

Introduced by Senator Monning
(Coauthor: Assembly Member Medina)

February 19, 2014

An act to amend Sections 1684, 1685, 1690, 1690.1, 1694, 1695, 1695.5, 1695.55, 1696.2, 1696.5, and 1697 of the Labor Code, relating to farm labor contractors, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1087, as introduced, Monning. Farm labor contractors.

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. Existing law requires farm labor contractors to pay license fees to the commission who, in turn, is required to deposit those fees into the Farmworker Remedial Account, which is a continuously appropriated special fund. 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 would prohibit a license to operate as a farm labor contractor from being granted to a person who, within the preceding 3 years, has been found to have committed sexual harassment of an employee.

This bill would increase the license fee paid by an applicant from \$500 to \$600, thereby making an appropriation. The bill would require the fee increase to be expended by the Labor Commissioner to fund the Farm Labor Contractor Enforcement Unit and the Farm Labor Contractor License Verification Unit. The bill would require an applicant to provide the names and addresses of all persons who performed specified services for him or her in the previous year, in order to be issued a license to act as a farm labor contractor. The bill would require

the employees of an applicant for licensure as a farm labor contractor to register as farm labor contractor employees pursuant to federal law, if that registration is required under federal law. The bill would also increase the amount of the surety bond that is required to be deposited with the commissioner in order to be issued a license to act as a farm labor contractor by \$25,000 or \$50,000 based upon the size of the person's annual payroll, and require documentation of the payroll size. The bill would require that the bond be conditioned upon compliance with, and payment of all damages occasioned by failure to comply with, provisions prohibiting sexual harassment, as specified.

Existing law requires an applicant for licensure as a farm labor contractor to have taken a written examination that demonstrates an essential degree of knowledge of current laws and regulations concerning farm labor contractors and authorizes the commissioner to charge a fee of not more than \$100 to cover the cost of administering the exam.

This bill would require that exam to cover laws and regulations concerning sexual harassment in the workplace. The bill would authorize the commissioner to consult with the Department of Fair Employment and Housing in preparing the exam. The bill would also increase the maximum amount the commissioner may charge for developing and administering the exam to \$200.

Existing law authorizes the commissioner to renew a license without requiring the applicant to take the examination if during the previous year the applicant has not been found to be in violation of specified laws and regulations, and meets other criteria.

This bill would include among those laws that the applicant must not have violated laws and regulations related to sexual harassment.

Existing law requires an applicant for a license to act as a farm labor contractor to participate in at least 8 hours of educational classes each year.

This bill would increase the requirement to 16 hours of classes and require that those classes include sexual harassment prevention training.

Existing law provides that it is a crime for an employer who has made withholdings from an employee's wages willfully or with intent to defraud to fail to remit the withholdings to the proper agency or to fail to make any required payments required.

This bill would authorize the commissioner to refuse to issue or renew the license until the amount of any delinquency under these provisions is fully paid.

Existing law requires every licensee to have a written statement ready for inspection stating the rate of compensation he or she receives from the grower and that he or she is paying to employees, as specified.

This bill would require that this statement and any agreement with the grower or other farm labor contractor concerning the amount of the commission or the payment made to the licensee for services be provided to a current or former employee or the grower within 21 calendar days of a written request. The bill would make a licensee who fails to comply with this requirement subject to a civil penalty of \$750.

Existing law provides that any farm labor contractor who engages in farm labor contracting activities after his or her license has been suspended or revoked is punishable by a fine of not less than \$1,000 but not exceeding \$5,000, or by imprisonment for not less than 6 months and not more than one year, or both.

This bill would instead provide that any farm labor contractor who engages in farm labor contracting activities after his or her license has been suspended, revoked, or denied reissuance is punishable by a fine of not less than \$10,000, or by imprisonment for not less than 6 months and not more than one year, or both.

