

# House Bill 3391

Sponsored by COMMITTEE ON BUSINESS AND LABOR (at the request of Northwest Workers' Justice Project)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Commissioner of Bureau of Labor and Industries to adopt rules relating to safe transportation of workers and inspection of vehicles used by farm labor contractors to transport workers. Requires commissioner to establish fee, not to exceed \$100, for inspection of vehicle used to transport workers. Requires applicant for farm labor contractor license and farm labor contractor to provide satisfactory proof that vehicle used to transport workers is in safe operating condition.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to transportation of workers by farm labor contractors; creating new provisions; amending  
3 ORS 658.407, 658.413, 658.415, 658.425, 658.440, 658.453, 658.815 and 658.991; and declaring an  
4 emergency.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 658.407 is amended to read:

7 658.407. The Commissioner of the Bureau of Labor and Industries shall administer and enforce  
8 ORS 658.405 to 658.503, and in so doing shall:

9 (1) Investigate and attempt to adjust equitably controversies between farm labor contractors and  
10 their workers with respect to claims arising under ORS 658.415 (3) or 658.419.

11 (2) Take appropriate action to establish the liability or lack thereof of the farm labor contractor  
12 for wages of the employees of the farm labor contractor and if appropriate proof exists of liability  
13 for wages the commissioner shall pay the same or such part thereof as the commissioner has funds  
14 on deposit or cause the surety company to forthwith pay the entire liability or such part thereof as  
15 the sums due under the bond will permit.

16 (3) Adopt appropriate rules to administer ORS 658.405 to 658.503.

17 (4) **After consulting with the Department of Transportation and the Department of Con-**  
18 **sumer and Business Services, adopt rules governing the safe transportation of workers and**  
19 **the inspection of vehicles to be used by farm labor contractors to transport workers. The**  
20 **commissioner may enter into interagency agreements with the Department of Transporta-**  
21 **tion and the Department of Consumer and Business Services regarding the enforcement of**  
22 **rules adopted under this subsection.**

23 **SECTION 2.** ORS 658.413 is amended to read:

24 658.413. (1) The Commissioner of the Bureau of Labor and Industries shall establish by rule a  
25 fee schedule for issuing and renewing licenses and indorsements under ORS 658.405 to 658.503 and  
26 658.705 to 658.850. The fees shall be in amounts reasonably necessary to provide sufficient funds to  
27 administer ORS 658.405 to 658.503 and 658.705 to 658.850. Fees may not exceed the following  
28 amounts:

29 (a) \$100 for a farm labor contractor license.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (b) \$100 for a farm labor contractor license with employee indorsement.

2 (c) \$250 for a farm labor contractor license with forestation or reforestation indorsement.

3 (d) \$250 for a farm labor contractor license with forestation or reforestation indorsement subject  
4 to ORS 658.418.

5 (e) \$250 for a farm labor contractor license with employee and forestation or reforestation in-  
6 dorsements.

7 (f) \$50 for a farmworker camp indorsement, paid in addition to one of the fees set out in para-  
8 graphs (a) to (e) of this subsection.

9 (2) An applicant for a license or indorsement, or for the renewal of a license or indorsement,  
10 shall pay the fee or fees established by the commissioner under subsection (1) of this section.

11 **(3) The commissioner shall establish by rule a fee not to exceed \$100 for the inspection**  
12 **of a vehicle to be used by a farm labor contractor to transport workers.**

13 [(3)] (4) Fees may not be refunded or prorated.

14 [(4)] (5) All fees received pursuant to this section shall be credited to the Bureau of Labor and  
15 Industries Account and are continuously appropriated to the Bureau of Labor and Industries to be  
16 used only for the administration of ORS 658.405 to 658.503 and 658.705 to 658.850.

