

■ **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.