

U.S.

● **FEDERAL TRANSPORTATION LAWS (MIGRANT WORKER MOTOR CARRIERS)**

STATUTORY CITATION: 49 USC §§ 31501 – 31504 and §§ 501 – 526

RELATED REGULATIONS: 49 CFR Part 398

GENERAL SUMMARY: Chapter 315 of the federal transportation laws authorizes the U.S. transportation secretary to prescribe operating standards and equipment requirements for vehicles used to transport migrant agricultural workers, qualifications and maximum hours of service for drivers of such vehicles, and requirements for the comfort of passengers. Chapter 5, in turn, authorizes enforcement of the statutory and regulatory provisions governing migrant worker transportation and establishes penalties for violations.

SPECIFIC TERMS AND CONDITIONS: Individuals, businesses, associations and other entities (other than those providing service to the general public) that transport 3 or more migrant agricultural workers at a time to or from their employment on a trip of at least 75 miles and across state lines, in any motor vehicle other than a passenger car or station wagon, are required to comply with detailed regulatory requirements and restrictions, summarized in brief below.

Exception — The standards below do not apply to transportation of migrant workers when (1) the vehicle is designed or used to transport between 9 and 15 passengers, including the driver, (2) the carrier is directly compensated for the transportation service, and (3) the vehicle is operated beyond a 75-mile radius from the driver's normal work-reporting location. Drivers and vehicles in these cases are subject to safety regulations for commercial motor carriers, which are considerably more stringent.

QUALIFICATIONS OF DRIVERS OR OPERATORS — Drivers must meet certain physical qualifications, including eyesight and hearing criteria, and submit to initial and periodic physical examination evidenced by a doctor's certification. Drivers must also meet age and experience requirements and possess a valid operator's license for the class of vehicle to be driven.

DRIVING REGULATIONS — Drivers must adhere to state and local driving rules and observe prescribed procedures related to vehicle equipment, safe loading, rest and meal stops, authorized types of vehicles, vehicle fueling, and other safety measures.

HOURS OF SERVICE — No driver may drive, or be permitted or required to drive, for more than 10 hours (excluding rest and meal stops) in any period of 24 consecutive hours, unless the driver is afforded 8 consecutive hours of rest immediately following the 10-hour driving period.

VEHICLE PARTS AND ACCESSORIES — Vehicles must be equipped with prescribed devices, parts and accessories, in accordance with specifications covering lighting devices, brakes, coupling devices and fifth wheels, tires, and the passenger compartment.

PROTECTION OF PASSENGERS FROM WEATHER — To protect passengers from inclement weather, the passenger compartment of any vehicle (other than a bus) carrying migrant workers must be equipped with a top at least 80 inches high above the floor, and with facilities for covering the sides and ends of the passenger compartment. Any removable weather-protective devices such as a tarpaulin must be secured in place.

VEHICLE INSPECTION AND MAINTENANCE — The person in control of any vehicle used to transport workers is obligated to inspect and maintain the vehicle and its accessories, to assure its safe and proper operating condition.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Washington, D.C. 20590 (800-832-5660).* Through field offices in every state, FMCSA agents are authorized to inspect vehicles being used to transport migrant agricultural workers. Any vehicle found on inspection to be likely to cause an accident or breakdown by virtue of its mechanical condition or loading may be declared and marked "out of service" and may not be operated until required repairs noted on the compliance check form have been completed. The agency is authorized to receive and investigate complaints, to conduct related hearings, and when violations are found, to assess civil money penalties. Violators are also subject to criminal penalties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – The migrant worker transportation regulations are also enforced by state motor carrier safety enforcement agencies.

● **MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT (MOTOR VEHICLE SAFETY)**

STATUTORY CITATION: 29 USC § 1841

RELATED REGULATIONS: 29 CFR Part 500, Subpt. D

GENERAL SUMMARY: The Migrant and Seasonal Agricultural Worker Protection Act regulates the employment activities of farm labor contractors, and imposes related limitations and obligations on agricultural employers and agricultural associations which employ migrant or seasonal farmworkers. Apart from such other major provisions as contractor registration, notification, recordkeeping, payment of wages, and housing, the Act includes specific requirements relating to worker transportation.

