
SUBSTITUTE HOUSE BILL 2604

State of Washington

63rd Legislature

2014 Regular Session

By House Transportation (originally sponsored by Representatives Riccelli, Moscoso, Farrell, Warnick, Fitzgibbon, Roberts, Tarleton, Pollet, Jinkins, and Freeman)

READ FIRST TIME 02/11/14.

1 AN ACT Relating to allowing nonprofit corporations and
2 organizations and certain transit providers to provide transportation
3 services to agricultural employees; amending RCW 19.30.010; adding a
4 new section to chapter 19.30 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** Farm laborers have limited transit options
7 available to them and often face financial constraints preventing
8 travel to work by personal vehicle. It is the intent of the
9 legislature that transit agencies and nonprofit transportation
10 providers are able to support vanpool programs for agricultural workers
11 in the same manner as other vanpool programs, while maintaining the
12 existing protections provided in current law for agricultural workers.
13 It is also the intent of the legislature to make vanpool programs for
14 local agricultural workers possible, but not to fund transportation for
15 workers brought in under the federal H-2A or H-2B visa programs.

16 **Sec. 2.** RCW 19.30.010 and 1985 c 280 s 1 are each amended to read
17 as follows:

18 As used in this chapter:

1 (1) "Person" includes any individual, firm, partnership,
2 association, corporation, or unit or agency of state or local
3 government.

4 (2) "Farm labor contractor" means any person, or his or her agent
5 or subcontractor, who, for a fee, performs any farm labor contracting
6 activity.

7 (3) "Farm labor contracting activity" means recruiting, soliciting,
8 employing, supplying, transporting, or hiring agricultural employees.

9 (4) "Agricultural employer" means any person engaged in
10 agricultural activity, including the growing, producing, or harvesting
11 of farm or nursery products, or engaged in the forestation or
12 reforestation of lands, which includes but is not limited to the
13 planting, transplanting, tubing, precommercial thinning, and thinning
14 of trees and seedlings, the clearing, piling, and disposal of brush and
15 slash, the harvest of Christmas trees, and other related activities.

16 (5) "Agricultural employee" means any person who renders personal
17 services to, or under the direction of, an agricultural employer in
18 connection with the employer's agricultural activity.

19 ~~(6) ((This chapter shall not apply to employees of the employment
20 security department acting in their official capacity or their agents,
21 nor to any common carrier or full time regular employees thereof while
22 transporting agricultural employees, nor to any person who performs any
23 of the services enumerated in subsection (3) of this section only
24 within the scope of his or her regular employment for one agricultural
25 employer on whose behalf he or she is so acting, unless he or she is
26 receiving a commission or fee, which commission or fee is determined by
27 the number of workers recruited, or to a nonprofit corporation or
28 organization which performs the same functions for its members. Such
29 nonprofit corporation or organization shall be one in which:~~

30 ~~(a) None of its directors, officers, or employees are deriving any
31 profit beyond a reasonable salary for services performed in its behalf.~~

32 ~~(b) Membership dues and fees are used solely for the maintenance of
33 the association or corporation.~~

34 ~~(7))~~ (a) "Fee" means:

35 ~~((+a))~~ (i) Any money or other valuable consideration paid or
36 promised to be paid for services rendered or to be rendered by a farm
37 labor contractor.

1 ~~((b))~~ (ii) Any valuable consideration received or to be received
2 by a farm labor contractor for or in connection with any of the
3 services described in subsection (3) of this section, and shall include
4 the difference between any amount received or to be received by him or
5 her, and the amount paid out by him or her for or in connection with
6 the rendering of such services.

7 ~~((8))~~ (b) "Fee" does not include the cost savings resulting from
8 a vanpool driver, as designated by a transit agency or nonprofit
9 transportation provider, being exempt from contributing to vanpool
10 costs.

11 (7) "Director" as used in this chapter means the director of the
12 department of labor and industries of the state of Washington.

13 NEW SECTION. Sec. 3. A new section is added to chapter 19.30 RCW
14 to read as follows:

15 This chapter does not apply to:

16 (1) Employees of the employment security department acting in their
17 official capacity or their agents;

18 (2) Any common carrier or its full-time regular employees, while
19 transporting agricultural employees;

20 (3) Any nonprofit corporation or organization organized under
21 chapter 24.03 RCW, its full-time or part-time regular employees, or its
22 contractors, while transporting agricultural employees;

23 (4) Any transit provider authorized under chapter 36.56, 36.57,
24 36.57A, or 81.112 RCW or RCW 35.58.2721, its full-time or part-time
25 regular employees, or its contractors, while transporting agricultural
26 employees;

27 (5) Any person who performs any of the services enumerated in RCW
28 19.30.010(3) only within the scope of his or her regular employment for
29 one agricultural employer on whose behalf he or she is so acting,
30 unless he or she is receiving a commission or fee, which commission or
31 fee is determined by the number of workers recruited, or to a nonprofit
32 corporation or organization which performs the same functions for its
33 members. Such nonprofit corporation or organization must be one in
34 which:

35 (a) None of its directors, officers, or employees are deriving any
36 profit beyond a reasonable salary for services performed in its behalf;
37 and

1 (b) Membership dues and fees are used solely for the maintenance of
2 the association or corporation.

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