

AMENDED IN SENATE AUGUST 5, 2002

AMENDED IN SENATE MAY 20, 2002

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 Members Reyes, Calderon, Cardenas,
Cedillo, Chavez, Firebaugh, Florez, Negrete McLeod, Oropeza,
and Salinas**

(Principal coauthors: Senators Polanco, Romero, and Soto)

(Coauthors: Assembly Members Havice and Vargas)

February 16, 2001

An act to amend Section 1697.1 of the Labor Code, and to amend Section 2400 of the Vehicle Code, relating to protection of farmworkers.

LEGISLATIVE COUNSEL'S DIGEST

AB 325, as amended, Reyes. Protection of farm workers.

Existing law imposes various restrictions and duties on farm labor contractors and other employers of farmworkers that are designed to protect the health, safety, welfare, and rights of farmworkers. Existing law prohibits any person from making false or misleading statements that agricultural employment or any farmworker 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~~ *3rd* 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, suspend, or refuse to renew, for a period of one year the license of any farm labor contractor who is shown to have a violation 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 farmworker benefit will be jeopardized unless a fee is paid on behalf of a farmworker 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.

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

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

- 1 SECTION 1. Section 1697.1 of the Labor Code is amended
- 2 to read:
- 3 1697.1. (a) A person may not make, or cause to be made,
- 4 false, fraudulent, or misleading representations that employment
- 5 in the growing or producing of farm products, or an employee
- 6 benefit related to that employment, will be jeopardized unless an
- 7 individual or his or her family members pay a fee or other thing of
- 8 value for transportation by that person to or from the business or
- 9 worksite of an employer.
- 10 (b) A farm labor contractor, grower, or other agricultural
- 11 employer may not require a worker to cash his or her paycheck at



1 a location designated by the farm labor contractor, grower, or
2 agricultural employer or charge a fee for cashing a worker's
3 paycheck.

4 ~~(e) Every farm labor contractor, grower, and agricultural~~
5 ~~employer shall post a copy of this section in an area frequented by~~
6 ~~farmworkers where it may be easily read during the workday.~~
7 ~~Where the location of work or other conditions make posting~~
8 ~~impractical, every farm labor contractor, grower, and agricultural~~
9 ~~employer shall provide a copy of this section to farmworkers.~~
10 ~~Copies of this section shall be posted and made available in the~~
11 ~~language understood by the farmworkers.~~

12 *(c) A farm labor contractor, grower, or agricultural employer*
13 *shall attach a copy of this section to the first paycheck that each*
14 *employee receives, and to the first paycheck received by each new*
15 *hire who begins work, on or after January 1, 2003. Copies shall*
16 *be in the primary language understood by the employee.*

17 (d) Any person who violates this section, or who causes or
18 induces another to violate this section, is guilty of a misdemeanor
19 punishable by a fine of not less than five thousand dollars (\$5,000),
20 or imprisonment in the county jail for not more than 90 days, or
21 both. After providing the licensee an opportunity to be heard
22 pursuant to Section 1692, the Labor Commissioner shall revoke,
23 suspend, or refuse to renew, for a period of one year the license of
24 any farm labor contractor who is shown to have violated this
25 section.

26 (e) Any individual claiming to be aggrieved by a violation of
27 this section may bring a civil action for injunctive relief, damages,
28 or both. If the court finds that the defendant has violated this
29 section, it shall award actual damages, plus an amount equal to
30 treble the amount of actual damages, or five thousand dollars
31 (\$5,000) per violation, whichever is greater. The court shall also
32 grant a prevailing plaintiff reasonable ~~attorneys'~~ *attorney's* fees
33 and costs.

34 (f) Any other party who, upon information and belief, claims
35 a violation of this section has been committed may bring a civil
36 action for injunctive relief on behalf of the general public and,
37 upon prevailing, shall recover reasonable ~~attorneys'~~ *attorney's*
38 fees and costs.

39 (g) For purposes of this section, ~~“farm labor contractor” has~~
40 *section:*



1 (1) “Farm labor contractor” has the same meaning as that set
2 forth in Section 1682.

3 ~~(h) For purposes of this section, “agricultural employer” has~~

4 (2) “Agricultural employer” has the same meaning as that set
5 forth in subdivision (c) of Section 1140.4.

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

7 2400. (a) The commissioner shall administer Chapter 4
8 (commencing with Section 10850) of Division 4, Article 3
9 (commencing with Section 17300) of Chapter 1 of Division 9,
10 Division 10 (commencing with Section 20000), Division 11
11 (commencing with Section 21000) except Chapter 11
12 (commencing with Section 22950), Division 12 (commencing
13 with Section 24000), Division 13 (commencing with Section
14 29000), Division 14 (commencing with Section 31600), Division
15 14.1 (commencing with Section 32000), Division 14.5
16 (commencing with Section 33000), Division 14.7 (commencing
17 with Section 34000), Division 14.8 (commencing with Section
18 34500), Division 15 (commencing with Section 35000), Division
19 16 (commencing with Section 36000) except Chapter 2
20 (commencing with Section 36100) and Chapter 3 (commencing
21 with Section 36300), and Division 16.5 (commencing with
22 Section 38000) except Chapter 2 (commencing with Section
23 38010).

24 (b) The commissioner shall enforce all laws regulating the
25 operation of vehicles and the use of the highways except that, on
26 ways or places to which Section 592 makes reference, the
27 commissioner shall not be required to provide patrol or enforce
28 any provisions of this code other than those provisions applicable
29 to private property. For purposes of this subdivision, subdivision
30 (a) of Section 1697.1 of the Labor Code shall be considered a law
31 regulating the operation of vehicles and the use of the highways.

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

34 (d) The commissioner shall have full responsibility and
35 primary jurisdiction for the administration and enforcement of the
36 laws, and for the investigation of traffic accidents, on all toll
37 highways and state highways constructed as freeways, including
38 transit-related facilities located on or along the rights-of-way of
39 those toll highways or freeways, except facilities of the San
40 Francisco Bay Area Rapid Transit District. However, city police



1 officers while engaged primarily in general law enforcement
2 duties may incidentally enforce state and local traffic laws and
3 ordinances on toll highways and state freeways within
4 incorporated areas of the state. In any city having either a
5 population in excess of 2,000,000 or an area of more than 300
6 square miles, city police officers shall have full responsibility and
7 primary jurisdiction for the administration and enforcement of
8 those laws and ordinances, unless the city council of the city by
9 resolution requests administration and enforcement of those laws
10 by the commissioner.

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

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

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

26 (h) The commissioner may provide for the physical security of
27 any current or former constitutional officer of the state and current
28 or former legislator of the state.

29 (i) Upon request of the Chief Justice of the California Supreme
30 Court, the commissioner may provide appropriate protective
31 services to any current or former member of the State Court of
32 Appeal or the California Supreme Court.

33 SEC. 3. No reimbursement is required by this act pursuant to
34 Section 6 of Article XIII B of the California Constitution because
35 the only costs that may be incurred by a local agency or school
36 district will be incurred because this act creates a new crime or
37 infraction, eliminates a crime or infraction, or changes the penalty
38 for a crime or infraction, within the meaning of Section 17556 of
39 the Government Code, or changes the definition of a crime within



- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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