SPECIFIC TERMS AND CONDITIONS: In general, any farm labor contractor, agricultural employer or agricultural association using (or causing to be used) any vehicle to transport a migrant or seasonal agricultural worker must comply with prescribed safety and insurance requirements, key elements of which are summarized below.

Exceptions — These provisions do not apply to (1) transportation of any worker on a tractor, combine, harvester or similar machinery while the worker is engaged in planting, cultivating or harvesting activities, (2) any individual worker carrying only immediate family members, or (3) carpooling arrangements made by the workers themselves, using one of the workers' own vehicles and not directed by an agricultural employer or association or participated in by a farm labor contractor.

PASSENGER CARS AND STATION WAGONS — Passenger cars and station wagons used by a contractor, employer or association

Transportation — Farmworker Transportation Safety — U.S.

to transport workers must meet qualitative standards covering external lights, brakes, tires, steering, horn, mirrors, windshields and windshield wipers, the fuel system, exhaust system, ventilation, safe loading, seats, handles and latches, and the passenger compartment. These same specifications also apply to vehicles other than passenger cars and station wagons, provided the distance traveled on any one trip does not exceed 75 miles (one trip may have numerous intermediate stops). Pickup trucks transporting passengers only within the cab are treated as station wagons.

OTHER VEHICLES ON TRIPS EXCEEDING 75 MILES — When a migrant or seasonal worker is transported by a contractor, employer or association in a vehicle other than a passenger car or station wagon on any trip of more than 75 miles, the vehicle is subject to the U.S. Department of Transportation's migrant worker transportation safety standards (*described in the preceding entry*), but without regard to the mileage and state-line limitations mentioned in those provisions. In brief, these standards include:

Driver Qualifications — Drivers must meet minimum prescribed physical requirements, obtain a certificate of physical examination from a licensed medical doctor, meet specified age and experience requirements, possess a valid driver's license for the type of vehicle being used to transport workers, and meet other related standards.

Driver and Vehicle Compliance — The driver must comply with prescribed rules for passenger and cargo loading, driving, meal and rest stops, fueling and other operational functions. The vehicle must meet standards related to parts and accessories, seating capacity, passenger safety, and other equipment specifications.

INSURANCE — A farm labor contractor, agricultural employer or agricultural association may not transport migrant or seasonal farmworkers in any vehicle owned, controlled or operated by the contractor, employer or association, unless he or she has an insurance policy or liability bond in effect which insures against liability for damage to persons or property arising from ownership or operation of the vehicle. The liability limit must be no less than \$100,000 for each seat in the vehicle, up to a maximum of \$5,000,000 for any one vehicle. In general, the owner or lessor of the vehicle is responsible for providing the required insurance.

Likewise, when an employer of a migrant or seasonal farmworker provides workers' compensation insurance protecting against bodily injury or death while the worker is being transported, the employer must also obtain property damage insurance with minimum coverage of \$50,000 for loss or damage in any one accident.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by the Act. Any worker who has been subjected to retaliation may file a complaint with the Wage and Hour Division, at any time within 180 days after the violation occurs.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 (202-693-0072).* The Wage and Hour Division is responsible for investigating complaints or suspected violations under the Act, including those involving the transportation of agricultural workers. Wage and Hour personnel may interview workers, contractors and employers, inspect and copy records, and consult with related compliance agencies in enforcing these provisions. When a violation is confirmed, the agency may suspend or revoke the contractor's certificate of registration and may impose civil penalties against the contractor, employer or association involved.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*

PRIVATE CIVIL ACTION — Independent of enforcement action by the Department of Labor, a worker aggrieved by a violation of the Migrant and Seasonal Agricultural Worker Protection Act may file suit in federal court against the offending contractor or employer to recover damages sustained as a result of the violation.

California

● WORKER TRANSPORTATION LAWS

STATUTORY CITATION: Cal. Veh. Code §§ 31401–31409

RELATED REGULATIONS: Cal. Code Regs. Title 13, §§ 1200–1270.5

GENERAL SUMMARY: The California Vehicle Code authorizes the adoption of regulations to promote the safe operation of farm labor vehicles, defined as any motor vehicle designed, used or maintained for the transportation of 9 or more farmworkers (in addition to the driver) to or from a place of employment or employment-related activities. Farm labor vehicles must also be inspected and may not be operated without a certificate issued by the enforcement agency in accordance with these provisions.