17 **SECTION 3.** ORS 658.415 is amended to read:

18 658.415. (1) A person may not act as a farm labor contractor unless the person has first been  
19 licensed by the Commissioner of the Bureau of Labor and Industries under ORS 658.405 to 658.503.  
20 Any person may file an application for a license to act as a farm labor contractor at any office of  
21 the Bureau of Labor and Industries. The application shall be sworn to by the applicant and shall  
22 be written on a form prescribed by the commissioner. The form shall include, but not be limited to,  
23 questions asking:

24 (a) The applicant's name, Oregon address and all other temporary and permanent addresses the  
25 applicant uses or knows will be used in the future.

26 (b) Information on all motor vehicles to be used by the applicant in operations as a farm labor  
27 contractor including license number and state of licensure, vehicle number and the name and ad-  
28 dress of vehicle owner for all vehicles used.

29 (c) Whether or not the applicant was ever denied a license under ORS 658.405 to 658.503 within  
30 the preceding three years, or in this or any other jurisdiction had such a license denied, revoked  
31 or suspended within the preceding three years.

32 (d) The names and addresses of all persons financially interested, whether as partners, share-  
33 holders, associates or profit-sharers, in the applicant's proposed operations as a farm labor con-  
34 tractor, together with the amount of their respective interests, and whether or not, to the best of  
35 the applicant's knowledge, any of these persons was ever denied a license under ORS 658.405 to  
36 658.503 within the preceding three years, or had such a license denied, revoked or suspended within  
37 the preceding three years in this or any other jurisdiction.

38 (2)(a) Each applicant shall furnish satisfactory proof with the application of the existence of a  
39 policy of insurance in an amount adequate under rules [issued] **adopted** by the commissioner for  
40 vehicles to be used to transport workers. For the purpose of this subsection, the certificate of an  
41 insurance producer licensed in Oregon is satisfactory evidence of adequate insurance.

42 **(b) Each applicant shall furnish satisfactory proof with the application that any vehicle**  
43 **to be used to transport workers is in safe operating condition.**

44 (3) Each applicant shall submit with the application and shall continually maintain thereafter,  
45 until excused, proof of financial ability to promptly pay the wages of employees and other obli-

1 gations specified in this section. The proof required in this subsection shall be in the form of a  
 2 corporate surety bond of a company licensed to do such business in Oregon, a cash deposit or a  
 3 deposit the equivalent of cash. For the purposes of this subsection, it shall be deemed sufficient  
 4 compliance if the farm labor contractor procures a savings account at a bank or savings and loan  
 5 institution in the name of the commissioner as trustee for the employees of the farm labor contrac-  
 6 tor and others as their interests may appear and delivers the evidence of the account and the ability  
 7 to withdraw the funds to the commissioner under the terms of a bond approved by the commissioner.  
 8 The amount of the bond and the security behind the bond, or the cash deposit, shall be based on the  
 9 maximum number of employees the contractor employs at any time during the year. The bond or  
 10 cash deposit shall be:

11 (a) \$10,000 if the contractor employs no more than 20 employees; or

12 (b) \$30,000, or such lesser sum as may be authorized by the commissioner under ORS 658.416,  
 13 if the contractor employs 21 or more employees.

14 (4) In the event that a single business entity licensed as a farm labor contractor has more than  
 15 one natural person who, as an owner or employee of the business entity, engages in activities that  
 16 require the persons to be licensed individually as farm labor contractors, and each such person en-  
 17 gages in such activities solely for that business entity, the commissioner may provide by rule for  
 18 lower aggregate bonding requirements for the business entity and its owners and employees. If there  
 19 is an unsatisfied judgment of a court or final decision of an administrative agency against a license  
 20 applicant, the subject of which is any matter that would be covered by the bond or deposit referred  
 21 to in subsection (3) of this section, the commissioner may not issue a license to the applicant until  
 22 the judgment or decision is satisfied. As a condition of licensing [*any such*] **an** applicant, the com-  
 23 missioner may require the applicant to submit proof of financial ability required by subsection (3)  
 24 of this section in an amount up to three times that ordinarily required of a license applicant.

