

# HOUSE BILL 1307

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CF SB 1016

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By: **Delegates Valderrama, Angel, Atterbeary, Aumann, Chang, Fennell, Hettleman, Hill, Kelly, Lam, Lewis, Lierman, Morales, Pena-Melnyk, Proctor, Sanchez, and Valentino-Smith**

Introduced and read first time: February 10, 2017

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Regulation of Farm Labor Contractors and Foreign**  
3 **Labor Contractors**

4 FOR the purpose of establishing licensing and regulatory requirements for foreign labor  
5 contractors; providing that an agreement by a foreign worker to waive certain rights  
6 is void as contrary to public policy; authorizing the Commissioner of Labor and  
7 Industry to enter certain housing at certain times for a certain purpose; requiring  
8 the Commissioner to keep a certain public registry of all licensed foreign labor  
9 contractors beginning on a certain date; authorizing the Attorney General, under  
10 certain circumstances, to investigate certain allegations and proceed in a court to  
11 enforce certain provisions of law; requiring an individual to be licensed by the  
12 Commissioner before the individual may perform a foreign labor contracting service  
13 in the State for consideration; altering the contents of a certain application;  
14 providing that a certain license authorizes the licensee to perform foreign labor  
15 contracting services for consideration; requiring a licensee to take certain actions  
16 while performing a foreign labor contracting service in the State; altering the  
17 grounds on which the Commissioner is authorized to deny a certain license or  
18 suspend or revoke a certain license; authorizing the Commissioner to suspend a  
19 license summarily under certain circumstances; authorizing the Commissioner to  
20 pass an order under certain circumstances to require a person immediately to cease  
21 performing a foreign labor contracting service; requiring the Commissioner to  
22 require, except under certain circumstances, a foreign labor contractor to post a  
23 surety bond or other security under certain circumstances; authorizing the  
24 Commissioner to require security in a certain amount; requiring each foreign labor  
25 contractor to provide each foreign worker with a certain contract at a certain time  
26 and in a certain language; prohibiting changes to a certain contract from being made  
27 except under certain circumstances; requiring a foreign labor contractor who  
28 provides certain housing to ensure that certain conditions of occupancy are posted  
29 conspicuously while the foreign worker stays in the housing; requiring the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Commissioner to make available to a foreign labor contractor a certain contract;  
2 requiring a foreign labor contractor to file with the Commissioner certain contracts;  
3 prohibiting a foreign labor contractor or an employer that uses a foreign labor  
4 contractor from assessing to a foreign worker certain costs, fees, and expenses;  
5 requiring a foreign labor contractor to immediately repay a foreign worker and  
6 provide the foreign worker with certain employment under certain circumstances;  
7 requiring certain employers to file with the Commissioner certain information;  
8 providing that a certain employer is jointly and severally liable for a violation of  
9 certain provisions of this Act committed by a foreign labor contractor; requiring the  
10 Commissioner to require by regulation a foreign labor contractor to keep certain  
11 records; requiring a foreign labor contractor to keep certain records even if the  
12 foreign labor contractor is not responsible for paying a foreign worker; requiring that  
13 certain information be included on a certain pay stub; requiring each foreign labor  
14 contractor to ensure that certain vehicles meet certain standards and that certain  
15 drivers are authorized under certain provisions of law to drive certain vehicles;  
16 requiring that each foreign labor contractor ensure that owners of certain vehicles  
17 have certain liability policies; prohibiting a person from performing a foreign labor  
18 contracting service in the State for consideration except under certain  
19 circumstances; prohibiting a foreign labor contractor from discriminating against a  
20 foreign worker to the same extent an employer is prohibited from discriminating  
21 under certain provisions of law; prohibiting a person from making certain  
22 representations to the public except under certain circumstances; prohibiting a  
23 person from using a foreign labor contractor to perform a foreign labor contracting  
24 service except under certain circumstances; providing that a person is not liable for  
25 hiring a certain person under certain circumstances; altering certain penalties;  
26 requiring the Commissioner to consider certain factors before assessing a certain  
27 penalty against a foreign labor contractor; establishing certain penalties for a willful  
28 violation of certain provisions of law by a foreign labor contractor; prohibiting a  
29 foreign labor contractor from taking adverse action against a foreign worker for a  
30 certain reason; authorizing a foreign worker, under certain circumstances, to bring  
31 an action in a certain court to recover certain damages; making conforming changes;  
32 defining certain terms; altering a certain defined term; providing for the construction  
33 of this Act; and generally relating to regulation of farm labor contractors and foreign  
34 labor contractors.