SPECIFIC TERMS AND CONDITIONS

INSPECTION — Every farm labor vehicle must be inspected at least once a year to determine if its construction, design and equipment comply with all applicable laws and regulations. No one may drive any farm labor vehicle unless a certificate issued by the enforcement agency and attesting to the inspection and compliance is displayed in the vehicle. Except to take the unloaded vehicle to a repair facility, or until the vehicle and its equipment have been made to conform to state standards, no one may drive any farm labor vehicle after notice by the state agency to the owner that the vehicle is unsafe or not equipped as required.

MECHANIC'S CERTIFICATION — A farm labor vehicle known to an owner, farm labor contractor or driver to be unsafe, or not equipped as required by law, may not be used to transport any passengers until it is properly repaired or equipped and certified as such by a competent mechanic.

DESIGN AND EQUIPMENT REQUIREMENTS — Unless a specific exemption has been granted by the enforcement agency and is carried in the vehicle for which it was issued, every farm labor vehicle must be designed and equipped as prescribed by regulation. Among other requirements, each vehicle's brakes, tires and rims, exhaust system, electrical system, lighting, windows, mirrors, doors and seats must meet detailed numerical and qualitative standards, and the vehicle must have a fire extinguisher, first-aid kit and roadside warning devices. With few exceptions, farm labor vehicles must be equipped with passenger seatbelts. The administrative rules also prescribe the design and maintenance of vehicle emergency exits.

PENALTIES — Anyone who operates a farm labor vehicle that presents an immediate safety hazard is guilty of a misdemeanor punishable by a fine ranging from \$1,000 to \$5,000, by a jail sentence of up to 6 months, or both.

SPECIAL NOTES OR ADVISORIES

To report a farm labor vehicle violation, call the Highway Patrol toll-free at 1-800-TELL-CHP (1-800-835-5247).

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Commercial Vehicle Section, California Highway Patrol, Sacramento, California 95811 (916-843-3400).* The Highway Patrol is responsible for the certification of farm labor vehicles and may inspect any such vehicle on any public roadway in the state, and at any maintenance facility, terminal, labor camp or other private property, to ensure compliance with these provisions.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

● DRIVERS' LICENSE LAWS

STATUTORY CITATION: Cal. Veh. Code §§ 12519

RELATED REGULATIONS: Cal. Code Regs. Title 13, §§ 1200–1270.5

GENERAL SUMMARY: The state drivers' license laws provide for the issuance of farm labor vehicle drivers' certificates, which apply to the operation of any motor vehicle designed, used or maintained for the transportation of 9 or more farmworkers (in addition to the driver) to or from a place of employment or employment-related activities.

SPECIFIC TERMS AND CONDITIONS

FARM LABOR VEHICLE DRIVER'S CERTIFICATE — No person may operate a farm labor vehicle unless the person has in his or her possession (1) a driver's license for the appropriate class of vehicle to be driven, and (2) when transporting one or more farmworker passengers, a farm labor vehicle driver's certificate issued by the state. Before such a certificate will be issued, applicants must, among other requirements, present evidence that they have successfully completed a state-sanctioned driver training course, pass a state-administered examination, and pay a \$12 fee.

GROUND FOR REFUSING ISSUANCE — The state administering agency will deny a farm labor vehicle driver's certificate to any applicant who (1) has been convicted, within the 3 years immediately preceding application, of certain specified driving violations, or has had the driving privilege suspended, revoked or placed on probation for a cause involving unsafe operation of a motor vehicle, (2) has a history of excessive use of alcoholic beverages or drugs, or (3) does not meet state minimum medical standards. Issuance of a certificate may also be denied to any applicant who has been determined to be a reckless or incompetent driver.

GROUND FOR REVOCATION — The state agency will revoke the farm labor vehicle driver's certificate of any driver who, after issuance of the certificate, (1) is convicted of certain specified driving violations, has had the driving privilege suspended or revoked for a cause involving unsafe operation of a motor vehicle, or is found by the state agency to be a negligent driver, (2) is incapable of safe driving due to excessive and continual use of alcoholic beverages, or (3) habitually or excessively uses or is addicted to the use of any drug. Likewise, the agency may revoke a certificate for any cause, whether existing before or after the issuance of the certificate, which would represent grounds for refusing to issue a certificate to an applicant.

