

AMENDED IN SENATE MAY 8, 2002
AMENDED IN ASSEMBLY JANUARY 24, 2002
CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 325

Introduced by Assembly Member ~~Reyes~~ Members Reyes, Calderon, Cardenas, Cedillo, Chavez, Firebaugh, Florez, Negrete McLeod, Oropeza, and Salinas
(Principal coauthors: Senators Polanco, Romero, and Soto)

February 16, 2001

~~An act relating to school facilities.~~ *An act to amend Section 1697.1 of the Labor Code, and to amend Section 2400 of the Vehicle Code, relating to protection of farm workers.*

LEGISLATIVE COUNSEL'S DIGEST

AB 325, as amended, Reyes. ~~School facilities: state funding~~
Protection of farm workers.

Existing law imposes various restrictions and duties on farm labor contractors and other employers of farm workers that are designed to protect the health, safety, welfare, and rights of farm workers. Existing law prohibits any person from making false or misleading statements that agricultural employment or any farm worker benefit will be jeopardized unless a worker or his or her family pays a fee or other thing of value for transportation to and from work or an employer's worksite. Existing law makes a violation of this provision a misdemeanor, gives aggrieved individuals and third parties a right to bring a civil action for violations, and specifies the penalties therefor.

This bill would amend existing law to also prohibit farm labor contractors, growers, and other agricultural employers, as defined, from requiring workers to cash their paychecks at designated locations and from charging fees for cashing workers' paychecks. The bill would also increase the specified penalties for violations of this provision and authorize the Labor Commissioner to revoke the license of any farm labor contractor who is shown to have 3 violations of this provision.

Existing law requires the Commissioner of the Department of the California Highway Patrol to enforce all laws regulating the operation of vehicles and the use of the highways, except as provided.

This bill would specify that the Commissioner shall enforce the provisions of the Labor Code that make it a crime to falsely suggest that agricultural employment or any farm worker benefit will be jeopardized unless a fee is paid on behalf of a farm worker for transportation to or from a worksite, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law, the Leroy F. Greene School Facilities Act of 1998, establishes a program for allocation by the State Allocation Board of state per-pupil funding to school districts for new construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.~~

~~Existing law requires the board to adopt regulations to develop a mechanism, for use when available state funding reaches prescribed levels, to rank approved applications for new construction funding by allocating priority points to the applicants based upon factors, including, but not limited to, the percentages of currently, and projected future, unhoused pupils.~~

~~This bill would declare the intent of the Legislature to evaluate the need for continuing the priority point system.~~

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



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

1 ~~SECTION 1. It is the intent of the Legislature to evaluate the~~
2 ~~need for continuing the priority point system established pursuant~~
3 ~~to Section 17072.25 of the Education Code.~~

4 *SECTION 1. Section 1697.1 of the Labor Code is amended to*
5 *read:*

6 1697.1. (a) ~~No~~ A person ~~shall~~ *may not* make, or cause to be
7 made, false, fraudulent, or misleading representations that
8 employment in the growing or producing of farm products, or an
9 employee benefit related to that employment, will be jeopardized
10 unless an individual or his or her family members pay a fee or other
11 thing of value for transportation by that person to or from the
12 business or worksite of an employer.

13 (b) *A farm labor contractor, grower, or other agricultural*
14 *employer may not require a worker to cash his or her paycheck at*
15 *a location designated by the farm labor contractor, grower, or*
16 *agricultural employer or charge a fee for cashing a worker's*
17 *paycheck.*

18 (c) *Every farm labor contractor, grower, and agricultural*
19 *employer shall post a copy of this section in an area frequented by*
20 *farm workers where it may be easily read during the workday.*
21 *Where the location of work or other conditions make posting*
22 *impractical, every farm labor contractor, grower, and agricultural*
23 *employer shall provide a copy of this section to farm workers upon*
24 *request. Copies of this section shall be posted and made available*
25 *in the language understood by the farm workers.*

26 ~~(b)~~

27 (d) Any person who violates this section, or who causes or
28 induces another to violate this section, is guilty of a misdemeanor
29 punishable by a fine of not ~~more~~ *less* than five thousand dollars
30 (\$5,000) ~~and not less than five hundred dollars (\$500), or~~
31 imprisonment in the county jail for not more than ~~30~~ 90 days, or
32 both. *After providing the licensee an opportunity to be heard*
33 *pursuant to Section 1692, the Labor Commissioner shall revoke*
34 *the license of any farm labor contractor who is shown to have*
35 *violated this section three times.*

36 ~~(e)~~

37 (e) Any individual claiming to be aggrieved by a violation of
38 this section may bring a civil action for injunctive relief, damages,



1 or both. If the court finds that the defendant has violated this
2 section, it shall award actual damages, plus an amount equal to
3 treble the amount of actual damages, or five ~~hundred thousand~~
4 dollars ~~(\$500)~~ (\$5,000) per violation, whichever is greater. The
5 court shall also grant a prevailing plaintiff reasonable attorneys'
6 fees and costs.