35 BY repealing and reenacting, with amendments,

36 Article – Labor and Employment

37 Section 7–101, 7–103, 7–202, 7–203, 7–205, 7–301, 7–302, 7–305, 7–307, 7–308,  
38 7–310, 7–311; 7–403 and 7–404 to be under the amended subtitle “Subtitle 4.  
39 Responsibilities of Farm Labor and Foreign Labor Contractors”; and 7–501,  
40 7–502, 7–503, 7–506, and 7–507 to be under the amended title “Title 7. Farm  
41 Labor and Foreign Labor Contractors”

42 Annotated Code of Maryland

43 (2016 Replacement Volume)

44 BY adding to

45 Article – Labor and Employment

1 Section 7–312.1, 7–401.1, 7–401.2, 7–401.3, and 7–508  
2 Annotated Code of Maryland  
3 (2016 Replacement Volume)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
5 That the Laws of Maryland read as follows:

6 **Article – Labor and Employment**

7 Title 7. Farm Labor AND FOREIGN LABOR Contractors.

8 7–101.

9 (a) In this title the following words have the meanings indicated.

10 (b) “Agricultural operation” means:

11 (1) a person:

12 (i) who performs a farm labor contracting service; and

13 (ii) who:

14 1. owns or operates a farm;

15 2. owns or operates a cannery, packing shed, or other  
16 processing establishment; or

17 3. produces or conditions seed; or

18 (2) a not–for–profit or cooperative association that:

19 (i) performs a farm labor contracting service;

20 (ii) consists of owners or operators of farms; and

21 (iii) is incorporated or qualified under the laws of the State.

22 (c) “Agricultural work” means employment:

23 (1) on a farm, in any activity that relates to the maintenance, management,  
24 or operation of the farm or its tools or other equipment, including cultivation of soil, raising  
25 of bees, or the growing, harvesting, or producing of an agricultural or horticultural  
26 commodity; or

1           (2)     by the owner or operator of a farm, to dry, to freeze, to grade, to pack,  
2 to package, to plant, to process, or otherwise to handle an agricultural or horticultural  
3 commodity in its unmanufactured state before delivery for storage.

4           (d)     “Commissioner” means the Commissioner of Labor and Industry.

5           **(E) “EMPLOYMENT” INCLUDES CULTURAL EXCHANGE, TRAINING, OR**  
6 **BUSINESS ACTIVITIES FOR WHICH A FOREIGN WORKER RECEIVES ANY FORM OF**  
7 **COMPENSATION, INCLUDING A STIPEND, FROM ANY SOURCE, WHETHER PAID IN THE**  
8 **UNITED STATES OR IN THE FOREIGN WORKER’S COUNTRY OF ORIGIN.**

9           **[(e)] (F)**     (1)     “Farm” means an area that is used primarily to raise an  
10 agricultural or horticultural commodity.

11           (2)     “Farm” includes:

12                   (i)     a dairy farm;

13                   (ii)    a fruit farm;

14                   (iii)   a furbearing animal farm;

15                   (iv)   a greenhouse;

16                   (v)    a nursery;

17                   (vi)   an orchard;

18                   (vii)   a poultry farm;

19                   (viii)   a ranch;

20                   (ix)   a stock farm; and

21                   (x)   a truck farm.

22           **[(f)] (G)**     “Farm labor contractor” means a person, other than an agricultural  
23 operation or an employee of an agricultural operation, who performs a farm labor  
24 contracting service for consideration.