25 (5) All corporate surety bonds filed under this section or ORS 658.419 shall be executed to cover  
 26 liability for the period for which the license is issued. During the period for which it is executed,  
 27 [*no*] **a** bond may **not** be canceled or otherwise terminated.

28 (6) Each application must be accompanied by the fee established under ORS 658.413.

29 (7) Any person who uses the services of a farm labor contractor who has failed to comply with  
 30 any of the provisions of this section or ORS 658.419 shall:

31 (a) Be personally and jointly and severally liable to any employee as far as the employee has  
 32 not been paid wages in full for the work done for that person.

33 (b) Be personally liable for all penalty wages that have occurred under ORS 652.150 for the  
 34 wages due under this section.

35 (8) Any person who suffers any loss of wages from the employer of the person or any other loss  
 36 specified in subsection (16) of this section shall have a right of action in the name of the person  
 37 against the surety upon the bond or against the deposit with the commissioner. The right of action:

38 (a) Is assignable and must be included with an assignment of a wage claim, of any other appro-  
 39 priate claim or of a judgment thereon.

40 (b) May not be included in any suit or action against the farm labor contractor but must be  
 41 exercised independently after first procuring a judgment or other form of adequate proof of liability  
 42 established by rule and procedure under subsection (14) of this section establishing the farm labor  
 43 contractor's liability for the claim.

44 (9)(a) The surety company or the commissioner shall make prompt and periodic payments on the  
 45 farm labor contractor's liability up to the extent of the total sum of the bond or deposit.

1 (b) Payment shall be made based upon priority of wage claims over advances made by the  
2 grower or producer of agricultural commodities or the owner or lessee of land intended to be used  
3 for the production of timber, for advances made to or on behalf of the farm labor contractor.

4 (c) Payment shall be made in full of all sums due to each person who presents adequate proof  
5 of the claim.

6 (d) Payment shall be made in part if there are insufficient funds to pay in full the person next  
7 entitled to payment in full.

8 (10) A person may not bring [*any suit or*] **an** action against the surety company or the commis-  
9 sioner on the bond or against the commissioner as the trustee for the beneficiaries of the farm labor  
10 contractor under any deposit made pursuant to this section or ORS 658.419 unless the person has  
11 first exhausted the procedures contained in subsections (8) and (12) of this section or in ORS 658.419  
12 and contends that the surety company or the commissioner still has funds that are applicable to the  
13 person's judgment or acknowledgment.

14 (11) The commissioner may not be prevented from accepting assignments of wage claims and  
15 enforcing liability against the surety on the bond or from applying the deposit to just wage claims  
16 filed with the commissioner.

17 (12) All claims against the bond or deposit shall be unenforceable unless request for payment  
18 of a judgment or other form of adequate proof of liability or a notice of the claim has been made  
19 by certified mail to the surety or the commissioner within six months from the end of the period for  
20 which the bond or deposit was executed and made.

21 (13) If the commissioner has received no notice as provided in subsection (12) of this section  
22 within six months after a farm labor contractor is no longer required to provide and maintain a  
23 surety bond or deposit, the commissioner shall terminate and surrender any bond or any deposit  
24 under the control of the commissioner to the person who is entitled thereto upon receiving appro-  
25 priate proof of such entitlement.

26 (14) The commissioner shall adopt rules reasonably necessary for administration and enforce-  
27 ment of the provisions of this section and ORS 658.419.

28 (15) Every farm labor contractor required by this section or ORS 658.419 to furnish a surety  
29 bond or make a deposit in lieu thereof shall keep conspicuously posted upon the premises where  
30 employees working under the contractor are employed a notice, in both English and any other lan-  
31 guage used by the farm labor contractor to communicate with workers, specifying the contractor's  
32 compliance with the requirements of this section and ORS 658.419 and specifying the name and  
33 Oregon address of the surety on the bond or a notice that a deposit in lieu of the bond has been  
34 made with the commissioner together with the address of the commissioner.

