

CHAPTER 392.

[H. B. 268.]

FARM LABOR CONTRACTORS.

AN ACT relating to licensing, and regulating farm labor contractors; designating the director of the department of labor and industries as administrator; defining crimes and prescribing penalties; defining the powers of the director; creating a revolving fund and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

Defined.

SECTION 1. As used in this act:

"Person."

(1) "Person" includes any individual, firm, partnership, association or corporation.

"Farm labor contractor."

(2) "Farm labor contractor" means any person, or his agent, who, for a fee, employs workers to render personal services in connection with the production of any farm products, to, for, or under the direction of an employer engaged in the growing, producing or harvesting of farm products, or who recruits, solicits, supplies, or hires workers on behalf of an employer engaged in the growing, producing or harvesting of farm products or who provides in connection with recruiting, soliciting, supplying or hiring workers engaged in the growing, producing or harvesting of farm products, one or more of the following services: Furnishes board, lodging or transportation for such workers; supervises, times, checks, counts, sizes, or otherwise directs or measures their work; or disburses wage payments to such persons.

No application.

This act shall not apply to employees of the employment security department acting in their official capacity or their agents, nor to any person who performs any of the above services only within the scope of his regular employment for the employer engaged in the growing, producing or harvesting of farm products on whose behalf he is so acting, unless he is receiving a commission or fee, which

commission or fee is determined by the number of workers recruited, or to a nonprofit corporation or organization which performs the same functions for its members: *Provided, however,* That said nonprofit corporation or organization shall be one in which:

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

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

(3) "Fee" means:

"Fee."

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

(b) Any valuable consideration received or to be received by a farm labor contractor for or in connection with any of the services described above, and shall include the difference between any amount received or to be received by him, and the amount paid out by him for or in connection with the rendering of such services.

(4) "Director" as used in this act means the director of the department of labor and industries of the state of Washington.

"Director."

SEC. 2. No person shall act as a farm labor contractor until a license to do so has been issued to him by the director, and unless such license is in full force and effect and is in his possession. The director shall, by regulation, provide a means of issuing duplicate licenses in case of loss of the original license or any other appropriate instances.

License requirement for farm labor contractor.

SEC. 3. The director shall not issue to any person a license to act as a farm labor contractor until:

Prerequisites before issuance of license.

(1) Such person has executed a written application therefor on a form prescribed by the director, subscribed and sworn to by the applicant, and con-

Application for license.

taining (a) a statement by the applicant of all facts required by the director concerning the applicant's character, competency, responsibility, and the manner and method by which he proposes to conduct his operations as a farm labor contractor if such license is issued, and (b) the names and addresses of all persons financially interested, either as partners, stockholders, associates or profit sharers, in the proposed operation as a labor contractor, together with the amount of their respective interests;

(2) The director, after investigation, is satisfied as to the character, competency, and responsibility of the applicant;

License fee.

(3) The applicant has paid to the director a license fee of ten dollars, which shall accompany the license application and which shall be refunded to the applicant in the event a license is denied;

Proof of insurance.

(4) The applicant has filed proof satisfactory to the director of the existence of a policy of insurance with any insurance carrier authorized to do business in the state of Washington in an amount satisfactory to the director, which insures said licensee against liability for damage to persons or property arising out of the licensee's operation of, or ownership of, any vehicle or vehicles for the transportation of individuals in connection with his business, activities, or operations as a farm labor contractor.

Bond may be required; contents of.

SEC. 4. The director may require the deposit of a surety bond by any person seeking a license under this act to insure compliance with the provisions of this act. Such bond shall be in an amount specified by the director and shall be payable to the state of Washington and shall be conditioned that the applicant will comply with this act and will pay all sums legally owing to any person when the farm labor contractor or his agents have received such sums and will pay all damages occasioned to any person by failure so to do, or by any violation of the

provisions of this act, or false statements or misrepresentations made in the procurement of his license. The aggregate liability of the surety upon such bond for all claims which may arise thereunder shall not exceed the face amount of the bond.

SEC. 5. A license to operate as a farm labor contractor shall be denied:

License denied to following.

(1) To any person who sells or proposes to sell intoxicating liquors in a building or on premises where he operates or proposes to operate as a farm labor contractor, or

(2) To a person whose license has been revoked within three years from the date of application.

SEC. 6. The director may revoke, suspend, or refuse to renew any license when it is shown that:

Conditions warranting revocation, suspension or refusal to renew license.