25           **(H) (1) “FOREIGN LABOR CONTRACTOR” MEANS A PERSON WHO**  
26 **PERFORMS A FOREIGN LABOR CONTRACTING SERVICE.**

27           **(2) “FOREIGN LABOR CONTRACTOR” INCLUDES:**

1           **(I) A PERSON WORKING ON BEHALF OF AN EMPLOYER LOCATED**  
2 **IN THE STATE REGARDLESS OF WHETHER THE FOREIGN WORKER IN RELATION TO**  
3 **WHOM THE FOREIGN LABOR CONTRACTING SERVICE IS PERFORMED IS LOCATED IN**  
4 **THE UNITED STATES;**

5           **(II) A PERSON THAT PERFORMS A FOREIGN LABOR**  
6 **CONTRACTING SERVICE WHOLLY OUTSIDE THE UNITED STATES;**

7           **(III) A SPONSOR IN THE J-1 VISA PROGRAM; AND**

8           **(IV) AN AGENT OF A SPONSOR IN THE J-1 VISA PROGRAM.**

9       **(I) (1) “FOREIGN WORKER” MEANS AN INDIVIDUAL WHO:**

10           **(I) IS SEEKING EMPLOYMENT;**

11           **(II) IS NOT A U.S. CITIZEN OR A PERMANENT RESIDENT; AND**

12           **(III) IS AUTHORIZED BY THE FEDERAL GOVERNMENT TO WORK**  
13 **IN THE UNITED STATES UNDER A NONIMMIGRANT VISA CLASSIFICATION OR STATUS:**

14                   **1. DESCRIBED IN § 101(A)(15) OR § 214(E) OF THE**  
15 **FEDERAL IMMIGRATION AND NATIONALITY ACT; OR**

16                   **2. THAT IS OTHERWISE ESTABLISHED UNDER FEDERAL**  
17 **IMMIGRATION LAWS.**

18       **(2) “FOREIGN WORKER” DOES NOT INCLUDE AN INDIVIDUAL WHO**  
19 **RECEIVED A GREEN CARD ON ADMISSION TO THE UNITED STATES.**

20       **[(g)] (J) “License” means a license issued by the Commissioner to perform farm**  
21 **labor contracting services OR FOREIGN LABOR CONTRACTING SERVICES for**  
22 **consideration.**

23       **[(h)] (K) “Licensed farm labor contractor” means an individual who is licensed**  
24 **by the Commissioner to perform farm labor contracting services for consideration.**

25       **(L) “LICENSED FOREIGN LABOR CONTRACTOR” MEANS AN INDIVIDUAL**  
26 **WHO IS LICENSED BY THE COMMISSIONER TO PERFORM FOREIGN LABOR**  
27 **CONTRACTING SERVICES.**

28       **[(i)] (M) (1) “Migrant agricultural worker” means, except as provided in**  
29 **paragraph (2) of this subsection, an individual who:**

1 (i) is employed to perform agricultural work of a seasonal or other  
2 temporary nature; and

3 (ii) in the course of employment:

4 1. is absent overnight from the permanent place of residence  
5 of the individual; or

6 2. as part of a day-haul operation, is transported or caused  
7 to be transported by a farm labor contractor or an agent of a farm labor contractor to or  
8 from the place of employment.

9 (2) "Migrant agricultural worker" does not include:

10 (i) an immediate family member of the owner or operator of a farm  
11 or a cannery, packing shed, or other processing establishment;

12 (ii) an immediate family member of an individual who produces or  
13 conditions seeds;

14 (iii) an immediate family member of a farm labor contractor; or

15 (iv) a nonimmigrant alien, as defined in 8 U.S.C. §  
16 1101(a)(15)(H)(ii)(a), who is authorized under federal law to work in agricultural  
17 employment in the United States.

18 [(j)] (N) "Perform a farm labor contracting service" means to recruit, to employ,  
19 to hire, to provide, to solicit, to transport, or to provide housing for a migrant agricultural  
20 worker.

