor of any of the same,



1 employing any person, but shall not include the State or any  
2 political subdivision thereof or the United States.

3 "Theatrical employment" means gainful occupation as a  
4 model, dancer, singer, musician, social media influencer,  
5 entertainer or motion picture, television, radio or theatrical  
6 performer."

7 SECTION 3. This Act does not affect rights and duties that  
8 matured, penalties that were incurred, and proceedings that were  
9 begun before its effective date.

10 SECTION 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on July 1, 3000.



**Report Title:**

Child Performers; Trust Accounts; Theatrical Employment; Uniform Custodial Trust Act; Fiduciary Duty

**Description:**

Amends the Uniform Custodial Trust Act to specify that for a minor in theatrical employment with a gross income of at least \$5,000 on a project or \$20,000 in a calendar year: a parent or legal guardian of the minor is required to establish a trust account for the minor with an independent third-party trustee; and the employer of the minor is required to deposit a portion of the minor's earnings into the trust account until the minor becomes an adult. Makes misappropriation or fraudulent use of funds within the trust account a breach of fiduciary duty subject to penalties. Effective 7/1/3000. (HD3)

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