Existing law provides that any violation of these provisions is a crime punishable by a fine of not more than \$1,000, or imprisonment in a county jail for not more than 6 months, or both. Because this bill would change various provisions, the violation of which, are crimes, this bill would impose a state-mandated local program.

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: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 1684 of the Labor Code is amended to
- 2 read:
- 3 1684. (a) The Labor Commissioner shall not issue to any
- 4 person a license to act as a farm labor contractor, nor shall the
- 5 Labor Commissioner renew that license, until all of the following
- 6 conditions are satisfied:

1 (1) The person has executed a written application in a form
 2 prescribed by the Labor Commissioner, subscribed and sworn to
 3 by the person, and containing all of the following:

4 (A) A statement by the person of all facts required by the Labor
 5 Commissioner concerning the applicant’s character, competency,
 6 responsibility, and the manner and method by which the person
 7 proposes to conduct operations as a farm labor contractor if the
 8 license is issued.

9 (B) The names and addresses of all persons, except bona fide
 10 employees on stated salaries, financially interested, either as
 11 partners, associates, or profit sharers, in the proposed operation as
 12 a farm labor contractor, together with the amount of their respective
 13 interests.

14 (C) A declaration consenting to the designation by a court of
 15 the Labor Commissioner as an agent available to accept service
 16 of summons in any action against the licensee if the licensee has
 17 left the jurisdiction in which the action is commenced or otherwise
 18 has become unavailable to accept service.

19 (D) *The names and addresses of all persons who in the previous*
 20 *calendar year performed any services described in subdivision (b)*
 21 *of Section 1682 within the scope of his or her employment by the*
 22 *licensee on whose behalf he or she was acting, unless the person*
 23 *was employed as an independent contractor.*

24 (2) The Labor Commissioner, after investigation, is satisfied as
 25 to the character, competency, and responsibility of the person.

26 (3) (A) The person has deposited with the Labor Commissioner
 27 a surety bond in an amount based on the size of the person’s annual
 28 payroll for all employees, as follows:

29 ~~(A)~~

30 (i) For payrolls up to five hundred thousand dollars (\$500,000),
 31 ~~a twenty-five thousand dollar (\$25,000)~~ *fifty thousand dollar*
 32 *(\$50,000)* bond.

33 ~~(B)~~

34 (ii) For payrolls of five hundred thousand dollars (\$500,000) to
 35 two million dollars (\$2,000,000), ~~a fifty thousand dollar (\$50,000)~~
 36 *one hundred thousand dollar (\$100,000)* bond.

37 ~~(C)~~

38 (iii) For payrolls greater than two million dollars (\$2,000,000),
 39 ~~a seventy-five thousand dollar (\$75,000)~~ *one hundred fifty thousand*
 40 *dollar (\$150,000)* bond.

1 (B) For purposes of this paragraph, the Labor Commissioner
2 shall require documentation of the size of the person's annual
3 payroll which may include, but is not limited to, information
4 provided by the person to the Employment Development
5 Department, the Franchise Tax Board, the Division of Workers'
6 Compensation, the insurer providing the licensee's workers'
7 compensation insurance, or the Internal Revenue Service.

8 ~~Where~~

9 If the contractor has been the subject of a final judgment in a
10 year in an amount equal to ~~that~~ or greater than the amount of the
11 bond required, he or she shall be required to deposit an additional
12 bond within 60 days. ~~The bond~~

13 All bonds required under this chapter shall be payable to the
14 people of the State of California and shall be conditioned ~~that upon~~
15 the farm labor contractor will ~~comply~~ contractor's compliance
16 with all the terms and provisions of this chapter and ~~will pay~~
17 subdivisions (j) and (k) of Section 12940 of, and Sections 12950
18 and 12950.1 of, the Government Code, and payment of all damages
19 occasioned to any person by failure to do so, or by any violation
20 of this chapter or of subdivision (j) or (k) of Section 12940 of, or
21 of Section 12950 or 12950.1 of, the Government Code, or false
22 statements or misrepresentations made in the procurement of the
23 license. The bond shall also be payable for interest on wages and
24 for any damages arising from violation of orders of the Industrial
25 Welfare Commission, and for any other monetary relief awarded
26 to an agricultural worker as a result of a violation of this code or
27 of subdivision (j) or (k) of Section 12940 of, or Section 12950 or
28 12950.1 of, the Government Code.

