

## ● SEASONAL FARM LABOR ACT (*TRANSPORTATION OF WORKERS*)

*STATUTORY CITATION:* 43 Pa. Stat. §§ 1301.101 – 1301.606

*RELATED REGULATIONS:* 34 Pa. Code §§ 31.11 – 31.31

*GENERAL SUMMARY:* Among numerous other provisions, the Seasonal Farm Labor Act gives the state labor secretary broad authority to issue and enforce administrative rules to improve working conditions for seasonal farmworkers in Pennsylvania. Using that authority, the secretary has adopted detailed rules regulating motor vehicles used to transport farmworkers, imposing standards for the safe operation of such vehicles, and prescribing qualifications for individuals driving them.

The rules apply to any individual or business that uses a motor vehicle (other than a passenger car or station wagon) to transport 3 or more seasonal farmworkers at any one time to or from their farm employment, provided the workers (1) are not year-round employees, and (2) occupy living quarters other than their permanent home.

*SPECIFIC TERMS AND CONDITIONS:* Among the key requirements spelled out in the administrative regulations are the following:

**DRIVER QUALIFICATIONS** — To lawfully transport seasonal farmworkers, as defined in brief above, the driver must be at least 21 years of age, must have at least one year's driving experience through all four seasons, and must be able to read and speak English sufficiently to understand highway traffic signs and respond to directions or official inquiries. The driver must possess a valid license or permit authorizing operation of the type of vehicle being used to transport workers.

Likewise, no individual may drive a vehicle used to transport farmworkers unless the individual meets the qualifications listed in the regulations. Among others, these include (1) no loss of a foot, leg, hand or arm, (2) at least 20/40 eyesight in each eye, with or without corrective lenses, (3) ability to distinguish red, green and yellow colors, and (4) no mental, nervous or functional disease that would interfere with safe driving. At least once every 36 months, the driver must submit to a physical examination by a licensed doctor and be found in compliance with all of the state-prescribed standards, as evidenced by the doctor's issuance of a written certificate to that effect. The driver is required to carry the certificate at all times while operating a farmworker transport vehicle.

**VEHICLE EQUIPMENT** — Every vehicle used to transport workers must be equipped with parts, accessories and devices that meet prescribed standards and are in good working order. These include seats, exits, lighting devices and reflectors, brakes, coupling devices, tires, horn, windshield wipers, rear-view mirrors, heaters, fire extinguisher, and road warning devices. Engine fuel may not be carried in or on the vehicle except in a properly mounted tank, and all doors, tailgates, tarps and other such equipment must be securely in place before the vehicle is driven.

**PASSENGER HEALTH AND SAFETY** — Carriers must provide a reasonable rest stop at least once between meal stops. Meal stops are required no less frequently than every 6 hours, and each meal period must be at least 30 minutes' duration. For trips in excess of 600 miles in a truck, the vehicle must be stopped for a period of at least 8 consecutive hours before or upon completion of 600 miles' travel. Passengers must be protected from inclement weather conditions such as rain, snow or sleet. Drivers must observe strict rules regarding fire safety.

**MAXIMUM DRIVING TIME** — No one may drive for more than 10 hours (aggregate time) in any period of 24 consecutive hours, excluding rest and meal stops. Once a driver reaches the 10-hour limit, he or she must be afforded 8 consecutive hours' rest before being allowed to drive again.

### *SPECIAL NOTES OR ADVISORIES*

**RETALIATION** — Interference with, harassment of, eviction of, or termination of the employment of any seasonal farmworker for having filed a civil or criminal complaint under the Seasonal Farm Labor Act is deemed a separate violation of the Act, punishable as a criminal offense.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Bureau of Labor Law Compliance, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17120 (717-787-4763; toll-free 800-932-0665).*

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None.*