

U.S.

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

TERMS: In general, anyone who transports 3 or more migrant farmworkers 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, is required to comply with detailed federal safety standards, summarized in brief below.

These requirements *do not apply* to a migrant farmworker transporting only the worker or members of the worker's immediate family, or to transportation systems offering service to the general public.

Driver Qualifications — Individuals who drive vehicles used to transport farmworkers, as defined above, must meet certain physical qualifications, including eyesight and hearing standards, and must be certified periodically by a doctor as having passed a physical examination. Drivers must also meet age and experience requirements and have a valid driver's license for the type of vehicle to be driven.

Vehicle Operation — Drivers must obey state and local driving rules and observe special procedures related to vehicle equipment, safe loading, rest and meal stops, authorized types of vehicles, vehicle fueling, and other safety measures. No driver may drive, or be permitted or required to drive, for more than 10 hours (not counting rest and meal stops) in any period of 24 consecutive hours, unless the driver gets 8 consecutive hours of rest immediately following the 10-hour driving period.

Vehicle Standards — Vehicles used to transport migrant workers must be equipped with prescribed devices, parts and accessories, in accordance with specifications covering lighting devices, brakes, connecting devices, tires, the passenger compartment, and protection of passengers from the weather. 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.

ENFORCEMENT: *Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Washington, D.C. 20590 (800-832-5660).* The migrant farmworker transportation regulations are also enforced by the state agencies responsible for motor vehicle and transportation safety.

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

TERMS: In general, any farm labor contractor, agricultural employer or agricultural association that uses a motor vehicle to transport a migrant or seasonal agricultural worker must comply with prescribed safety and insurance requirements, summarized below.

Exceptions — These provisions do not apply to (1) transportation of a 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 farm labor contractor, agricultural employer or agricultural association to transport workers must meet standards covering 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. 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 farmworker 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 previous 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 certain physical requirements, obtain a certificate of 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 bond covering injury to persons and damage to property which results from 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 person who owns or has control over 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.

ENFORCEMENT: *Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 (202-693-0072).* Local offices of the Wage and Hour Division may be located on the agency's website, at www.dol.gov/whd/america2.htm.

Apart from any enforcement action by the Department, a worker who has been harmed as a result of a violation of this law may take legal action against the contractor, employer or other person responsible for the violation directly, using a private attorney or a public legal services program.

SPECIAL NOTE: An employer or farm labor contractor may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law. Any such act of retaliation should be reported to the Wage and Hour Division within 180 days after it occurs.

California

■ WORKER TRANSPORTATION LAWS

TERMS: Every motor vehicle used to transport 9 or more farmworkers (in addition to the driver) to or from a place of employment, must be inspected by the state at least once a year to assure that it conforms with state safety regulations. Among other requirements, each vehicle's brakes, tires and rims, exhaust system, electrical system, lighting, windows, mirrors, doors and seats must meet detailed standards, and the vehicle must have a fire extinguisher, first-aid kit and roadside warning devices. The rules also prescribe the design and maintenance of vehicle emergency exits.

No one may drive any farm labor vehicle unless a state-issued certificate documenting 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 a farm labor vehicle after notice by the state agency to the owner that the vehicle is unsafe or not equipped as required. 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.

ENFORCEMENT: *Commercial Vehicle Section, California Highway Patrol, Sacramento, California 95811 (916-843-3400).* To report a farm labor vehicle violation, call the Highway Patrol toll-free at 1-800-TELL-CHP (1-800-835-5247).

■ DRIVERS' LICENSE LAWS

TERMS: No person may operate any vehicle intended for the transportation of 9 or more farmworkers to or from the job, unless the person has in his or her possession (1) a driver's license for the specific type 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 present evidence that they have successfully completed a state-approved driver training course, pass a state-administered examination, have an acceptable driving record, and meet minimum medical standards.

In addition to vehicles used to transport fewer than 9 workers, the farm labor vehicle licensing provisions do not apply to any vehicle carrying only members of the immediate family of the owner or driver of the vehicle.

ENFORCEMENT: *Commercial Vehicle Section, California Highway Patrol, Sacramento, California 95811 (916-843-3400).* This agency is responsible for testing and temporary certification of farm labor vehicles. Issuance of drivers' licenses and final vehicle certificates is the responsibility of the *Licensing Operations Division, Department of Motor Vehicles, Sacramento, California 95818 (916-657-6721).*

Florida

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

TERMS: Except for drivers transporting only themselves or their immediate family, any person who transports or who arranges for the transportation of 9 or more migrant or seasonal farmworkers to or from their employment 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 vehicle used to transport farmworkers on Florida's public highways must ensure that the vehicle meets vehicle safety standards under the Migrant and Seasonal Agricultural Worker Protection Act and the federal motor carrier laws regulating 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 for each passenger 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.

ENFORCEMENT: *Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, Tallahassee, Florida 32399 (850-617-2300)*. These provisions are also enforced by county sheriffs' offices and city police departments.

Maine

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

TERMS: Farm labor contractors who are required to register with the U.S. Department of Labor must provide the farmworkers they employ with safe transportation between the workers' housing and their worksites each day, at no cost to the workers. Among the safety requirements 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 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 standards. There must not be any device 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 driving standards in the regulations 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, there must be an emergency action plan, written in language understandable by the workers, that includes 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.

