

CHAPTER 31. MIGRANT LABOR

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Source

The provisions of this Chapter 31 amended July 31, 1973, 3 Pa.B. 1311, unless otherwise noted.

Cross References

This chapter cited in 34 Pa. Code § 19.32 (relating to license).

Subchapter A. CREW LEADERS

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- 31.2. License.
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Authority

The provisions of this Subchapter A issued under act of May 18, 1937 (P. L. 654, No. 174) (43 P. S. §§ 25-1—25-15), unless otherwise noted.

Source

The provisions of this Subchapter A adopted November 8, 1957, amended through June 1, 1966, unless otherwise noted.

Cross References

This subchapter cited in 34 Pa. Code § 31.13 (relating to scope)

GENERAL PROVISIONS

§ 31.1. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Camp—Any migrant labor camp.

Crew leader—Any person, who, for a fee, either for himself or on behalf of another person, recruits, solicits, hires, furnishes, transports, manages or supervises migrant workers in connection with agricultural employment.

Fee—Any money or other valuable consideration paid or promised to be paid to a person for services as a crew leader.

Foreman—Any person designated by a crew leader to perform services or supervision in his behalf.

Migrant worker—Any interstate or intrastate individual whose primary employment is in agriculture, on a seasonal or other temporary basis, or any individual irrespective of his primary employment, if he performs agricultural labor on a seasonal or other temporary basis. This term includes all seasonal workers, migrant workers, or farm labor who are not year round employees and who occupy living quarters other than their permanent home during the period of such work on a farm.

Person—Any individual, partnership, association, joint stock company, trust or corporation.

§ 31.2. License.

(a) No person shall serve in the capacity of crew leader unless he first obtains a crew leader license from the Department. The license shall be in his immediate possession and in full force and effect.

(b) Licenses may be issued upon application to the Department on forms supplied by the Department. The licenses may not be transferred or assigned and shall remain in effect until midnight of the last day of the year in which they were issued or until they are suspended or revoked by the Department in accordance with this subchapter.

(c) The Department may suspend, revoke or refuse to issue a crew leader license if it finds that an applicant has done any of the following:

(1) Knowingly made any misrepresentations or false statements in his application for a crew leader license.

(2) Knowingly given false or misleading information to migrant workers concerning the terms, conditions or existence of agricultural employment.

(3) Failed, without justification, to perform agreements or arrangements entered into with farm operators.

(4) Has been convicted of any crime under state or Federal law relating to gambling or to the sale, distribution, or possession of alcoholic liquors in connection with or incident to his activities as a crew leader; or has been convicted of any crime under state or Federal law involving robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury or prostitution.

(5) Knowingly permitted any member of his crew to work in violation of any state or Federal law as to wages, hours, fair labor standards or school attendance.

(6) Permitted any member of his crew to occupy housing or living quarters which are not in accordance with the requirements of Subchapter C (relating to farm labor camps), or which for some other reason may not be fit for human habitation.

(7) Permitted any member of his crew to occupy housing or living quarters where sanitation facilities are not provided in accordance with the requirements of the Department of Health.

Cross References

This section cited in 34 Pa. Code § 31.8 (relating to farm labor contractor).

§ 31.3. Joint responsibility.

Crew leaders shall be jointly responsible with owners of camps for the maintenance of sanitation and cleanliness in living quarters, kitchens, latrines and premises of camps.

§ 31.4. Conduct of workers.

Crew leaders shall thoroughly instruct migrant workers to maintain orderly conduct and respect for property.

§ 31.5. Delegation of authority.

When crew leaders are unable to exercise constant personal supervision over migratory workers in camps or to personally carry out their duties at all times as set forth in this subchapter they shall designate a capable person to act as foreman of the crew with authority to act in their stead. The delegation of authority, however, may not serve to exonerate them from liability for failure to perform duties in this subchapter.

§ 31.6. Appeal.