29 (4) The person has paid to the Labor Commissioner a license
30 fee of five hundred dollars (\$500) plus a filing fee of ten dollars
31 (\$10). However, where a timely application for renewal is filed,
32 the ten dollar (\$10) filing fee is not required. *The license fee shall*
33 *increase by one hundred dollars (\$100), to six hundred dollars*
34 *(\$600), on January 1, 2015. The increased fee shall be expended*
35 *by the Labor Commissioner to fund the Farm Labor Contractor*
36 *Enforcement Unit and the Farm Labor Contractor License*
37 *Verification Unit. Notwithstanding Section 1698, no portion of*
38 *that increase shall be credited to the General Fund.* The Labor
39 Commissioner shall deposit one hundred fifty dollars (\$150) of
40 each licensee's annual license fee into the Farmworker Remedial

1 Account. Funds from this account shall be disbursed by the Labor
2 Commissioner only to persons determined by the Labor
3 Commissioner to have been damaged by any licensee ~~when if~~ the
4 damage exceeds the ~~limits~~ amount of the licensee's bond, licensee's
5 bond or the surety fails to pay the full amount of the licensee's
6 bond, or to persons determined by the Labor Commissioner to
7 have been damaged by an unlicensed farm labor contractor. In
8 making these determinations, the Labor Commissioner shall
9 disburse funds from the Farmworker Remedial Account to satisfy
10 claims against farm labor contractors or unlicensed farm labor
11 contractors, which shall also include interest on wages and any
12 damages arising from the violation of orders of the Industrial
13 Welfare Commission, and for any other monetary relief awarded
14 to an agricultural worker as a result of a violation of this code. The
15 Labor Commissioner may disburse funds from the Farmworker
16 Remedial Account to farm labor contractors, for payment of
17 farmworkers, where a contractor is unable to pay farmworkers due
18 to the failure of a grower or packer to pay the contractor. Any
19 disbursed funds subsequently recovered by the Labor
20 Commissioner pursuant to Section 1693, or otherwise, shall be
21 returned to the Farmworker Remedial Account.

22 (5) The person has taken a written examination that demonstrates
23 an essential degree of knowledge of the current laws and
24 administrative regulations concerning farm labor contractors as
25 the Labor Commissioner deems necessary for the safety and
26 protection of farmers, farmworkers, and the ~~public~~: *public*,
27 *including, protections from sexual harassment in the workplace*.
28 To successfully complete the examinations, the person must
29 correctly answer at least 85 percent of the questions posed. The
30 examination period shall not exceed four hours. The examination
31 may only be taken a maximum of three times in a calendar year.
32 The examinations shall include a demonstration of knowledge of
33 the current laws and regulations regarding wages, hours, and
34 working conditions, penalties, employee housing and
35 transportation, collective bargaining, field sanitation, and safe
36 work practices related to pesticide use, including all of the
37 following subjects:

- 38 (A) Field reentry regulations.
- 39 (B) Worker pesticide safety training.
- 40 (C) Employer responsibility for safe working conditions.

1 (D) Symptoms and appropriate treatment of pesticide poisoning.