35 (16) The bond or deposit referred to in subsection (3) of this section shall be payable to the  
36 commissioner and shall be conditioned upon:

37 (a) Payment in full of all sums due on wage claims of employees.

38 (b) Payment by the farm labor contractor of all sums due to the grower or producer of agricul-  
39 tural commodities or the owner or lessee of land intended to be used for the production of timber  
40 for advances made to or on behalf of the farm labor contractor.

41 (17) [*No license shall be issued*] **The commissioner may not issue a license** until the applicant  
42 executes a written statement that shall be subscribed and sworn to and that shall contain the fol-  
43 lowing declaration:

44 \_\_\_\_\_

45

1 With regards to any action filed against me concerning my activities as a farm labor contractor,  
2 I appoint the Commissioner of the Bureau of Labor and Industries as my lawful agent to accept  
3 service of summons when I am not present in the jurisdiction in which such action is commenced  
4 or have in any other way become unavailable to accept service.

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6  
7 (18) A person who cosigns with a farm labor contractor for a bond required by subsection (3)  
8 of this section or by ORS 658.419 is not personally or jointly and severally liable for unpaid wages  
9 above the amount of the bond solely because the person cosigned for the bond.

10 (19) The court may award reasonable attorney fees to the prevailing party in any action to en-  
11 force the provisions of this section or ORS 658.419.

12 **SECTION 4.** ORS 658.425 is amended to read:

13 658.425. (1) The office of the Bureau of Labor and Industries in which an application is filed  
14 shall issue to the applicant a temporary permit valid for not more than 60 days, if the following  
15 conditions are satisfied:

16 (a) The application is complete on its face.

17 (b) The applicant has furnished satisfactory *[evidence]* **proof** of adequate insurance under rules  
18 *[issued]* **adopted** by the Commissioner of the Bureau of Labor and Industries.

19 (c) The applicant has paid in advance the fee established under ORS 658.413.

20 (d) The applicant or any person financially interested in the applicant's proposed operation as  
21 a farm labor contractor, whether as a partner, shareholder, associate, profitsharer or otherwise, has  
22 not been denied a license in a jurisdiction other than Oregon or under ORS 658.405 to 658.503 within  
23 the preceding three years, nor has had such a license revoked or suspended in Oregon or any other  
24 jurisdiction within the preceding three years, as appears of record with the commissioner.

25 **(e) The applicant has furnished satisfactory proof under rules adopted by the commis-**  
26 **sioner that any vehicle to be used by the applicant to transport workers is in safe operating**  
27 **condition.**

28 (2) Any temporary permit expires immediately if the commissioner rejects the application of the  
29 person holding that permit.

30 (3) For the purposes of ORS 658.415 (1)(c) and (d) and subsection (1)(d) of this section, the refusal  
31 by the commissioner to renew a license shall be considered as the revocation of that license on the  
32 date of its expiration.

33 **SECTION 5.** ORS 658.440 is amended to read:

34 658.440. (1) Each person acting as a farm labor contractor shall:

35 (a) Carry a labor contractor's license at all times and exhibit it upon request to any person with  
36 whom the contractor intends to deal in the capacity of a farm labor contractor.

37 (b) File immediately at the United States post office serving the labor contractor's address, as  
38 noted on the face of the license, a correct change of address if the contractor permanently changes  
39 address, and notify the Commissioner of the Bureau of Labor and Industries each time an address  
40 change is made.

41 (c) Pay or distribute promptly, when due, to the individuals entitled thereto all money or other  
42 things of value entrusted to the labor contractor by any person for that purpose.

43 (d) Comply with the terms and provisions of all legal and valid agreements or contracts entered  
44 into in the contractor's capacity as a farm labor contractor.

45 (e) File with the Bureau of Labor and Industries, as required by rule, information relating to

1 work agreements between the farm labor contractor and farmers and between the farm labor con-  
2 tractor and workers or information concerning changes in the circumstances under which the li-  
3 cense was issued.