Any refusal by the Department to issue a license or any revocation or suspension of the license may be appealed by the applicant to the Board which shall hold a hearing at which the applicant may appear with counsel and the witnesses and documents as he may desire. The procedure at the hearing shall conform to the procedure of any court of Quarter Sessions in this Commonwealth.

§ 31.7. Penalty.

Any person who violates this subchapter or any regulations of the Department or who interferes with the Department or its duly authorized representative in the enforcement of this subchapter or regulations shall be penalized under section 15 of act of May 18, 1937 (P. L. 654, No. 174) (43 P. S. § 25-15).

§ 31.8. Farm labor contractor.

For the purpose of this subchapter, a person who is registered with the Department under the act of June 23, 1978 (P. L. 537, No. 93) (43 P. S. §§ 1301.101—1301.606), as a “farm labor contractor” shall be considered to have obtained a crew leader license as required by § 31.2(a) (relating to license).

Source

The provisions of this § 31.8 adopted October 27, 1978, 8 Pa.B. 2908.

Subchapter B. TRANSPORTATION OF WORKERS**GENERAL PROVISIONS**

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 31.11. Definitions.
 31.12. Purpose.
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OPERATION OF MOTOR CARRIERS AND VEHICLES

- 31.21. Qualifications of operators.
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Authority

The provisions of this Subchapter B issued under the act of May 18, 1937 (P. L. 654, No. 174) (43 P. S. §§ 25-1—25-15), unless otherwise noted.

Source

The provisions of this Subchapter B adopted May 26, 1958; amended through May 15, 1966, unless otherwise noted.

GENERAL PROVISIONS**§ 31.11. Definitions.**

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Bus—Any motor vehicle designed, constructed and used for the transportation of passengers, with the exception of passenger automobiles or station wagons other than taxicabs.

Carrier of migrant worker by motor vehicle—Any person or any contract carrier by motor vehicle, not including common carriers, by motor vehicle, who or which transports in interstate, intrastate or foreign commerce at any one time three or more migrant workers to or from their employment by any motor vehicle other than a passenger automobile or station wagon, except a migrant worker transporting himself or his immediate family.

Driver or operator—Any person who drives any motor vehicle.

Highway—The entire width between the boundary lines of every way publicly maintained when any part of it is open to the use of the public for vehicular traffic.

Migrant worker—Any interstate or intrastate individual whose primary employment is in agriculture, on a seasonal or other temporary basis, or any individual irrespective of his primary employment, if he performs agricultural labor on a seasonal or other temporary basis. This term includes all seasonal workers, migrant workers or farm labor who are not year round employees and who occupy living quarters other than their permanent home during the period of such work on a farm.

Motor carrier—Any carrier of migrant workers by motor vehicle.

Motor vehicle—Any vehicle, machine, tractor trailer or semitrailer, or any combination of any of these as determined by the commission, propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property. This term does not include a vehicle, locomotive or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation in street-railway service.

Semitrailer—Any motor vehicle other than a pole trailer with or without motive power, designed to be drawn by another motor vehicle and so constructed that some part of its weight rests upon the towing vehicle.

Truck—Any self-propelled motor vehicle except a truck tractor, designed and constructed primarily for the transportation of property.

Truck tractor—A self-propelled motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

§ 31.12. Purpose.

This chapter sets forth transportation rules to safeguard the health, safety, morals and comfort of workers housed in migratory farm labor camps and places the responsibility for complying with this chapter upon owners and tenants operating and conducting such camps as well as workers residing in them.

§ 31.13. Scope.

(a) This subchapter shall be administered in conjunction with those of Subchapters A and C (relating to crew leaders; farm labor camps).

(b) This subchapter applies to motor carriers only when they transport migrant workers.

§ 31.14. Penalty.

Any person who violates this subchapter or any regulations of the Department or who interfere with the Department or its duly authorized representative in the enforcement of this subchapter or regulations shall be penalized under the act of May 18, 1937 (P. L. 654, No. 174) (43 P. S. § 25-15).