2 (6) The person has registered as a farm labor contractor pursuant
3 to the federal Migrant and Seasonal Agricultural Worker Protection
4 Act (29 U.S.C. 1801 et seq.), when registration is required pursuant
5 to federal law, *and that information is provided by the person to*
6 *the Labor Commissioner.*

7 (7) *The person's employees have registered as a farm labor*
8 *contractor employee pursuant to the federal Migrant and Seasonal*
9 *Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) if that*
10 *registration is required pursuant to federal law, and that*
11 *information is provided by the person to the Labor Commissioner.*

12 (b) (1) The Labor Commissioner shall consult with the Director
13 of Pesticide Regulation, the Department of the California Highway
14 Patrol, the Department of Housing and Community Development,
15 the Employment Development Department, *the Department of*
16 *Fair Employment and Housing*, the Department of Food and
17 Agriculture, the Department of Motor Vehicles, and the Division
18 of Occupational Safety and Health in preparing the examination
19 required by paragraph (5) of subdivision (a) and the appropriate
20 educational materials pertaining to the matters included in the
21 examination, and may charge a fee of not more than ~~one hundred~~
22 ~~dollars (\$100)~~ *two hundred dollars (\$200)* to cover the cost of
23 administration of the examination.

24 (2) In addition, the person must enroll and participate in at least
25 ~~eight~~ *16* hours of relevant, educational classes each year. *The*
26 *classes shall include sexual harassment prevention training.* The
27 classes shall be chosen from a list of approved classes prepared
28 by the Labor Commissioner, in consultation with the persons and
29 entities listed in paragraph (1) and county agricultural
30 commissioners.

31 (c) The Labor Commissioner may renew a license without
32 requiring the applicant for renewal to take the examination
33 specified in paragraph (5) of subdivision (a) if the Labor
34 Commissioner finds that the applicant meets all of the following
35 criteria:

36 (1) Has satisfactorily completed the examination during the
37 immediately preceding two years.

38 (2) Has not during the preceding year been found to be in
39 violation of any applicable laws or regulations including, but not
40 limited to, Division 7 (commencing with Section 12501) of the

1 Food and Agricultural Code, *subdivisions (j) and (k) of Section*
2 *12940 of, and Section 12950 or 12950.1 of, the Government Code,*
3 Part 1 (commencing with Section 17000) of Division 13 of the
4 Health and Safety Code, Division 2 (commencing with Section
5 200), Division 4 (commencing with Section 3200), and Division
6 5 (commencing with Section 6300) of this code, and Chapter 1
7 (commencing with Section 12500) of Division 6 of the Vehicle
8 Code.

9 (3) Has, for each year since the license was obtained, enrolled
10 and participated in at least eight hours of relevant, educational
11 classes, chosen from a list of approved classes prepared by the
12 Labor Commissioner.

13 (4) Has complied with all other requirements of this section.

14 SEC. 2. Section 1685 of the Labor Code is amended to read:

15 1685. No license to operate as a farm labor contractor shall be
16 granted:

17 (a) To any person who sells or proposes to sell intoxicating
18 liquors in a building or on premises where he operates or proposes
19 to operate as a farm labor contractor.

20 (b) To a person whose license has been revoked within three
21 (3) years from the date of application.

22 (c) *To a person who, within the preceding three years, has been*
23 *found by a court or an administrative agency to have committed*
24 *sexual harassment of an employee. For purposes of this section,*
25 *“person” means any applicant or any crewleader, mayordomo,*
26 *foreperson, or any other employee of the applicant whose duties*
27 *include the supervision, direction, or control of any agricultural*
28 *worker on behalf of the applicant.*

29 SEC. 3. Section 1690 of the Labor Code is amended to read:

30 1690. The Labor Commissioner may revoke, suspend, or refuse
31 to renew any license ~~when~~ *if* it is shown that any of the following
32 have occurred:

33 (a) The licensee or any agent of the licensee has violated or
34 failed to comply with any of the provisions of this chapter.

35 (b) The licensee has made any misrepresentations or false
36 statements in his or her application for a license.

37 (c) The conditions under which the license was issued have
38 changed or no longer exist.