21 (O) (1) "PERFORM A FOREIGN LABOR CONTRACTING SERVICE" MEANS TO  
22 RECRUIT, TO EMPLOY, TO HIRE, TO CONTRACT WITH, TO PURPORT TO EMPLOY,  
23 HIRE, OR CONTRACT WITH, TO PROVIDE, TO SOLICIT, TO TRANSPORT, OR TO  
24 PROVIDE HOUSING FOR A FOREIGN WORKER DIRECTLY OR THROUGH AN AGENT  
25 REGARDLESS OF WHETHER THE SERVICE IS PERFORMED IN THE UNITED STATES.

26 (2) "PERFORM A FOREIGN LABOR CONTRACTING SERVICE"  
27 INCLUDES:

28 (I) ANY ACTIVITY LEADING TO POTENTIAL EMPLOYMENT OF A  
29 FOREIGN WORKER BEGINNING WITH THE INITIAL CONTACT WITH THE FOREIGN  
30 WORKER OUTSIDE THE UNITED STATES;

31 (II) COORDINATING OR PROVIDING TRANSPORTATION  
32 SPECIFICALLY FOR THE PURPOSE OF AIDING A FOREIGN WORKER TO OBTAIN  
33 EMPLOYMENT;

1 (III) INTERVIEWING, TESTING, EVALUATING, AND SCREENING A  
2 FOREIGN WORKER FOR JOB QUALIFICATIONS;

3 (IV) SETTING UP A VISA APPOINTMENT WITH THE CONSULATE;  
4 AND

5 (V) REFERRING THE FOREIGN WORKER TO AN EMPLOYER FOR  
6 CONSIDERATION FOR HIRE.

7 7-103.

8 An agreement by a migrant agricultural worker **OR A FOREIGN WORKER** to waive  
9 or modify a right of the migrant agricultural worker **OR FOREIGN WORKER** under this title  
10 is void as contrary to public policy.

11 7-202.

12 (a) The Commissioner shall administer and enforce this title.

13 (b) To administer or enforce this title, the Commissioner may:

14 (1) conduct necessary investigations; and

15 (2) enter, at reasonable times, without delay:

16 (i) a migratory labor camp;

17 (ii) a place of employment; or

18 (iii) housing that:

19 1. a farm labor contractor provides to a migrant agricultural  
20 worker; **OR**

21 2. **A FOREIGN LABOR CONTRACTOR PROVIDES TO A**  
22 **FOREIGN WORKER.**

23 (c) To administer or enforce this title, the Commissioner may administer oaths  
24 and depose witnesses.

25 (d) (1) To administer or enforce this title, the Commissioner may issue a  
26 subpoena for the attendance of a witness to testify or the production of books, documents,  
27 papers, and records.

1 (2) If a person fails to comply with a subpoena issued under this subsection  
2 or fails to testify on any matter on which the person lawfully may be interrogated, on a  
3 complaint filed by the Commissioner, the circuit court for the county where the person  
4 resides or is then present may pass an order directing compliance with the subpoena or  
5 compelling testimony.

6 7-203.

7 (a) In addition to any powers set forth elsewhere, the Commissioner:

8 (1) may accept from any source a grant to carry out this title; and

9 (2) to administer or enforce this title, may certify to official acts.

10 (b) In addition to any duties set forth elsewhere, the Commissioner shall keep:

11 (1) a central public registry of all licensed farm labor contractors; AND

12 (2) **BEGINNING JULY 1, 2018, A CENTRAL PUBLIC REGISTRY OF ALL**  
13 **LICENSED FOREIGN LABOR CONTRACTORS THAT:**

14 (I) **IS AVAILABLE ONLINE IN A USER-FRIENDLY FORMAT;**

15 (II) **IS AVAILABLE, AT A MINIMUM, IN ENGLISH AND SPANISH;**

16 (III) **IS UPDATED WITHIN 5 BUSINESS DAYS AFTER A MATERIAL**  
17 **CHANGE IS MADE IN THE INFORMATION PREVIOUSLY PROVIDED BY A LICENSED**  
18 **FOREIGN LABOR CONTRACTOR; AND**

