
Transportation Committee

HB 2604

Brief Description: Allowing nonprofit corporations and organizations and certain transit providers to provide transportation services to agricultural employees.

Sponsors: Representatives Riccelli, Moscoso, Farrell, Warnick, Fitzgibbon, Roberts, Tarleton, Pollet, Jinkins and Freeman.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Exempts employees and contractors of nonprofit corporations, nonprofit organizations, and transit agencies from the requirements of the Farm Labor Contractor Act when transporting agricultural employees.

Hearing Date: 2/6/14

Staff: David Munnecke (786-7315).

Background:

Farm Labor Contractor Act.

The state Farm Labor Contractor Act (Act) provides for licensing and regulation of farm labor contractors. A "farm labor contractor" is a person who, for a fee, performs any farm labor contracting activity. "Farm labor contracting activity" means recruiting, soliciting, employing, supplying, transporting, or hiring agricultural workers.

The Director of the Department of Labor and Industries (Director) issues licenses to farm labor contractors. The fees are \$35 per year for farm labor contractors not engaged in forestation or reforestation, and \$100 per year for those who are engaged in forestation or reforestation. There are also surety bond and insurance requirements.

The Director also enforces various requirements and prohibitions applicable to farm labor contractors. The Director may bring suit upon a surety bond on behalf of a worker whose rights have been violated, or seek to enjoin a person acting as a farm labor contractor in violation of the

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Act. There are civil penalties of up to \$1,000, as well as criminal penalties, for certain violations of the Act.

Agricultural Vanpool Pilot Project.

In 2011 the Rural Mobility Grant Program (Program) was established, with the designated purpose of aiding small cities and rural areas. Fifty percent of the money appropriated for the Program was required to go to noncompetitive grants for transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs. The other 50 percent of the money appropriated for the Program was required to go to competitive grants to providers of rural mobility services in areas underserved by transit agencies.

The Washington State Department of Transportation (WSDOT) was also required to implement a pilot project during the 2011-2013 fiscal biennium, with funding from the competitive grant portion of the Rural Mobility Grant Program, to provide enhanced transit opportunities to agricultural workers through the establishment of vanpool programs. The pilot project was required to, at a minimum, provide appropriate vehicles, insurance, and maintenance and could charge a fee, as determined by the WSDOT, to riders.

A special needs transportation provider in Eastern Washington was selected to receive the initial planning and development plans for the pilot project. However, regulatory requirements and potential liability related to working with agricultural workers ultimately led the special needs transportation provider to decline to enter into an operating contract for the vanpool pilot project.

Summary of Bill:

The employees and contractors of nonprofit corporations, nonprofit organizations, and transit agencies are exempted from the requirements of the Farm Labor Contractor Act when transporting agricultural employees.

Any exemption from the requirement to contribute to the cost of a vanpool that is provided to a vanpool driver is not considered a fee for purposes of the Farm Labor Contractor Act.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.