39 (d) The licensee, or any agent of the licensee, has violated, or
40 has willfully aided or abetted any person in the violation of, or

1 failed to comply with, any law of the State of California regulating
2 the employment of employees in agriculture, the payment of wages
3 to farm employees, or the conditions, terms, or places of
4 employment affecting the health and safety of farm employees,
5 which is applicable to the business, activities, or operations of the
6 licensee in his or her capacity as a farm labor contractor.

7 (e) The licensee, or any agent of the licensee, has failed to
8 comply with any provisions of the Vehicle Code pertaining to a
9 farm labor vehicle, as described in Sections 322 and 323 of the
10 Vehicle Code, under the licensee's control, or has allowed a farm
11 labor vehicle under his or her control to be operated by a driver
12 without a valid driver's license and certificate required pursuant
13 to Section 12519 of the Vehicle Code.

14 (f) The licensee has been found, by a court or the Secretary of
15 Labor, to have violated any provision of the federal Migrant and
16 Seasonal Agricultural Worker Protection Act (Chapter 20
17 (commencing with Section 1801), Title 29, United States Code),
18 provided that the licensee is required to register as a farm labor
19 contractor pursuant to federal law.

20 (g) *The licensee, or any crewleader, mayordomo, foreperson,*
21 *or any other employee of the licensee whose duties include the*
22 *supervision, direction, or control of any agricultural worker on*
23 *behalf of the licensee, has been found by a court or an*
24 *administrative agency to have committed sexual harassment of an*
25 *employee.*

26 SEC. 4. Section 1690.1 of the Labor Code is amended to read:

27 1690.1. (a) If any licensee fails to remit the proper amount of
28 worker contributions required by Chapter 4 (commencing with
29 Section 901) of Part 1 of Division 1 of the Unemployment
30 Insurance Code, or the Employment Development Department has
31 made an assessment for such unpaid worker contributions against
32 the licensee that is final, the Labor Commissioner shall, upon
33 written notice by the Employment Development Department, refuse
34 to issue or renew the license of such licensee until such licensee
35 has fully paid the amount of delinquency for such unpaid worker
36 contributions.

37 The Labor Commissioner shall not, however, refuse to renew
38 the license of a licensee under this section until the assessment for
39 unpaid worker contributions is final and unpaid, and the licensee
40 has exhausted, or failed to seek, his right of administrative review

1 of such final assessment, pursuant to Chapter 4 (commencing with
2 Section 901) of Part 1 of Division 1 of the Unemployment
3 Insurance Code.

4 *(b) If any licensee fails to remit the amounts required by Section*
5 *227, the Labor Commissioner shall refuse to issue or renew the*
6 *license of the licensee until the delinquent amount has been paid*
7 *in full.*

8 SEC. 5. Section 1694 of the Labor Code is amended to read:

9 1694. When a licensee has departed from the State *or has left*
10 *the jurisdiction in which a violation of this chapter is alleged to*
11 *have occurred* with intent to defraud creditors or to avoid service
12 of summons in any action brought under this chapter, service shall
13 be made upon the surety as prescribed in the Code of Civil
14 Procedure. A copy of the summons shall be mailed to the licensee
15 at the last known post-office address of his residence, as shown
16 by the records of the Labor Commissioner. Service is complete as
17 to ~~such~~ *the* licensee, after mailing, at the expiration of the time
18 prescribed by the Code of Civil Procedure for service of summons
19 in the particular court in which suit is brought.

20 SEC. 6. Section 1695 of the Labor Code is amended to read:

21 1695. (a) Every licensee shall do all of the following:

22 (1) Carry his or her license and proof of registration issued
23 pursuant to paragraph (8) with him or her at all times and exhibit
24 the same to all persons with whom he or she intends to deal in his
25 or her capacity as a farm labor contractor prior to so dealing.

