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HOUSE BILL 2604

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State of Washington

63rd Legislature

2014 Regular Session

By Representatives Riccelli, Moscoso, Farrell, Warnick, Fitzgibbon, Roberts, Tarleton, Pollet, Jinkins, and Freeman

Read first time 01/22/14. Referred to Committee on Transportation.

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

15 As used in this chapter:

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

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

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

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

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

16 (6) This chapter shall not apply to employees of the employment  
17 security department acting in their official capacity or their agents,  
18 nor to any common carrier or full time regular employees thereof while  
19 transporting agricultural employees, nor to any nonprofit corporation  
20 or organization organized under chapter 24.03 RCW, full time regular  
21 employees thereof, or contractors thereof while transporting  
22 agricultural employees, nor to any transit providers authorized under  
23 chapter 36.56, 36.57, 36.57A, or 81.112 RCW or RCW 35.58.2721, full  
24 time regular employees thereof, or contractors thereof while  
25 transporting agricultural employees, nor to any person who performs any  
26 of the services enumerated in subsection (3) of this section only  
27 within the scope of his or her regular employment for one agricultural  
28 employer on whose behalf he or she is so acting, unless he or she is  
29 receiving a commission or fee, which commission or fee is determined by  
30 the number of workers recruited, or to a nonprofit corporation or  
31 organization which performs the same functions for its members. Such  
32 nonprofit corporation or organization shall be one in which:

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

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

37 (7)(a) "Fee" means:

1       (~~(a)~~) (i) Any money or other valuable consideration paid or  
2 promised to be paid for services rendered or to be rendered by a farm  
3 labor contractor.

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

10       (b) "Fee" does not include the benefit of a vanpool driver, as  
11 designated by a transit agency or nonprofit transportation provider,  
12 exempted from contributing to vanpool costs.

13       (8) "Director" as used in this chapter means the director of the  
14 department of labor and industries of the state of Washington.

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