OPERATION OF MOTOR CARRIERS AND VEHICLES**§ 31.21. Qualifications of operators.**

(a) *General.* Any motor carrier, and its officers, agents, representatives and employes who drive motor vehicles or are responsible for the hiring, supervision, training, assignment, or dispatching of drivers shall comply and be conversant with the requirements of this section.

(b) *Physical qualifications.* No person may drive, nor shall any motor carrier require or permit any person to drive, any motor vehicle unless the person possesses the following minimum qualifications:

- (1) No loss of foot, leg, hand or arm.
- (2) No mental, nervous, organic or functional disease, which may interfere with safe driving.
- (3) No structural defect or limitation, which may interfere with safe driving.
- (4) The following eyesight requirements:
 - (i) Visual acuity of at least 20/40 (Sneller) in each eye either without lenses or by correction with lenses.
 - (ii) Form field of vision in the horizontal meridian of not less than 140°.
 - (iii) Ability to distinguish red, green and yellow colors.
 - (iv) Prescription lenses at all times when driving if drivers require correction by lens.
- (5) Hearing capacity of not less than 10/20 in the better ear, for conversational tones, without a hearing aid.

(6) No addiction to the use of narcotics or other habit forming drugs, or the excessive use of alcoholic beverages or liquors.

(c) *Physical examination.* No person may drive nor shall any motor carrier require or permit any person to drive any motor vehicle unless within the immediately preceding 36 month period the person was physically examined and certified in accordance with the requirements of subsection (d) by a licensed doctor of medicine or osteopathy.

(d) *Certificate.* Any motor carrier which employs or uses any driver shall have in its files at its principal place of business a legible certificate, or a legible photographically reproduced copy of it, of a licensed doctor of medicine or osteopathy based on a physical examination as required by subsection (c). A driver employed by the motor carrier shall have in his possession a certificate, or a photographically reproduced copy of it, covering himself.

(e) *Form and content of certificate.* A certificate of physical examination shall be as follows

DOCTOR'S CERTIFICATE

(Driver of Migrant Workers)

This is to certify that I have this day examined _____ in accordance with the provisions of 34 Pa. Code § 31.21 (relating to qualifications of operators) and that I find him qualified under such rules

_____.
Qualified only when wearing corrective lenses ____

I have kept on file in my office a completed examination.

(Date)

(Place)

(Signature of examining doctor)

(Address of doctor)

Signature of driver _____

Address of driver _____

§ 31.22. Age and experience.

No person may drive, nor shall any motor carrier require or permit any person to drive, any motor vehicle unless such person has the following minimum qualifications:

- (1) Age of at least 21 years.

(2) Experience in driving some type of motor vehicle, including private automobiles, for not less than one year, including experience through the four seasons.

(3) Familiarity with the provisions of § 31.23 (relating to compliance).

(4) Ability to read and speak the English language sufficiently to understand highway traffic signs and signals and directions given in English and to respond to official inquiries.

(5) Possession of a valid permit qualifying the driver to operate the type of vehicle driven by him in the jurisdiction which issued the permit.

(6) Familiarity with 75 Pa.C.S. (relating to Vehicle Code) insofar as it pertains to safe equipment, safe practices and safe driving laws of this Commonwealth.

§ 31.23. Compliance.

(a) Each motor carrier shall comply with this subchapter, instruct its officers, agents, representatives and drivers to comply with this subchapter and take all necessary measures to insure such compliance.

(b) Officers, agents, representatives, drivers and employes of motor carriers directly concerned with the management, maintenance, operation or driving of motor vehicles, shall comply and be conversant with the requirements of this subchapter relating to the operation of motor carriers and vehicles.

(c) The driving of motor vehicles shall be in accordance with 75 Pa.C.S. (relating to Vehicle Code).

Cross References

This section cited in 34 Pa. Code § 31.22 (relating to age and experience).