4 (f) Furnish to each worker, at the time of hiring, recruiting, soliciting or supplying, whichever  
5 occurs first, a written statement in the English language and any other language used by the farm  
6 labor contractor to communicate with the workers that contains a description of:

7 (A) The method of computing the rate of compensation.

8 (B) The terms and conditions of any bonus offered, including the manner of determining when  
9 the bonus is earned.

10 (C) The terms and conditions of any loan made to the worker.

11 (D) The conditions of any housing, health and child care services to be provided.

12 (E) The terms and conditions of employment, including the approximate length of season or pe-  
13 riod of employment and the approximate starting and ending dates thereof.

14 (F) The terms and conditions under which the worker is furnished clothing or equipment.

15 (G) The name and address of the owner of all operations where the worker will be working as  
16 a result of being recruited, solicited, supplied or employed by the farm labor contractor.

17 (H) The existence of a labor dispute at the worksite.

18 (I) The worker's rights and remedies under ORS chapters 654 and 656, ORS 658.405 to 658.503,  
19 the Service Contract Act (41 U.S.C. 351-401) and any other such law specified by the Commissioner  
20 of the Bureau of Labor and Industries, in plain and simple language in a form specified by the  
21 commissioner.

22 (g) At the time of hiring and prior to the worker performing any work for the farm labor con-  
23 tractor, execute a written agreement between the worker and the farm labor contractor containing  
24 the terms and conditions described in paragraph (f)(A) to (I) of this subsection. The written agree-  
25 ment shall be in the English language and any other language used by the farm labor contractor to  
26 communicate with the workers.

27 (h) Furnish to the worker each time the worker receives a compensation payment from the farm  
28 labor contractor, a written statement itemizing the total payment and amount and purpose of each  
29 deduction therefrom, hours worked and rate of pay or rate of pay and pieces done if the work is  
30 done on a piece rate basis, and if the work is done under the Service Contract Act (41 U.S.C.  
31 351-401) or related federal or state law, a written statement of any applicable prevailing wage.

32 (i) Provide to the commissioner a certified true copy of all payroll records for work done as a  
33 farm labor contractor when the contractor pays employees directly. The records shall be submitted  
34 in such form and at such times and shall contain such information as the commissioner, by rule,  
35 may prescribe.

36 (2) If the farm labor contractor:

37 (a) Employs workers, the contractor shall substantially comply with the provisions of ORS  
38 654.174 relating to field sanitation, and its implementing regulations as adopted by the Department  
39 of Consumer and Business Services.

40 (b) Owns or controls housing furnished to workers in connection with the recruitment or em-  
41 ployment of workers, the contractor shall ensure that the housing substantially complies with any  
42 applicable law relating to the health, safety or habitability of the housing.

43 (c) Recruits or solicits any worker to travel from one place to another for the purpose of  
44 working at a time prior to the availability of such employment, the contractor shall furnish to any  
45 such worker, at no charge, lodging and an adequate supply of food until employment begins, in

1 compliance with rules adopted by the Bureau of Labor and Industries. If employment does not begin  
 2 within 30 days from the date the farm labor contractor represented employment would become  
 3 available, the contractor shall refund to any such worker all sums paid by the worker to the con-  
 4 tractor and provide the worker, in cash or other form of payment authorized by ORS 652.110, the  
 5 costs of transportation, including meals and lodging in transit, to return the worker to the place  
 6 from which the worker was induced to travel or the costs of transportation, including meals and  
 7 lodging in transit, to another worksite selected by the worker, whichever is less. For the purposes  
 8 of this paragraph, "recruits or solicits" does not include the mere provision of housing or employ-  
 9 ment to persons who have not otherwise been recruited or solicited by the farm labor contractor  
 10 or an agent of the farm labor contractor prior to their arrival at the place of housing or employ-  
 11 ment. Workers who arrive at the place of employment prior to the date they were instructed by the  
 12 contractor to arrive are not entitled to the benefits of this subsection until the date they were in-  
 13 structed to arrive.