Transportation — Farmworker Transportation Safety — California

IMMEDIATE-FAMILY EXEMPTION — In addition to the exception for vehicles used to transport fewer than 9 workers, the farm labor vehicle license laws do not apply to any vehicle carrying only members of the immediate family of the owner or driver of the vehicle.

SPECIAL NOTES OR ADVISORIES

To report a farm labor vehicle violation, call the Highway Patrol toll-free at 1-800-TELL-CHP (1-800-835-5247).

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Commercial Vehicle Section, California Highway Patrol, Sacramento, California 95811 (916-843-3400)*. This agency is responsible for the testing of farm labor vehicle drivers and for issuing temporary certification of qualified drivers pending issuance of a final certificate by the Department of Motor Vehicles. The Highway Patrol is also responsible for enforcing the laws governing operation of motor vehicles on the state's streets and highways.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *Licensing Operations Division, Department of Motor Vehicles, Sacramento, California 95818 (916-657-6721)*. As noted above, the Department of Motor Vehicles is the agency which licenses drivers in the state and issues farm labor vehicle drivers' certificates to applicants who have passed the required examinations and meet other certification standards.

Florida

● FLORIDA UNIFORM TRAFFIC CONTROL LAW (*FARM LABOR VEHICLES*)

STATUTORY CITATION: Fla. Stat. §§ 316.622 and 316.003(23)

GENERAL SUMMARY: The Florida Uniform Traffic Control Law includes provisions requiring the inspection and maintenance of motor vehicles used by certain carriers of farm laborers.

SPECIFIC TERMS AND CONDITIONS: Except for drivers transporting only themselves or their immediate family, any person who transports or who contracts or arranges for the transportation of 9 or more migrant or seasonal farmworkers to or from their employment by motor vehicle must comply with state requirements for the maintenance and operation of vehicles under their control, summarized as follows.

COMPLIANCE WITH FEDERAL VEHICLE STANDARDS — The owner or operator of any motor vehicle used to transport farmworkers on Florida's public highways must ensure that the vehicle meets all applicable vehicle safety standards prescribed under the Migrant and Seasonal Agricultural Worker Protection Act and the federal motor carrier laws governing the transportation of migrant agricultural workers (*see entries, U.S. — Transportation — Farmworker Transportation Safety*).

SEAT BELTS — Farm labor vehicles with a gross weight rating of 10,000 pounds or less must be equipped with an approved seat belt assembly at each passenger position and must display a notice requiring passengers to fasten their seat belts.

AUTHORIZATION STICKER — A farm labor contractor is prohibited from transporting migrant or seasonal farmworkers unless the vehicle clearly displays a state-issued sticker authorizing the contractor to do so.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, Tallahassee, Florida 32399 (850-617-2300)*. The Highway Patrol has authority to enforce all state traffic laws on all streets and highways throughout the state.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – County sheriffs' offices and municipal police departments are responsible for and have authority to enforce all state traffic laws on the streets and roadways within their respective jurisdictions.

Maine

● EMPLOYMENT STANDARDS IN FORESTRY AND FARMING (*TRANSPORTATION OF WORKERS*)

STATUTORY CITATION: Me. Rev. Stat. Title 26, § 643

GENERAL SUMMARY: Chapter 7, Subchapter 2-A of the state labor statutes contains a provision regulating the transportation of farm and forestry workers.

SPECIFIC TERMS AND CONDITIONS: Farm labor contractors who are required to register with the U.S. Department of Labor must provide the migrant and seasonal farmworkers they employ with safe transportation between the workers' lodging and their worksites each day, at no cost to the workers. Among the statutory safety standards that contractors must observe are these:

COMPLIANCE WITH FEDERAL STANDARDS — Each vehicle must meet the vehicle safety standards prescribed by the U.S. Department of Labor's regulations under the Migrant and Seasonal Agricultural Worker Protection Act (*see entry, U.S. — Transportation — Farmworker Transportation Safety*).

OCCUPANCY — The number of occupants in any vehicle used to transport workers may not exceed the manufacturer's design specifications, but in no case may the number exceed 12 at any time. In the case of a 15-passenger van, the seating immediately behind the rear axle must be removed, limiting maximum occupancy to 11 passengers.

