

Assembly Bill No. 1675

Passed the Assembly May 29, 2012

Chief Clerk of the Assembly

Passed the Senate August 21, 2012

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 1683 of the Labor Code, relating to farm labor contractors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1675, Bonilla. Farm labor contractors: licenses: civil penalty.

Existing law requires farm labor contractors to be licensed by the Labor Commissioner and to comply with specified employment laws applicable to farm labor contractors. Under existing law, a person who violates farm labor contractor requirements is guilty of a misdemeanor punishable by specified fines, or imprisonment in the county jail for not more than 6 months, or both.

This bill, in addition, would subject a violator of the requirement that a farm labor contractor be licensed to citations issued by the Labor Commissioner and civil penalties that increase as the number of citations for violations increase. The bill would provide that the civil penalties collected under the above-described provisions shall be deposited into the Farmworker Remedial Account and be available, upon appropriation by the Legislature, for purposes of regulating farm labor contractors.

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

SECTION 1. Section 1683 of the Labor Code is amended to read:

1683. (a) A person shall not act as a farm labor contractor until a license to do so has been issued to the person by the Labor Commissioner and the license is in full force and effect and in the person's possession. The Labor Commissioner shall provide by regulation a means of issuing duplicate licenses in case of loss of the original license or any other appropriate instances.

(b) (1) A person who violates this section is subject to a civil penalty as follows:

(A) For any initial citation, one hundred dollars (\$100) for each farmworker employed by the unlicensed person, plus one hundred dollars (\$100) for each calendar day that a violation occurs, for a total penalty not to exceed ten thousand dollars (\$10,000).

(B) For a second citation, two hundred dollars (\$200) for each farmworker employed by the unlicensed person, plus two hundred dollars (\$200) for each calendar day that a violation occurs, for a total penalty not to exceed twenty thousand dollars (\$20,000).

(C) For a third or subsequent citation, five hundred dollars (\$500) for each farmworker employed by the unlicensed person, plus five hundred dollars (\$500) for each calendar day that a violation occurs, for a total penalty not to exceed fifty thousand dollars (\$50,000).

(2) If, upon inspection or investigation, the Labor Commissioner determines that a person has violated this section, the Labor Commissioner shall issue a citation. The procedures for issuing, contesting, and enforcing citations or civil penalties issued by the Labor Commissioner for a violation of this section are the same as those described in Section 1197.1.

(3) The civil penalties collected pursuant to this section shall be deposited into the Farmworker Remedial Account and shall be available, upon appropriation by the Legislature, for purposes of this chapter.

(4) The civil penalties provided for in this section are in addition to any other penalty provided by law.

(c) For purposes of this section, “license” includes a letter of authorization issued by the Labor Commissioner pursuant to paragraph (2) of subdivision (a) of Section 1695.7.

Approved _____, 2012

Governor