26 (2) File at the United States Post Office serving the address of
27 the licensee, as noted on the face of his or her license, with the
28 office of the Labor Commissioner, and with the agricultural
29 commissioner of the county or counties in which the labor
30 contractor has contracted with a grower, a correct change of address
31 immediately upon each occasion the licensee permanently moves
32 his or her address. The address shall also be the mailing address
33 for purposes of notice required by the Labor Code or by any other
34 applicable statute or regulations respecting service by mail.

35 (3) Promptly when due, pay or distribute to the individuals
36 entitled thereto, all moneys or other things of value entrusted to
37 the licensee by any third person for this purpose.

38 (4) Comply on his or her part with the terms and provisions of
39 all legal and valid agreements and contracts entered into between

1 licensee in his or her capacity as a farm labor contractor and third
2 persons.

3 (5) Have available for inspection by his or her employees and
4 by the grower with whom he or she has contracted a written
5 statement in English and Spanish showing the rate of compensation
6 he or she receives from the grower and the rate of compensation
7 he or she is paying to his or her employees for services rendered
8 to, for, or under the control of the grower. *Upon written request,*
9 *the statement shall be provided to a current or former employee*
10 *or the grower within 21 calendar days. A licensee who fails to*
11 *comply with this paragraph is subject to a civil penalty of seven*
12 *hundred fifty dollars (\$750) recoverable by the employee or the*
13 *grower.*

14 (6) Take out a policy of insurance with any insurance carrier
15 authorized to do business in the State of California in an amount
16 satisfactory to the commissioner, which insures the licensee against
17 liability for damage to persons or property arising out of the
18 licensee's operation of, or ownership of, any vehicle or vehicles
19 for the transportation of individuals in connection with his or her
20 business, activities, or operations as a farm labor contractor.

21 (7) Have displayed prominently at the site where the work is to
22 be performed and on all vehicles used by the licensee *or his or her*
23 *employees or agents* for the transportation of employees the rate
24 of compensation the licensee is paying to his or her employees for
25 their services, printed in both English and Spanish and in lettering
26 of a size to be prescribed by the Department of Industrial Relations.

27 (8) Register annually with the agricultural commissioner of the
28 county or counties in which the labor contractor has contracted
29 with a grower.

30 (9) Provide information and training on applicable laws and
31 regulations governing worker safety, including the requirements
32 of Article 10.5 (commencing with Section 12980) of Chapter 2 of
33 Division 7 of the Food and Agricultural Code, *sexual harassment,*
34 *or regulating the terms and conditions of agricultural employment,*
35 *to each crew leader, foreperson, or other employee whose duties*
36 *include the supervision, direction, or control of any agricultural*
37 *worker on behalf of a licensee, or pursuant to, a contract or*
38 *agreement for agricultural services entered into with a licensee.*

39 (10) *Upon written request, provide to a current or former*
40 *employee within 21 calendar days, a copy of any written agreement*

1 *with the grower or other farm labor contractor concerning the*
2 *amount of the commission or the payment made to the licensee for*
3 *services under the contract or agreement. If an oral agreement*
4 *was made with the grower or other farm labor contractor*
5 *concerning the amount of the commission or other services*
6 *provided under the agreement, the licensee shall reduce the*
7 *elements of the agreement to writing and, within 21 calendar days*
8 *of a written request, provide a copy thereof to a current or former*
9 *employee. A licensee who fails to comply with this paragraph is*
10 *subject to a civil penalty of seven hundred fifty dollars (\$750)*
11 *recoverable by the employee.*

12 (b) The board of supervisors of a county may establish fees to
13 be charged each licensee for the recovery of the actual costs
14 incurred by commissioners in the administration of registrations
15 and change of address and the issuance of proofs of registration.

16 SEC. 7. Section 1695.5 of the Labor Code is amended to read:

17 1695.5. (a) Every farm labor contractor, upon request of any
18 agricultural grower with whom he or she has a contract to supply
19 farmworkers, shall immediately furnish the grower with a payroll
20 list of all the contractor's employees working for the grower.