EQUIPMENT — Every vehicle used for worker transportation must be equipped with a working seat belt for each worker and a functional first aid kit that meets federal OSHA standards. There must not be any apparatus, attachment or cargo on the vehicle that interferes with operation of the rear door, the side doors or windows. Attachments on the roof for carrying gear are not permitted.

DRIVERS — Anyone driving a vehicle used to transport workers must meet the driver qualifications and follow the MSPA driving standards referenced above. Except in an emergency, a worker who performs agricultural labor is not allowed to operate a worker transportation vehicle for more than 2 hours a day.

INSURANCE — A worker transportation vehicle must be insured for at least the same minimum liability level as required by the state.

EMERGENCY PREPAREDNESS — Each vehicle must have communication equipment capable of providing the most immediate access to emergency medical services, and there must be a driver available at or near the worksite at all times during the workday. For each job site, an emergency action plan, written in language understandable by the worker crew, must be maintained, and it must include information on how to transport injured workers to the nearest emergency facility and how to direct emergency workers to the location of an injured worker who cannot be moved.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by this provision.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Bureau of Labor Standards, Maine Department of Labor, Augusta, Maine 04333 (207-623-7900)*. The Bureau may inspect vehicles subject to these provisions and has authority to enforce compliance.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – Upon the written request of the Bureau, the Maine Department of Transportation and Maine Department of Public Safety are required to provide technical services in connection with vehicle inspections and enforcement of these provisions.

Maryland

● FARM LABOR CONTRACTORS LAW

STATUTORY CITATION: Md. Code, Lab. & Empl. §§ 7-101 – 7-507

RELATED REGULATIONS: Md. Code Regs. 09.12.45

GENERAL SUMMARY: Title 7 of the state labor statutes regulates the recruitment, employment and related business activities of farm labor contractors in Maryland, including the provision of worker transportation. The law generally applies only to individuals who perform farm labor contracting services (1) beyond a 25-mile radius of their permanent place of residence, or (2) both within and outside the state of Maryland, or (3) for more than 13 weeks a year.

SPECIFIC TERMS AND CONDITIONS: Farm labor contractors who use vehicles for transporting migrant agricultural workers in Maryland, or cause vehicles to be used for that purpose, must comply with these requirements:

VEHICLE SAFETY STANDARDS — Each vehicle used to transport migrant farmworkers must conform to applicable federal and state safety standards.

DRIVER LICENSING — Each driver of a vehicle used to transport migrant farmworkers must have a valid and appropriate class of license to operate the vehicle.

INSURANCE — Each vehicle must be insured against liability for injury to persons or property. For vehicles designed for 12 or fewer passengers, the minimum liability limits for bodily injury are \$100,000 per person and \$300,000 per accident, and \$50,000 for property damage. In the case of vehicles designed for more than 12 passengers, minimum coverage for bodily injury per accident increases to \$500,000.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Employment Standards Service Unit, Division of Labor and Industry, Maryland Department of Labor, Licensing and Regulation, Baltimore, Maryland 21201 (410-767-2357).* Representatives of this agency are authorized to inspect vehicles subject to these provisions, examine the driver's license of anyone operating such a vehicle, and request proof of insurance. Violators are subject to civil penalties and criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Michigan

● STATE AGRICULTURE LAWS (*TRANSPORTATION OF MIGRANT AGRICULTURAL WORKERS*)

STATUTORY CITATION: Mich. Comp. Laws §§ 286.601 – 286.602

GENERAL SUMMARY: Chapter 286 of the state agriculture statutes requires the state administering agency to adopt rules establishing minimum health and safety requirements for motor vehicles used to transport migrant agricultural workers to and from agricultural employment. The rules must include specific standards applicable to motor vehicle equipment, accessories and devices, and impose requirements on the drivers of such vehicles.