14 **(d) Provides transportation to workers, the farm labor contractor shall:**

15 **(A) Before transporting workers in a vehicle, have the vehicle inspected to ensure that**  
 16 **the vehicle is in safe operating condition as required by rules adopted by the commissioner;**  
 17 **and**

18 **(B) Comply with all applicable state and federal vehicle safety laws and with rules adopted**  
 19 **by the commissioner concerning vehicle safety.**

20 (3) A person acting as a farm labor contractor, or applying for a license to act as a farm labor  
 21 contractor, may not:

22 (a) Make any misrepresentation, false statement or willful concealment in the application for a  
 23 license.

24 (b) Willfully make or cause to be made to any person any false, fraudulent or misleading repre-  
 25 sentation, or publish or circulate any false, fraudulent or misleading information concerning the  
 26 terms, condition or existence of employment at any place or by any person.

27 (c) Solicit or induce, or cause to be solicited or induced, the violation of an existing contract  
 28 of employment.

29 (d) Knowingly employ an alien not legally present or legally employable in the United States.

30 (e) Assist an unlicensed person to act in violation of ORS 658.405 to 658.503.

31 (f) By force, intimidation or threat of procuring dismissal or deportation or by any other manner  
 32 whatsoever, induce any worker employed or in a subcontracting relationship to the farm labor con-  
 33 tractor to give up any part of the compensation to which the worker is entitled under the contract  
 34 of employment or under federal or state wage laws.

35 (g) Solicit or induce, or cause to be solicited or induced, the travel of a worker from one place  
 36 to another by representing to a worker that employment for the worker is available at the destina-  
 37 tion when employment for the worker is not available within 30 days after the date the work was  
 38 represented as being available.

39 **(h) Disable, remove or knowingly fail to maintain in safe operating condition any motor**  
 40 **vehicle safety equipment in a vehicle used to transport workers.**

41 **SECTION 6.** ORS 658.453 is amended to read:

42 658.453. (1) In addition to any other penalty provided by law, the Commissioner of the Bureau  
 43 of Labor and Industries may assess a civil penalty not to exceed \$2,000 for each violation by:

44 (a) A farm labor contractor who, without the license required by ORS 658.405 to 658.503, re-  
 45 cruits, solicits, supplies or employs a worker.

1 (b) A farm labor contractor who fails to comply with ORS 658.415 (15).

2 (c) A farm labor contractor who fails to comply with ORS 658.440 (1), (2)(c) **or** (d) or (3).

3 (d) Any person who violates ORS 658.452.

4 (e) A farm labor contractor who fails to comply with ORS 658.417 (1) or (3).

5 (f) Any person who uses an unlicensed farm labor contractor without complying with ORS  
6 658.437.

7 (2) Civil penalties under this section shall be imposed as provided in ORS 183.745.

8 (3) All penalties recovered under this section shall be paid into the State Treasury and credited  
9 to the Farmworker Housing Development Account of the Oregon Housing Fund.

10 (4) After filing a complaint with the commissioner, in addition to any other penalty provided by  
11 law, a worker has a right of action against a farm labor contractor who violates subsection (1)(c),  
12 (d) or (e) of this section or ORS 658.440 (2)(a) or (b) without exhausting any alternative administra-  
13 tive remedies. The action may not be commenced later than two years after the date of the violation  
14 giving rise to the right of action. The amount of damages recoverable for each violation under this  
15 subsection is actual damages or \$1,000, whichever amount is greater. In any such action the court  
16 may award to the prevailing party, in addition to costs and disbursements, reasonable attorney fees  
17 at trial and appeal.

18 **SECTION 7.** ORS 658.815 is amended to read:

19 658.815. (1) All farmworker camp indorsement fees received by the Commissioner of the Bureau  
20 of Labor and Industries under ORS 658.810 shall be credited to the Bureau of Labor and Industries  
21 Account. Notwithstanding ORS 651.160 (1) and 658.413 [(4)] (5), moneys credited to the account un-  
22 der this subsection are continuously appropriated for the enforcement of ORS 658.705 to 658.850.