(1) The licensee or any agent of the licensee has violated or failed to comply with any of the provisions of this act;

(2) The licensee has made any misrepresentations or false statements in his application for a license;

(3) The conditions under which the license was issued have changed or no longer exist;

(4) The licensee, or any agent of the licensee, has violated or wilfully aided or abetted any person in the violation of, or failed to comply with, any law of the state of Washington regulating employment in agriculture, the payment of wages to farm employees, or the conditions, terms, or places of employment affecting the health and safety of farm employees, which is applicable to the business activities, or operations of the licensee in his capacity as a farm labor contractor; or

(5) The licensee or any agent of licensee has in recruiting farm labor solicited or induced the violation of any then existing contract of employment of such laborers.

License shall contain following on face thereof.

SEC. 7. Each license shall contain, on the face thereof:

(1) The name and address of the licensee and the fact that he is licensed to act as a farm labor contractor for the period upon the face of the license only;

(2) The number, date of issuance, and date of expiration of the license;

(3) The amount of the surety bond deposited by the licensee; and

(4) The fact that the license may not be transferred or assigned.

License termination; renewal of license.

SEC. 8. Each license shall run to and include the thirty-first day of December next following the date thereof unless sooner revoked by the director. A license may be renewed each year upon the filing of an application for a renewed bond and the payment of the annual license fee, but the director may demand that a new application and a new bond be submitted. Where the surety intends to cancel a bond, notice of such cancellation shall be furnished by the surety to the director thirty days prior to the effective date of such cancellation.

Cancellation of bond; procedure.

Applications for renewal.

SEC. 9. All applications for renewal shall state the names and addresses of all persons financially interested either as partners, associates or profit sharers in the operation as a farm labor contractor.

Service of process.

SEC. 10. (1) When a licensee has departed from the state with intent to defraud creditors or to avoid service of summons in any action brought under this act, service shall be made upon the licensee as prescribed in RCW 4.28.100 and 4.28.110.

(2) When a licensee has deposited a bond with the director and has failed to comply with the conditions of said bond as provided by section 4 of this act, and when said licensee has departed from this state, service may be made upon the surety as prescribed by RCW 4.28.090.

SEC. 11. Every licensee must:

Requirements
of licensee.

(1) Carry his license with him at all times and exhibit the same to all persons with whom he intends to deal in his capacity as a farm labor contractor prior to so dealing.

Carry license.

(2) File at the United States post office serving the address of the licensee, as noted on the face of his license, a correct change of address immediately upon each occasion said licensee permanently moves his address.

Change of ad-
dress filed.

(3) Promptly when due, pay or distribute to the individuals entitled thereto all moneys or other things of value entrusted to the licensee by any third person for such purpose.

Pay moneys
held for third
person.

(4) Comply on his part with the terms and provisions of all legal and valid agreements and contracts entered into between licensee in his capacity as a farm labor contractor and third persons.

Carry out
terms of
contracts.

(5) File information regarding his work offer with the nearest employment service office, such information to include wages and work to be performed and any other information prescribed by the director.

File infor-
mation.

SEC. 12. No licensee shall:

Licensee for-
bidden to do
following.

(1) Make any misrepresentation or false statement in his application for a license.

(2) Make or cause to be made, to any person, any false, fraudulent, or misleading representation, or publish or circulate or cause to be published or circulated any false, fraudulent, or misleading information concerning the terms or conditions or existence of employment at any place or places, or by any person or persons, or of any individual or individuals.

(3) Send or transport any worker to any place where the farm labor contractor knows a strike or lockout exists.

(4) Do any act in his capacity as a farm labor contractor, or cause any act to be done, which constitutes a crime involving moral turpitude under any law of the state of Washington.

Violation—
misdemeanor.

SEC. 13. Any person who violates any provisions of this chapter, or who causes or induces another to violate any provisions of this chapter, shall be guilty of a misdemeanor punishable by a fine of not more than five thousand dollars, or imprisonment in the county jail for not more than six months, or both.

Penalty.

Regulations to
enforce act.

SEC. 14. The director may promulgate rules and regulations not inconsistent with this chapter for the purpose of enforcing and administering this act.

Permanent
revolving fund
established.

SEC. 15. A permanent revolving fund, in which shall be deposited all moneys collected for licenses and all fines collected for violations of the provisions of this act, shall be established. Expenses incurred under this act, not to exceed receipts, shall be paid from this fund.

Appropriation.

SEC. 16. There is hereby appropriated from the general fund a sum of one thousand dollars to the department of labor and industries to be expended for the purposes of this act.

Invalidity.

SEC. 17. If any section, sentence, clause or word of this act shall be held unconstitutional, the invalidity of such section, sentence, clause or word shall not affect the validity of any other portion of this act, it being the intent of this legislative assembly to enact the remainder of this act notwithstanding such part so declared unconstitutional should or may be so declared.

Passed the House March 4, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 22, 1955.