§ 31.24. Parts, accessories, and devices.

(a) A driver shall use the following parts, accessories and devices when and as needed, and he shall not operate a motor vehicle unless he is satisfied that such parts, accessories and emergency devices are in good working order:

- (1) Service brakes, including trailer brake connections.
- (2) Parking (hand) brake.
- (3) Steering mechanism.
- (4) Lighting devices and reflectors.
- (5) Tires.
- (6) Horn.
- (7) Windshield wiper or wipers.
- (8) Rear vision mirror or mirrors.
- (9) Coupling devices.
- (10) Fire extinguisher, at least one properly mounted.

(11) Road warning devices, at least one red burning fuse and at least three flares (oil burning pot torches), red electric lanterns or red emergency reflectors.

(b) The supply of fuel for the propulsion of any motor vehicle or for the operation of its accessories shall not be carried on the motor vehicle except in a properly mounted fuel tank or tanks.

(c) A motor vehicle shall not be driven when any of the required lamps or reflectors are obscured by the tailboard, by any part of the load, by dirt, or otherwise, and all lighting devices required by Subpart B of Part 193 of Subchapter B of Chapter 1 of the Regulations of the Interstate Commerce Commission shall be lighted during darkness or at any other time when there is not sufficient light to render vehicles and persons visible upon the highway at a distance of 500 feet.

(d) A motor vehicle shall not be driven unless the tailgate, tailboard, tarpaulins, doors, all equipment and rigging used in the operation of the vehicle and all means of fastening the load, are securely in place.

§ 31.25. Loading and transporting.

(a) A motor vehicle shall not be driven and the motor carrier shall not permit or require any motor vehicle to be driven if it is so loaded, or if the load is so improperly distributed or so inadequately secured, as to prevent its safe operation.

(b) The driver shall not operate a motor vehicle when any object obscures his view ahead, or to the right or left sides, or to the rear, or interferes with the free movement of his arms or legs, or prevents his free and ready access to the accessories required for emergencies, or prevents the free and ready exit of any person from the compartment of the cab or driver.

(c) A vehicle transporting persons and property shall not be driven unless such property is stowed in a manner which assures the following:

(1) Unrestricted freedom of motion to the driver for proper operation of the vehicle.

(2) Unobstructed passage to all exits by any person.

(3) Adequate protection to passengers and others from injury as a result of the displacement or falling of such articles.

(d) A motor vehicle shall not be driven if the total number of passengers exceeds the seating capacity which will be permitted on seats. All passengers carried on such vehicle shall remain seated while the motor vehicle is in motion.

(e) Workers may be transported only in or on a bus, a truck with no trailer attached, or a semitrailer attached to a truck-tractor only if no other trailer is attached to the semitrailer. Closed vans without windows or means to assure ventilation shall not be used.

§ 31.26. Health and safety requirements.

(a) Carriers shall provide for reasonable rest stops at least once between meal stops. Meal stops shall be made at intervals not to exceed 6 hours and shall be for a period of not less than 30 minutes duration.

(b) Any truck when used for the transportation of migrant workers, if such workers are being transported in excess of 600 miles, shall be stopped for a period of not less than eight consecutive hours either before or upon completion of 600 miles travel, and either before or upon completion of any subsequent 600 miles travel to provide rest for drivers and passengers.

(c) No driver or employe of a motor carrier may do any of the following:

(1) Fuel a motor vehicle with the engine running, except when it is necessary to run the engine to fuel the vehicle.

(2) Smoke or expose any open flame in the vicinity of a vehicle being fueled.

(3) Fuel a motor vehicle unless the nozzle of the fuel hose is continuously in contact with the intake pipe of the fuel tank.

(4) Permit any other person to engage in activities which may result in fire or explosion.

(d) Except in case of emergency, no driver shall permit a motor vehicle to which he is assigned to be driven by any person who is not authorized by the motor carrier in control to drive such vehicle.