19 (IV) **INCLUDES THE FOLLOWING INFORMATION:**

20 1. **FOR EACH EMPLOYER FOR WHOM THE FOREIGN**  
21 **LABOR CONTRACTOR PERFORMS FOREIGN LABOR CONTRACTING SERVICES:**

22 A. **THE NAME AND CONTACT INFORMATION OF THE**  
23 **EMPLOYER; AND**

24 B. **THE NUMBER, OCCUPATIONS, WAGES, VISA**  
25 **CLASSIFICATIONS, AND EMPLOYMENT DATES OF FOREIGN WORKERS WHO WERE**  
26 **HIRED BY THE EMPLOYER AND WITH RESPECT TO WHOM THE FOREIGN LABOR**  
27 **CONTRACTOR PERFORMED A FOREIGN LABOR CONTRACTING SERVICE FOR THE**  
28 **PERSON;**



1                   **2. THE INDUSTRY FOR WHICH THE FOREIGN LABOR**  
2 **CONTRACTOR PERFORMS FOREIGN LABOR CONTRACTING SERVICES; AND**

3                   **3. THE NAMES OF ALL PERSONS EMPLOYED BY OR**  
4 **CONTRACTED BY THE LICENSED FOREIGN LABOR CONTRACTOR TO PERFORM**  
5 **FOREIGN LABOR CONTRACTING SERVICES AND THE CITIES, STATES, AND FOREIGN**  
6 **COUNTRIES WHERE THE FOREIGN LABOR CONTRACTING SERVICES WILL BE**  
7 **PERFORMED BY THE PERSONS.**

8 7-205.

9           **(A)** On request of the Commissioner, the Attorney General may proceed in a court  
10 or before a federal unit to enforce:

- 11           (1) a decision of the Commissioner made under this title;
- 12           (2) a subpoena issued under this title;
- 13           (3) an order of the Commissioner passed under this title; or
- 14           (4) the collection of a civil penalty assessed under this title.

15           **(B) ON THE ATTORNEY GENERAL'S OWN INITIATIVE, THE ATTORNEY**  
16 **GENERAL MAY:**

- 17           **(1) INVESTIGATE AN ALLEGED VIOLATION OF THIS TITLE; AND**
- 18           **(2) PROCEED IN A COURT TO ENFORCE THIS TITLE.**

19 7-301.

20           Except as otherwise provided in this title, an individual shall be licensed by the  
21 Commissioner before the individual may perform a farm labor contracting service **OR A**  
22 **FOREIGN LABOR CONTRACTING SERVICE** in the State for consideration.

23 7-302.

24           (a) An applicant for a license shall:

- 25           (1) submit to the Commissioner:
- 26           (i) an application on the form that the Commissioner provides; and
- 27           (ii) two recent, passport sized, color photographs of the applicant;

28 and

1 (2) pay to the Commissioner an application fee of \$25.

2 (b) The application shall state:

3 (1) the permanent place of residence of the applicant;

4 (2) each address where the applicant expects to reside while in the State;

5 (3) each farm labor contracting service **OR FOREIGN LABOR**  
6 **CONTRACTING SERVICE** that the applicant will perform for consideration;

7 (4) **IF THE APPLICANT WILL BE PERFORMING A FARM LABOR**  
8 **CONTRACTING SERVICE**, the name and address of each agricultural operation for whom  
9 the applicant will perform [a] **THE** farm labor contracting service, in the State, for  
10 consideration;

11 (5) the name and permanent address of each person who will act as  
12 custodian of records of wages that are required under this title to be kept;

13 (6) **IF THE APPLICANT WILL BE PERFORMING A FARM LABOR**  
14 **CONTRACTING SERVICE**, the number of migrant agricultural workers that the applicant  
15 expects to use in the State to perform a farm labor contracting service for consideration;

16 (7) **IF THE APPLICANT WILL BE PERFORMING A FOREIGN LABOR**  
17 **CONTRACTING SERVICE, THE NUMBER OF FOREIGN WORKERS WITH RESPECT TO**  
18 **WHOM THE APPLICANT EXPECTS TO PERFORM A FOREIGN LABOR CONTRACTING**  
19 **SERVICE;**

20 **[(7)] (8)** if the applicant will provide housing or cause housing to be  
21 provided to a migrant agricultural worker **OR A FOREIGN WORKER:**