SPECIFIC TERMS AND CONDITIONS: In lieu of promulgating its own safety standards, Michigan has adopted the federal motor carrier safety regulations applicable to the transportation of agricultural workers (*see entry, U.S. — Transportation — Farmworker Transportation Safety*). The federal standards are consistent with the state statutory language summarized above and generally apply to individuals, employers and other entities that transport 3 or more migrant agricultural workers at a time to or from their employment on a trip of at least 75 miles.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Commercial Vehicle Enforcement Division, Michigan State Police, Dimondale, Michigan 48821 (517-284-3250). Among other law enforcement functions, the Commercial Vehicle Enforcement Division conducts road patrol activities and operates scale facilities relevant to enforcement of the state motor carrier laws, including these provisions. This agency has authority to inspect vehicles used to transport migrant agricultural workers on any street or highway in Michigan, and may issue citations and make arrests for violations.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

North Carolina

● **MOTOR VEHICLE LAWS (*MOTOR CARRIERS OF MIGRATORY FARM WORKERS*)**

STATUTORY CITATION: N.C. Gen. Stat. §§ 20-215.1 – 20-215.5

RELATED REGULATIONS: 19A N.C. Admin. Code 03A .0201 – .0218

GENERAL SUMMARY: Article 6A of the state motor vehicle statutes regulates the transportation of certain migratory farmworkers in North Carolina to and from their places of employment.

SPECIFIC TERMS AND CONDITIONS

TRANSPORTATION STANDARDS — Any person, firm or corporation which, for compensation, transports 5 or more migrant farmworkers in North Carolina at any one time to or from the workplace, in any motor vehicle other than a passenger car or station wagon, must comply with state-prescribed minimum safety standards covering the following subject matter:

Vehicles — Vehicles used to transport workers must be equipped to meet or exceed specifications on coupling devices, lighting equipment, exhaust systems, rear-view mirrors, brakes, steering mechanisms, tires, windshield wipers, and warning devices.

Operating Rules — Migrant motor carriers, as defined in short above, must observe prescribed driving rules, guidelines for the distribution of passengers and load, and maximum hours of service by drivers. Individuals who operate vehicles covered by these provisions must meet minimum age and skill requirements, be in acceptable physical condition, and be properly licensed, all in accordance with specific regulatory standards.

Passenger Safety — Vehicles must be properly outfitted with fire extinguishers and first-aid equipment, must have adequate seating accommodations, and must comply with other passenger safety standards. The law also calls for periodic meal and rest stops and requires operators to observe limits on the passenger capacity of their vehicles.

EXEMPTIONS — The migrant motor carrier provisions do not apply to (1) any migrant farmworker transporting only the worker and the worker's immediate family, (2) the transportation of migratory farmworkers in a vehicle owned by a farmer to and from employment in the farmer's own operation, or (3) any common carrier certified or licensed by the state or federal government.

SPECIAL NOTES OR ADVISORIES

IMPLEMENTING REGULATIONS REPEALED — On November 1, 1991, the detailed state regulatory standards cited above and required under section 215.2 of the statute were repealed.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY - These statutory provisions and minimum standards are enforced by state and local law enforcement agencies, which are authorized to stop any motor vehicle on the public streets and highways for the purpose of assuring compliance.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY - *Division of Motor Vehicles, North Carolina Department of Transportation, Raleigh, North Carolina 27699 (919-716-6650)*. The Division is responsible for adopting and amending, as needed, the rules implementing the migratory farmworker motor carrier law.

Pennsylvania

● 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.*

Texas

● TRANSPORTATION CODE (*MOTOR TRANSPORTATION OF MIGRANT AGRICULTURAL WORKERS*)

STATUTORY CITATION: Tex. Trans. Code §§ 647.001 – 647.019

GENERAL SUMMARY: Chapter 647 of the Transportation Code regulates the transportation of migrant agricultural workers in the state.

SPECIFIC TERMS AND CONDITIONS

APPLICABILITY — The provisions summarized below apply to individuals, firms, associations and other entities that transport 5 or more migrant agricultural workers at any one time a total distance of more than 50 miles within the state, in any motor vehicle other than a passenger car or station wagon. The law does not apply to any migrant worker transporting only the worker or the worker's immediate family, or to private businesses or public agencies that offer transportation to the population at large.

DRIVERS — No one may drive a motor vehicle used to transport migrant agricultural workers under the conditions outlined above, unless the driver meets specified minimum qualifications. Drivers must be at least 18 years of age, have at least one year's driving experience, be familiar with state driving rules, and have a valid permit authorizing operation of the vehicle. Each driver must be examined by a licensed physician and have a current doctor's certificate indicating that the driver is qualified under the standards prescribed in the statute.