(e) A motor vehicle shall not be driven while transporting passengers unless the passengers in such motor vehicle are protected from inclement weather conditions such as rain, snow or sleet, by use of the top or protective devices as required by this subchapter.

(f) A driver shall not drive or be required or permitted to drive a motor vehicle while his ability or alertness is so impaired through fatigue, illness or any other cause as to make it unsafe for him to begin or continue to drive. The requirement of this subsection does not apply to cases of grave emergency if the hazard to passengers would be increased by observance of the requirement and then only the driver may drive to the nearest point at which the safety of passengers is assured.

(g) A driver shall not drive or be required or permitted to drive a motor vehicle, be in active control of the vehicle, or go on duty or remain on duty, if he is under the influence of any alcoholic beverage or liquor, regardless of its alcoholic content, nor shall any driver drink a beverage or liquor while on duty.

(h) A motor carrier shall not permit or require the operation of any motor vehicle between points in such period of time as would necessitate the vehicle being operated at speeds greater than those prescribed by the jurisdictions in or through which the vehicle is being operated.

(i) Motor vehicles shall not be left unattended by the driver until the parking brake has been securely set, the wheels chocked, and all reasonable precautions have been taken to prevent the movement of the vehicles.

§ 31.27. Railroad grade crossings.

(a) All motor vehicles shall, upon approaching any railroad grade crossing, make a full stop not more than 50 feet nor less than 15 feet from the nearest rail of the railroad grade crossing, and shall not proceed until due caution has been taken to ascertain that the course is clear.

(b) A full stop need not be made at the following:

(1) A street car crossing within a business or residence district of a municipality.

(2) A railroad grade crossing where a police officer or a traffic-control signal (not a railroad flashing signal) directs traffic to proceed.

(3) An abandoned or exempted grade crossing which is clearly marked as such by or with the consent of the proper state authority, when such marking may be read from the position of the driver.

(c) All such motor vehicles shall display a sign on the rear reading, "This vehicle stops at railroad crossings."

§ 31.28. Necessary parts for safe operation.

Each motor carrier, and its officers, agents, drivers, representatives and employes directly concerned with the installation and maintenance of equipment and accessories shall comply and be conversant with the requirements and specifications of this section, and no motor carrier shall operate any motor vehicle, or cause or permit it to be operated, unless it is equipped in accordance with such requirements and specifications, including the following:

(1) *Lighting devices.* Each motor vehicle shall be equipped with the lighting devices and reflectors as required by this subchapter.

(2) *Brakes.* Each motor vehicle shall be equipped with brakes as required and shall satisfy the braking performance requirements as specified in this subchapter.

(3) *Coupling devices—Fifth wheel mounting and locking.* The lower half of each fifth wheel mounted on any truck-tractor or dolly shall be securely affixed to the frame of such truck-tractor or dolly by U-bolts of adequate size, securely tightened or by other means of at least equivalent security. The U-bolts shall not be of welded construction. The installation shall be such as not to cause cracking, warping, or deformation of the frame. Adequate means shall be provided to prevent the shifting of the lower half of a fifth wheel on the frame to which it is attached. The upper half of every fifth wheel shall be fastened to the motor vehicle with at least the security required for the securing of the lower half to a truck-tractor or dolly. Locking means shall be provided in every fifth wheel mechanism including adapters when used, so that the upper and

lower halves may not be separated without the operation of a positive manual release. A release mechanism operated by the driver from the cab shall be deemed to meet this requirement. On fifth wheels designed and constructed as to be readily separable, the fifth wheel locking devices shall apply automatically on coupling for any motor vehicle the date of manufacture of which is subsequent to December 31, 1952.

(4) *Tires.* Each motor vehicle shall be equipped with tires of adequate capacity to support its gross weight. No motor vehicle shall be operated on tires which have been worn so smooth as to expose any tread fabric or which have any other defect likely to cause failure. No vehicle shall be operated while transporting passengers while using any tire which does not have tread configurations on that part of the tire which is in contact with the road surface. No vehicle transporting passengers shall be operated with regrooved, recapped or retreaded tires on front wheels.

