

## Assembly Bill No. 555

### CHAPTER 556

An act to amend Section 1696.4 of the Labor Code, and to amend Sections 31401 and 31404 of, and to add Sections 2429.5 and 31408 to, the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 28, 1999. Filed  
with Secretary of State September 29, 1999.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 555, Reyes. Farm labor vehicles.

(1) Under existing law, all vehicles used by a farm labor contractor, as defined, for the transportation of individuals in his or her operation as a farm contractor, and not owned by that contractor, are required to be registered with the Labor Commissioner.

This bill would expand the scope of this registration requirement to include all farm labor vehicles used for the described purposes. The bill would require the Labor Commissioner, commencing on April 1, 2000, to quarterly provide the Commissioner of the California Highway Patrol with a listing of all registered vehicles. The bill would delete a requirement in existing law that a farm labor contractor using a vehicle not owned by that contractor do so only on a fixed fee basis and not upon a rental based upon a percentage of that contractor's earnings.

(2) Existing law requires the Department of the California Highway Patrol to adopt regulations designed to promote the safe operation of farm labor vehicles, as described, including, vehicular design, equipment, passenger safety, and seating. Existing law also prohibits any person from driving any farm labor vehicle, as described, unless there is displayed therein a specified certificate issued by the department stating, among other things, that the vehicle complies with applicable regulations relating to construction, design, and equipment.

This bill would impose upon the owner of the farm labor vehicle and a farm labor contractor, under described circumstances, the responsibility of these inspection requirements. The bill would prohibit the operation of a farm labor vehicle by the owner or the farm labor contractor, under described circumstances, without the issuance of the certificate.

The bill would prohibit any person from operating a farm labor vehicle on a highway unless both headlamps required under existing law are lighted, regardless of the time of day.

Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

The bill would require the department, in cooperation with county and local farm bureaus, to provide a program to educate growers and farmers and farm labor vehicle owners and drivers regarding farm labor vehicle certification requirements, including certification requirements for farm labor vehicle drivers.

(3) Existing law makes it a misdemeanor for any person to operate a farm labor vehicle in violation of specified provisions of law punishable by a \$500 nonsuspendable fine if the violation was willfully committed.

This bill would increase the described fine for willful violations to \$1,000 and would additionally impose a \$500 nonsuspendable fine for each passenger in the vehicle not to exceed a total fine of \$5,000 for each violation.

The bill would expand the definition of the specified crime to include an owner or farm labor contractor who knowingly allows the operation of a farm labor vehicle when the person should have known of the violation, and thereby would impose a state-mandated local program.

(4) 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.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 1696.4 of the Labor Code is amended to read:

1696.4. (a) All vehicles defined in Section 322 of the Vehicle Code, including those described in Section 1696.3, used by a farm labor contractor for the transportation of individuals in his or her operations as a farm labor contractor, including, but not limited to, vehicles not owned by that contractor, shall be registered with the Labor Commissioner. The registration shall include the name of the owner and driver of the vehicle, and the license number and description of the vehicle. The Labor Commissioner shall require, as a condition of registration, that the farm labor contractor submit evidence showing that the contractor has in effect an insurance policy applicable to the vehicle, as required by Section 1695.

(b) Commencing on April 1, 2000, and quarterly thereafter, the Labor Commissioner shall provide the Commissioner of the



California Highway Patrol with a list of all vehicles registered pursuant to subdivision (a).

SEC. 2. Section 2429.5 is added to the Vehicle Code, to read:

2429.5. The department, in cooperation with county and local farm bureaus, shall provide a program to educate growers and farmers and farm labor vehicle owners and drivers regarding farm labor vehicle certification requirements, including, but not limited to, certification requirements for farm labor vehicle drivers.

SEC. 3. Section 31401 of the Vehicle Code is amended to read:

31401. (a) The department shall adopt regulations designed to promote the safe operation of farm labor vehicles described in Section 322, including, but not limited to, vehicular design, equipment, passenger safety, and seating.

(b) The department shall inspect every farm labor vehicle described in Section 322 at least once annually to ascertain whether its construction, design, and equipment comply with all provisions of law. No person shall drive any farm labor vehicle described in Section 322 unless there is displayed therein a certificate issued by the department stating that on a stated day, which shall be within 13 months of the date of operation, an authorized employee of the department inspected the vehicle and found on the date of inspection the vehicle complied with applicable regulations relating to construction, design, and equipment. The commissioner shall provide by rule or regulation for the issuance and display of distinctive inspection certificates.

(c) The department may inspect any vehicle subject to these regulations in maintenance facilities, terminals, labor camps, or other private property of the vehicle owner or the farm labor contractor to insure compliance with the provisions of this code and regulations adopted pursuant to this section.

(d) The owner of any farm labor vehicle or any farm labor contractor, as defined in Section 1682 of the Labor Code, who rents a farm labor vehicle or who otherwise uses a farm labor vehicle to transport individuals is responsible for the inspection required under subdivision (b).

(e) An owner of any farm labor vehicle or any farm labor contractor who operates a farm labor vehicle under the circumstances described in subdivision (d) may not operate that vehicle unless the vehicle has a current certificate described in subdivision (b).

(f) It is unlawful to violate any provision of these regulations or this section.

SEC. 4. Section 31404 of the Vehicle Code is amended to read:

31404. Any person who operates, or any owner or farm labor contractor who knowingly allows the operation of, a farm labor vehicle in violation of subdivision (b) or (d) of Section 31401 or Section 31402 or 31403 is guilty of a misdemeanor. When a person has



been convicted of willfully violating those provisions, the person shall, in addition, be fined not less than one thousand dollars (\$1,000) for each violation, and no part of the fine may be suspended. If passengers are in the vehicle at the time of the violation, the person shall, in addition, be fined five hundred dollars (\$500) for each passenger, not to exceed a total of five thousand dollars (\$5,000) for each violation, and no part of this fine may be suspended. As used in this section, the terms “knowingly” and “willfully” have the same meaning as prescribed in Section 7 of the Penal Code.

SEC. 5. Section 31408 is added to the Vehicle Code, to read:

31408. No person may operate a farm labor vehicle on a highway unless both headlamps required under Section 24400 are lighted, regardless of the time of day.

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

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for the provisions enhancing farm labor vehicle safety to take effect at the earliest possible time, it is necessary that this act take effect immediately.