23 (2) Moneys collected from civil penalties imposed by the commissioner pursuant to ORS 658.850  
24 for violations of ORS 658.750 shall be credited to the Farmworker Housing Development Account  
25 of the Oregon Housing Fund.

26 (3) Except as provided in subsection (2) of this section, all moneys other than fees described in  
27 ORS 658.413 received by the commissioner under ORS 658.705 to 658.850 shall be credited to the  
28 General Fund.

29 **SECTION 8.** ORS 658.991 is amended to read:

30 658.991. (1) Violation of ORS 658.005 to 658.245 or 658.250 is punishable, upon conviction, by a  
31 fine of not more than \$250 or by imprisonment in the county jail for not more than 60 days, or by  
32 both.

33 (2) Violation of ORS 658.452 is a Class A misdemeanor.

34 (3) Any person who intentionally defaces, alters or changes a license or permit to act as a farm  
35 labor contractor, or who uses the license or permit of another or knowingly permits that person's  
36 license or permit to be used by another, or who acts as a farm labor contractor without a valid li-  
37 cense or permit under ORS 658.405 to 658.503, is guilty of a Class A misdemeanor.

38 (4) Any person who willfully swears or affirms falsely under ORS 658.415 (1), (2) or (3) in regard  
39 to any matter concerning which an oath or affirmation is required, or who solicits or induces an-  
40 other person to do so, whether or not the matter sworn to or affirmed is material, is guilty of a  
41 Class A misdemeanor.

42 (5) Violation of ORS 658.440 (1)(f), (g) or (h), (2)(c) **or** (d) or (3)(a), (b), (c), (e), (f) or (g) is a Class  
43 C misdemeanor.

44 (6) Any person who violates the provisions of ORS 658.410 (1) or 658.417 (1) is guilty of a Class  
45 C felony if:



1 (a) The person has previously been convicted of violating the provisions of ORS 658.410 (1) or  
2 658.417 (1);

3 (b) The person's license to act as a farm labor contractor has been suspended, revoked or de-  
4 nied; or

5 (c) The person is acting in violation of an outstanding order of any court of competent juris-  
6 diction arising out of the enforcement of ORS 658.405 to 658.503.

7 **SECTION 9.** (1) Except as provided in subsection (2) of this section, the amendments to  
8 ORS 658.407, 658.413, 658.415, 658.425, 658.440, 658.453, 658.815 and 658.991 by sections 1 to 8  
9 of this 2007 Act apply to any person acting as a farm labor contractor on or after the oper-  
10 ative date referred to in section 10 of this 2007 Act.

11 (2) If a person is licensed as a farm labor contractor on the operative date referred to  
12 in section 10 of this 2007 Act, the amendments to ORS 658.407, 658.413, 658.415, 658.425,  
13 658.440, 658.453, 658.815 and 658.991 by sections 1 to 8 of this 2007 Act apply to the person on  
14 the date the license expires or on the date the person applies for renewal of the license or  
15 for a new license, whichever date is earlier.

16 **SECTION 10.** The amendments to ORS 658.407, 658.413, 658.415, 658.425, 658.440, 658.453,  
17 658.815 and 658.991 by sections 1 to 8 of this 2007 Act become operative on July 1, 2008.

18 **SECTION 11.** Notwithstanding section 10 of this 2007 Act, the Commissioner of the Bu-  
19 reau of Labor and Industries, the Department of Transportation and the Department of  
20 Consumer and Business Services may take any action before the operative date referred to  
21 in section 10 of this 2007 Act that is necessary to enable the commissioner, the Department  
22 of Transportation and the Department of Consumer and Business Services to exercise, on  
23 and after the operative date, all the duties, functions and powers conferred by this 2007 Act.

24 **SECTION 12.** This 2007 Act being necessary for the immediate preservation of the public  
25 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect  
26 on its passage.