(5) *Passenger compartment.* Every motor vehicle transporting passengers, other than a bus, shall have a passenger compartment meeting the following requirements:

(i) *Floors.* A substantially smooth floor, without protruding obstructions more than 2 inches high, except as are necessary for securing seats or other devices to the floor, and without cracks or holes.

(ii) *Sides.* Sidewalls and ends above the floor at least 60 inches high, by attachment of sideboards to the permanent body construction if necessary. Stake body construction shall be construed to comply with this requirement only if all 6-inch or larger spaces between stakes are suitably closed to prevent passengers from falling off the vehicle.

(iii) *Nails, screws and splinters.* The floor and the interior of the sides and ends of the passenger-carrying space shall be free of inwardly protruding nails, screws, splinters or other projecting objects, likely to be injurious to passengers or their apparel.

(iv) *Seats.* A seat shall be provided for each worker transported. The seats shall be as follows:

(A) Securely attached to the vehicle during the course of transportation.

(B) Not less than 16 inches or more than 19 inches above the floor.

(C) At least 13 inches deep.

(D) Equipped with backrests extending to a height of at least 36 inches above the floor with at least 24 inches of space between the backrests or between the edges of the opposite seats when face to face.

(E) Designed to provide at least 18 inches of seat for each passenger.

(F) Without cracks more than 1/4 inch wide, and the backrests, if slatted, without cracks more than 2 inches wide, and the exposed surfaces, if made of wood, planed or sanded smooth and free of splinters.

(v) *Protection from weather.* Whenever necessary to protect the passengers from inclement weather conditions, the passenger compartment shall be equipped with a top at least 80 inches high above the floor and facilities for closing the sides and ends of the passenger-carrying compartment. Tarpaulins or other such removable devices for protection from the weather shall be secured in place.

(vi) *Exit.* Adequate means of ingress and egress to and from the passenger space shall be provided on the rear or at the right side. The means of ingress and egress shall be at least 18 inches wide. The top and the clear opening shall be at least 60 inches high, or as high as the side wall of the passenger space if less than 60 inches. The bottom shall be at the floor of the passenger space.

(vii) *Gates and doors.* Gates or doors shall be provided to close the means of ingress and egress and each gate or door shall be equipped with at least one latch or other fastening device of the construction as to keep the gate or door securely closed during the course of transportation. Such gates and doors shall be readily operative without the use of tools.

(viii) *Ladders or steps.* Ladders or steps for the purpose of ingress or egress shall be used when necessary. The maximum vertical spacing of footholds shall not exceed 12 inches, except that the lowest step may be not more than 18 inches above the ground when the vehicle is empty.

(ix) *Handholds.* Handholds or devices for similar purpose shall be provided to permit ingress and egress without hazard to passengers.

(x) *Emergency exit.* Vehicles with permanently affixed roofs shall be equipped with at least one emergency exit having a gate or door latch and handhold as prescribed in this section and located on a side or rear not equipped with the exit as set out in this section.

(xi) *Communication with the driver.* Means shall be provided to enable the passengers to communicate with the driver. The means may include telephone, speaker tubes, buzzers, pull cords or other mechanical or electrical means.

(6) *Protection from cold.* Each motor vehicle shall be provided with a safe means of protecting passengers from cold or undue exposure, but in no event shall heaters of the following types be used:

(i) *Exhaust heaters.* Any type of exhaust heater in which the engine exhaust gases are conducted into or through any space occupied by persons or any heater which conducts engine compartment air into any such space.

(ii) *Unenclosed flame heaters.* Any type of heater employing a flame which is not fully enclosed.

(iii) *Heaters permitting fuel leakage.* Any type of heater from the burner of which there may be spillage or leakage of fuel upon the tilting or overturning of the vehicle in which it is mounted.