OPERATING RULES — Migrant worker motor vehicles must be driven in accordance with specific rules spelled out in the statute, as well as with applicable state and local laws and ordinances. Driving while fatigued or operating vehicles at speeds in excess of legal limits is prohibited. Drivers must assure that vehicle equipment and accessories are in good working order and that passengers and freight are safely loaded. The passenger capacity of any such vehicle may not be exceeded, and passengers must be adequately protected against the elements. Migrant workers may not be transported in closed vehicles without windows or other means of ventilation.

HOURS OF SERVICE — No driver may operate a migrant transportation vehicle for a cumulative period of more than 10 hours (excluding meal and rest stops) in any interval of 24 consecutive hours, unless the driver has rested at least 8 consecutive hours immediately following the 10-hour driving period.

MEAL AND REST STOPS — There must be a meal stop of at least 30 minutes' duration no less frequently than once every 6 hours. Passengers must be provided at least one rest stop between meal stops.

VEHICLE EQUIPMENT — No one engaged in transporting migrant workers may operate any vehicle for that purpose unless it is equipped as prescribed in the statute. The law's qualitative and numerical standards cover lighting equipment, brakes, coupling devices, tires and heaters, and also regulate such items as floor and sidewall construction, seats, exits, handrails and other aspects of passenger compartment safety. Each vehicle must be equipped with a properly mounted fire extinguisher.

INSPECTION AND MAINTENANCE — Each carrier of migrant farmworkers must systematically inspect and maintain all motor vehicles under its control, to ensure they are in safe and proper operating condition.

SPECIAL NOTES OR ADVISORIES

PRESUMPTION OF COMPLIANCE — A person who transports migrant agricultural workers and presents evidence of compliance with the federal migrant worker transportation standards enforced by the U.S. Department of Transportation (*see entry, U.S. — Transportation — Farmworker Transportation Safety*) is deemed to have complied with the state provisions described above.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – These provisions are enforced by state and local law enforcement agencies, through prosecution in the criminal courts. Owners or operators of migrant transportation vehicles that are covered by these provisions and found out of compliance with the applicable standards are subject to criminal fines ranging from \$5 to \$50. Likewise, anyone who drives a vehicle transporting migrant workers and does so without proper licensing and medical certification, or contrary to any other provision of this law, may also be cited and prosecuted.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Wisconsin

● **MIGRANT LABOR LAW (TRANSPORTATION OF MIGRANT WORKERS)**

STATUTORY CITATION: Wis. Stat. §§ 103.91(8)(f) and 103.917

RELATED REGULATIONS: Wis. Admin. Code § DWD 301.05(8)(c)

GENERAL SUMMARY: Wisconsin's migrant labor law includes provisions related to the transportation of migrant workers by farm labor contractors and agricultural employers.

SPECIFIC TERMS AND CONDITIONS

TRANSPORTATION SAFETY — Any transportation provided by an employer to a migrant worker between the worker's places of residence must be safe and adequate. Likewise, for each vehicle used to transport individuals or property in connection with contracting activities, a migrant labor contractor is required to provide a mechanical inspection report to the state.

INSURANCE — Among other duties imposed on migrant labor contractors, every contractor or contractor's agent who owns or operates any vehicle for the transportation of persons or property in connection with contracting activities must maintain liability insurance protecting the contractor or agent against damages arising from the ownership or operation of the vehicle. The liability limits must be no less than \$100,000 for each seat in the vehicle, up to a maximum coverage of \$5,000,000. If the contractor furnishes worker transportation only as the agent of an employer, the employer is responsible for obtaining the required liability insurance.

SPECIAL NOTES OR ADVISORIES

RETALIATION — An employer or labor contractor may not discharge, discipline or discriminate in any manner against a migrant worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. A worker who has been subjected to unlawful retaliation may file suit against the employer or contractor involved, who, in addition to any other damages, may be liable to the worker for reinstatement and accumulated back wages.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Migrant Law Enforcement Section, Employment and Training Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53707 (608-266-0002).* The Department is authorized to investigate reported or suspected violations of the migrant labor transportation provisions, and to take legal action against any contractor or employer who fails or neglects to comply.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — Without regard to any administrative action by the Department, a migrant worker aggrieved by a violation of the migrant labor law by an employer or migrant labor contractor has a right to bring suit against the violator in civil court, using a private attorney or public legal service provider.