7 ~~(d)~~

8 (f) Any other party who, upon information and belief, claims
9 a violation of this section has been committed may bring a civil
10 action for injunctive relief on behalf of the general public and,
11 upon prevailing, shall recover reasonable attorneys' fees and
12 costs.

13 (g) For purposes of this section, "farm labor contractor" has
14 the same meaning as that set forth in Section 1682.

15 (h) For purposes of this section, "agricultural employer" has
16 the same meaning as that set forth in subdivision (c) of Section
17 1140.4.

18 SEC. 2. Section 2400 of the Vehicle Code is amended to read:

19 2400. (a) The commissioner shall administer Chapter 4
20 (commencing with Section 10850) of Division 4, Article 3
21 (commencing with Section 17300) of Chapter 1 of Division 9,
22 Division 10 (commencing with Section 20000), Division 11
23 (commencing with Section 21000) except Chapter 11
24 (commencing with Section 22950), Division 12 (commencing
25 with Section 24000), Division 13 (commencing with Section
26 29000), Division 14 (commencing with Section 31600), Division
27 14.1 (commencing with Section 32000), Division 14.5
28 (commencing with Section 33000), Division 14.7 (commencing
29 with Section 34000), Division 14.8 (commencing with Section
30 34500), Division 15 (commencing with Section 35000), Division
31 16 (commencing with Section 36000) except Chapter 2
32 (commencing with Section 36100) and Chapter 3 (commencing
33 with Section 36300), and Division 16.5 (commencing with
34 Section 38000) except Chapter 2 (commencing with Section
35 38010).

36 (b) The commissioner shall enforce all laws regulating the
37 operation of vehicles and the use of the highways except that, on
38 ways or places to which Section 592 makes reference, the
39 commissioner shall not be required to provide patrol or enforce
40 any provisions of this code other than those provisions applicable



1 to private property. *For purposes of this subdivision, subdivision*
2 *(a) of Section 1697.1 of the Labor Code shall be considered a law*
3 *regulating the operation of vehicles and the use of the highways.*

4 (c) The commissioner shall not be required to provide patrol for
5 or enforce Division 16.5 (commencing with Section 38000).

6 (d) The commissioner shall have full responsibility and
7 primary jurisdiction for the administration and enforcement of the
8 laws, and for the investigation of traffic accidents, on all toll
9 highways and state highways constructed as freeways, including
10 transit-related facilities located on or along the rights-of-way of
11 those toll highways or freeways, except facilities of the San
12 Francisco Bay Area Rapid Transit District. However, city police
13 officers while engaged primarily in general law enforcement
14 duties may incidentally enforce state and local traffic laws and
15 ordinances on toll highways and state freeways within
16 incorporated areas of the state. In any city having either a
17 population in excess of 2,000,000 or an area of more than 300
18 square miles, city police officers shall have full responsibility and
19 primary jurisdiction for the administration and enforcement of
20 those laws and ordinances, unless the city council of the city by
21 resolution requests administration and enforcement of those laws
22 by the commissioner.

23 (e) The commissioner shall have full responsibility and
24 primary jurisdiction for the administration and enforcement of the
25 laws, and for the investigation of traffic accidents, on all highways
26 within a city and county with a population of less than 25,000, if,
27 at the time the city and county government is established, the
28 county contains no municipal corporations.

29 (f) The commissioner may enter into any interagency
30 agreement with the State Board of Equalization for the purpose of
31 enforcement of statutes requiring commercial vehicles from
32 foreign jurisdictions to have a diesel fuel tax permit and to make
33 payments to the board as required.

34 (g) The commissioner shall assume those duties and
35 responsibilities of providing protection to state property and
36 employees actually being performed by the California State Police
37 Division on and before July 11, 1995.

38 (h) The commissioner may provide for the physical security of
39 any current or former constitutional officer of the state and current
40 or former legislator of the state.



1 (i) Upon request of the Chief Justice of the California Supreme
2 Court, the commissioner may provide appropriate protective
3 services to any current or former member of the State Court of
4 Appeal or the California Supreme Court.

5 *SEC. 3. No reimbursement is required by this act pursuant to*
6 *Section 6 of Article XIII B of the California Constitution because*
7 *the only costs that may be incurred by a local agency or school*
8 *district will be incurred because this act creates a new crime or*
9 *infraction, eliminates a crime or infraction, or changes the penalty*
10 *for a crime or infraction, within the meaning of Section 17556 of*
11 *the Government Code, or changes the definition of a crime within*
12 *the meaning of Section 6 of Article XIII B of the California*
13 *Constitution.*