(iv) *Heaters permitting air contamination.* Any heater taking air, heated or to be heated, from the engine compartment or from direct contact with any portion of the exhaust system, or any heater taking air in ducts from the outside atmosphere to be conveyed through the engine compartment, unless the ducts are so constructed and installed as to prevent contamination of the air so conveyed by exhaust or engine compartment gases.

(v) *Fastening.* Any heater not securely fastened to the vehicle.

§ 31.29. Maximum driving time.

No person shall drive nor shall any motor carrier permit or require a driver employed or used by it to drive or operate for more than 10 hours in the aggregate, excluding rest stops and stops for meals, in any period of 24 consecutive hours, unless the driver is afforded 8-consecutive hours rest immediately following the 10 hours aggregate driving. The term 24-consecutive hours as used in this section means a period starting at the time the driver reports for duty.

§ 31.30. Inspection and maintenance.

Each motor carrier shall systematically inspect and maintain or cause to be systematically maintained, all motor vehicles and their accessories subject to its control, to insure that the motor vehicles and accessories are in safe and proper operating condition.

§ 31.31. Conformity with ICC standards.

Lighting devices, reflectors, electrical equipment and brakes shall conform to the standards established by the Interstate Commerce Commission in Part 193 of the Motor Carrier Safety Regulations which are applicable to this subchapter.

Subchapter C. SEASONAL FARM LABOR

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31.55.	Fees.
31.56.	Notification and identification of agents.
31.57.	Application for registration.
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Authority

The provisions of this Subchapter C issued under act of May 2, 1929 (P. L. 1518, No. 452) (35 P. S. §§ 341—1356), unless otherwise noted.

Source

The provisions of this Subchapter C adopted November 3, 1978, 8 Pa.B. 3027, unless otherwise noted.

§ 31.51. Scope.

This subchapter shall apply to all “farm labor contractors” and “employers” as defined in Chapter 1 and under authority conferred by Chapters 2 and 5 of the act (43 P. S. §§ 1301.101—1301.103, 1301.201—1301.207 and 1301.501—1301.506).

§ 31.52. Administration—general.

(a) Except as set forth in this section, all proceedings of the Department will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 and 751—754 and 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

(b) All alleged violations of Chapter 2 of the act (43 P. S. §§ 1301.201—1301.207) will be administered in accordance with the applicable provisions of the cited laws and the rules and regulations as follows:

(1) The Child Labor Law (43 P. S. §§ 41—66.1), the act of June 23, 1931 (P. L. 923, No. 309) (43 P. S. §§ 67—71), and Chapter 11 of this title (relating to employment of minors).

(2) The Equal Pay Law (43 P. S. §§ 336.1—336.10) and §§ 9.61—9.65 (relating to equal pay laws).

(3) The Wage Payment and Collection Law (43 P. S. §§ 260.1—260.12) and §§ 9.1—9.4 (relating to wage payment and collection laws).

(c) Appeals from a decision of the Department for any violation of the act except as otherwise set forth in this section shall be made within 15 days of receipt of the decision and shall be addressed to the Secretary.

(d) Appeals from a decision to refuse to issue, suspend or revoke a certificate of registration shall be to the Board and shall be made within 30 days of receipt of the decision.

(e) The following provisions govern hearing examiners:

(1) Either the Secretary or the Board may appoint a hearing examiner to conduct any hearing required by the act or subsection (a).

(2) Such hearing examiner will present a formal recommendation to the appropriate authority within 60 days of the hearing, complete with findings of fact and conclusions of law.

(3) Any appellant may waive his right to a formal recommendation as required in paragraph (2), in which event the hearing examiner will present his recommended order within 15 days of the hearing. The recommended order shall not be required to contain formal findings of fact or conclusions of law.

(f) Either the Secretary or the Board will issue a final order which may be appealed to the Commonwealth Court under 1 Pa.C.S. § 1937; 42 Pa.C.S.