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

SPECIAL NOTE: An employer or labor contractor may not fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

Maryland

■ FARM LABOR CONTRACTORS LAW

TERMS: Farm labor contractors who use vehicles to transport migrant agricultural workers in Maryland must comply with certain transportation requirements, summarized below. In general, these apply 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.

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.

ENFORCEMENT: *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.

Michigan

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

TERMS: Anyone who transports 3 or more migrant agricultural workers at a time to or from their employment on a trip of at least 75 miles must comply with state rules regulating vehicles used for that purpose and imposing requirements on the drivers of such vehicles. Instead of developing its own rules, Michigan has adopted the federal safety standards governing the transportation of agricultural workers (*see entry, U.S. — Transportation — Farmworker Transportation Safety*).

ENFORCEMENT: *Commercial Vehicle Enforcement Division, Michigan State Police, Dimondale, Michigan 48821 (517-284-3250)*. This agency has authority to inspect vehicles used to transport migrant agricultural workers on any street or highway in Michigan.

North Carolina

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

TERMS:

Transportation Standards — Anyone who, for pay or profit, 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 safety standards, briefly summarized here:

Vehicles — Vehicles used to transport workers must meet minimum specifications on trailer connection devices, lighting equipment, exhaust systems, rear-view mirrors, brakes, steering mechanisms, tires, windshield wipers, and warning devices.

Operating Rules — Anyone who drives a vehicle transporting 5 or more migrant farmworkers must follow prescribed rules governing operation of the vehicle, the loading of passengers and cargo, and maximum driving hours. 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, have adequate seating accommodations, and comply with other passenger safety standards. The law also requires periodic meal and rest stops and requires operators to observe limits on the passenger capacity of their vehicles.

Exemptions — These provisions *do not apply* to (1) a 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 public transportation service certified or licensed by the state or federal government.

ENFORCEMENT: These provisions 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.

Pennsylvania

■ SEASONAL FARM LABOR ACT (*TRANSPORTATION OF WORKERS*)

TERMS: Under the Seasonal Farm Labor Act, the state labor secretary has adopted rules related to the transportation of seasonal farmworkers. 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 farm employment in Pennsylvania, provided the workers are not year-round employees and are living somewhere other than in their permanent home.

Driver Qualifications — A person who drives a farm labor vehicle 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 enough English to understand highway traffic signs and respond to directions or questions from officials. The driver must have 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 physical qualifications described in the rules, and must have a doctor's certificate confirming that.

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. All doors, tailgates, tarps and other such equipment must be securely in place before the vehicle is driven.

Passenger Health and Safety — Passengers must be provided with a reasonable rest stop at least once between meal stops. Meal stops are required no less often than every 6 hours, and each meal period must be at least 30 minutes in length. For trips of more than 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 weather conditions such as rain, snow or sleet. Drivers must observe strict rules regarding fire safety.

Maximum Driving Time — No one may drive a farm labor vehicle for more than 10 hours in any period of 24 consecutive hours, not counting rest and meal stops. Once a driver reaches the 10-hour limit, he or she must be allowed 8 consecutive hours' rest before being allowed to drive again.

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

SPECIAL NOTE: Interference with, harassment of, eviction of, or termination of the employment of any seasonal farmworker for having filed a complaint under the Seasonal Farm Labor Act is punishable as a criminal offense.

Texas

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

TERMS: It is illegal to transport 5 or more migrant agricultural workers at any one time a total distance of more than 50 miles within the state, in any vehicle other than a passenger car or station wagon, unless the driver meets certain minimum qualifications and operating rules prescribed in the Texas Transportation Code.

This 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 have a current doctor's certificate certifying that the driver meets the physical standards prescribed in the law.

Operating Rules — Migrant worker motor vehicles must be driven in accordance with specific rules that apply to those vehicles, as well as with state and local laws and ordinances. Driving while fatigued or operating vehicles above legal speed 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 — In any period of 24 hours, a driver is not allowed to operate a migrant transportation vehicle for more than 10 hours (excluding meal and rest stops), 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 no less often than once every 6 hours. Passengers must be provided at least one rest stop between meal stops.

Vehicle Equipment — No one who transports migrant workers may operate a vehicle for that purpose unless it is equipped as prescribed in the law. 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 — Owners and operators of motor vehicles used to transport migrant farmworkers must systematically inspect and maintain them, to ensure they are in safe and proper operating condition.

ENFORCEMENT: These provisions are enforced by state and local law enforcement agencies.

SPECIAL NOTE: 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 considered to have complied with the state provisions described above.

Wisconsin

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

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

Transportation Safety — Any transportation provided by an employer to a migrant worker from one place of residence to another must be safe and adequate. Likewise, for each vehicle used to transport individuals and property in connection with labor contracting activities, a migrant labor contractor is required to provide a vehicle inspection report to the state.

Insurance — 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 that may occur due to 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 insurance.

ENFORCEMENT: *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.

Without regard to action by the Department, a migrant worker affected by a violation of the migrant labor law by an employer or migrant labor contractor has a right to file suit against the violator in civil court, using a private attorney or public legal service provider.

SPECIAL NOTE: An employer or labor contractor may not fire, discipline or discriminate in any way 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, using a private attorney or public legal service provider.