21 (b) The payroll list shall be on a uniform form approved by the
22 Labor Commissioner, which shall include, but not be limited to,
23 the employee's name, social security number, permanent and
24 temporary address, telephone number, and length of employment
25 with the grower.

26 (c) The requirements of this section are in addition to any
27 requirements of federal law, including the federal Migrant and
28 Seasonal Agricultural Worker Protection Act (Chapter 20
29 (commencing with Section 1801), Title 29, United States Code).

30 (d) *A current or former employee asserting a failure of the farm*
31 *labor contractor to comply with a provision of this code, upon*
32 *written request, shall receive within 21 calendar days a complete*
33 *and accurate copy of a payroll list of all of the contractor's*
34 *employees covering the inclusive dates of his or her employment.*
35 *A licensee who fails to comply with this paragraph is subject to a*
36 *civil penalty of seven hundred fifty dollars (\$750) recoverable by*
37 *the employee.*

38 SEC. 8. Section 1695.55 of the Labor Code is amended to read:

39 1695.55. (a) Every person acting in the capacity of a farm
40 labor contractor shall provide any grower with whom he or she

1 has contracted to supply farmworkers a payroll record for each
2 farmworker providing labor under the contract. The payroll record
3 shall include a disclosure of the ~~wages and~~ *net and gross wages,*
4 *total hours worked worked, and total hourly and piece rate*
5 *earnings* for each farmworker.

6 (b) Each grower entering into a contract with a farm labor
7 contractor shall retain a copy of the payroll record provided by the
8 contractor for ~~the duration of the contract.~~ *a period of three years*
9 *after the contract has ended.*

10 SEC. 9. Section 1696.2 of the Labor Code is amended to read:

11 1696.2. All vehicles used by a licensee *or his or her employees*
12 *or agents* for the transportation of individuals in his *or her*
13 operations as a farm labor contractor shall have displayed
14 prominently at the entrance of such vehicle the name of the farm
15 labor contractor and the number of his *or her* license as issued by
16 the Labor Commissioner pursuant to this chapter.

17 SEC. 10. Section 1696.5 of the Labor Code is amended to read:

18 1696.5. Every licensee shall, at the time of each payment of
19 wages, which shall be not less often than once every week as
20 required by Section 205 of this code, furnish each of the workers
21 employed by him *or her* either as a detachable part of the check,
22 draft, or voucher paying the employee's wages, or separately, an
23 itemized statement in writing ~~showing that complies with the~~
24 *requirements of subdivision (a) of Section 226 and shows* in detail
25 each ~~and every~~ deduction made from ~~such~~ *the* wages.

26 SEC. 11. Section 1697 of the Labor Code is amended to read:

27 1697. (a) Any person who violates this chapter, or who causes
28 or induces another to violate this chapter, is guilty of a
29 misdemeanor punishable by a fine of not more than one thousand
30 dollars (\$1,000), or imprisonment in the county jail for not more
31 than six months, or both.

32 (b) Any employee aggrieved by any violation of this chapter,
33 other than acts and conduct also proscribed by Sections 1153,
34 1154, and 1155, may do all of the following:

35 (1) Bring a civil action for injunctive relief or damages, or both,
36 against a farm labor contractor or unlicensed farm labor contractor
37 who violates this chapter and, upon prevailing, shall recover
38 reasonable attorney's ~~fees.~~ *fees and costs, including expert witness*
39 *fees.*

40 (2) Enforce the liability on the farm labor contractor's bond.

1 (c) Any farm labor contractor who engages in farm labor
2 contracting activities after his or her license has been ~~suspended~~
3 ~~or revoked~~ *suspended, revoked, or denied reissuance* is guilty of
4 an offense punishable by a fine of not less than ~~one thousand~~
5 ~~dollars (\$1,000) and not more than five thousand dollars (\$5,000);~~
6 *ten thousand dollars (\$10,000)*, or by imprisonment for not less
7 than six months and not more than one year, or both.

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