§§ 102, 503, 702, 704, 705, 706, 721, 722, 723, 724, 726, 741, 742, 761, 762, 763, 1722(a)(1), 5102, 5103; and § 8 of the act of July 9, 1976 (P. L. 586, No. 142); and 2 Pa.C.S. §§ 501—508 and 701—704 and 751—754.

(g) No appeal shall operate as a supersedeas except by appropriate order or rules of the authority having jurisdiction.

Source

The provisions of this § 31.52 amended December 14, 1979, effective December 15, 1979, 9 Pa.B. 4052. Immediately preceding text appears at serial page (40583).

§ 31.53. Definitions.

(a) When used in this chapter, the word “act” shall mean the Seasonal Farm Labor Act (43 P. S. §§ 1301.101—1301.606).

(b) Words and phrases used in this chapter shall have the meanings set forth in section 103 of the act (43 P. S. § 1301.103).

§ 31.54. Transition.

(a) A person who has a valid license as a crew leader under this chapter on the effective date of the act shall be deemed to have a current certificate of registration under the act.

(b) A person who does not hold a valid license as a crew leader shall prior to the effective date of the act or prior to his acting as a farm laborer contractor apply for his certificate of registration, and the person may not act as a farm labor contractor without possession of his certificate.

§ 31.55. Fees.

(a) The following fees shall be charged by the Department:

- (1) New applications—\$25.
- (2) Renewal applications—\$15.

(b) Fees shall be paid by check or money order made payable to the “Department of Labor and Industry—Farm Labor.”

(c) Should any check or money order be returned without having been honored for payment, the fees shall be deemed to have not been paid and any certificate issued shall be void.

(d) No fees shall be charged of any person exempt from registration under the act.

§ 31.56. Notification and identification of agents.

(a) Any person claiming exemption from registration as an agent of a farm labor contractor shall notify the Department at least 15 days prior to undertaking any regulated activity on a form prescribed by the Department.

(b) The Department will issue an identification card to the agent.

(c) The agent shall furnish the identification card upon request to any person set forth in section 501 of the act (43 P. S. § 1301.501) and to the employer, farmer or landowner.

§ 31.57. Application for registration.

Any person desiring to be registered as a farm labor contractor shall apply for such registration on a form to be prescribed and furnished by the Department, which shall contain the following information:

- (1) Name.
- (2) Social Security Number or Federal Identification Number.
- (3) Home address.
- (4) Whether or not the applicant has registered pursuant to 7 U.S.C.A. §§ 2041—2053.
- (5) Whether or not the applicant possesses a valid driver's license and the state and date of issue.
- (6) Whether or not the applicant has ever been convicted of a crime or summary offense other than a nonmoving traffic violation.
- (7) Whether or not the applicant will provide:
 - (A) Transportation.
 - (B) Food.
 - (C) Lodging.
- (8) The type and estimated numbers of workers to be provided.
- (9) The names of the employers of the workers.
- (10) The period of time during which workers shall be provided.
- (11) The source of workers by state, territory or country.
- (12) The names of any agents to be used.
- (13) A complete set of applicant's fingerprints.
- (14) Two frontal pictures of the applicant no larger than two inches square.

§ 31.58. Renewal.

(a) *Requirements.* The following are required:

- (1) Any person who desires to renew his registration as a farm labor contractor shall submit his application for renewal at least 15 days prior to commencing regulated activity in this Commonwealth.
- (2) Any person who was not registered under the act in one of 2-calendar years preceeding his application for registration must submit an application for new registration and cannot submit an application for renewal.

(b) *Information.* An application for renewal shall contain the following information:

- (1) Name.
- (2) Social Security Number or Federal Identification Number.
- (3) Any changes from the application on file.

- (4) One frontal picture of himself no larger than 2 inches square.
- (5) Current registration number.

Source

The provisions of this § 31.58 amended November 3, 1978, 8 Pa.B. 3432.

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