22 (i) the name of each person who will provide the housing; and

23 (ii) each address where the housing will be provided;

24 **[(8)] (9)** if registration is required under the federal Migrant and  
25 Seasonal Agricultural Worker Protection Act, the registration identification number of the  
26 applicant;

27 **[(9)] (10)** the name of a resident agent who is acceptable to the  
28 Commissioner;

29 **[(10)] (11)** the consent of the applicant to service of process on the resident  
30 agent whenever the applicant leaves the State or otherwise is unavailable to accept service;  
31 **[and]**

1           **(12) IF THE APPLICANT WILL BE PERFORMING A FOREIGN LABOR**  
2 **CONTRACTING SERVICE:**

3                   **(I) WHETHER THE APPLICANT HAS VIOLATED ANY**  
4 **EMPLOYMENT, LABOR, OR IMMIGRATION LAWS;**

5                   **(II) THE AMOUNT OF TIME THE APPLICANT HAS BEEN**  
6 **PERFORMING FOREIGN LABOR CONTRACTING SERVICES;**

7                   **(III) THE APPLICANT'S REVENUE AND OPERATING BUDGET;**

8                   **(IV) THE MANNER IN WHICH THE FOREIGN LABOR CONTRACTING**  
9 **SERVICE WILL BE PERFORMED;**

10                   **(V) WHETHER THE APPLICANT IS OR HAS BEEN REGISTERED**  
11 **WITH ANY OTHER STATE OR THE FEDERAL GOVERNMENT TO PERFORM A FOREIGN**  
12 **LABOR CONTRACTING SERVICE;**

13                   **(VI) IF THE APPLICANT IS OR HAS BEEN REGISTERED WITH ANY**  
14 **OTHER STATE OR THE FEDERAL GOVERNMENT TO PERFORM A FOREIGN LABOR**  
15 **CONTRACTING SERVICE:**

16                   **1. WHETHER THE REGISTRATION HAS EVER BEEN**  
17 **REVOKED OR SUSPENDED AND, IF SO, THE REASONS FOR THE REVOCATION OR**  
18 **SUSPENSION; AND**

19                   **2. WHETHER THE OTHER STATE OR THE FEDERAL**  
20 **GOVERNMENT EVER REFUSED TO REISSUE THE REGISTRATION AND, IF SO, THE**  
21 **REASONS FOR THE REFUSAL;**

22                   **(VII) ANY PROFESSIONAL ORGANIZATIONS OF WHICH THE**  
23 **APPLICANT IS A MEMBER;**

24                   **(VIII) A LIST OF EMPLOYERS WHO HAVE USED THE SERVICES OF**  
25 **THE APPLICANT WITHIN THE IMMEDIATELY PRECEDING 2 YEARS THAT INCLUDES:**

26                   **1. THE NAME OF EACH EMPLOYER;**

27                   **2. REGARDING FOREIGN WORKERS WITH RESPECT TO**  
28 **WHOM THE APPLICANT PERFORMED A FOREIGN LABOR CONTRACTING SERVICE FOR**  
29 **EACH EMPLOYER:**

1                   **A. THE NUMBER OF FOREIGN WORKERS HIRED BY THE**  
2 **EMPLOYER;**

3                   **B. THE CITIES AND COUNTRIES OF ORIGIN OF THE**  
4 **FOREIGN WORKERS;**

5                   **C. THE CITIES AND STATES WHERE THE FOREIGN**  
6 **WORKERS WERE EMPLOYED;**

7                   **D. THE RANGE OF WAGES PAID TO THE FOREIGN**  
8 **WORKERS; AND**

9                   **E. THE INDUSTRIES AND OCCUPATIONS IN WHICH THE**  
10 **FOREIGN WORKERS WERE EMPLOYED; AND**

11                   **3. THE VALUE OF THE CONTRACT ENTERED INTO BY THE**  
12 **EMPLOYER AND THE APPLICANT;**

13                   **(IX) THE NAMES AND ADDRESSES OF ALL REGISTERED BUSINESS**  
14 **AGENTS IN THE UNITED STATES OR IN A FOREIGN JURISDICTION;**

15                   **(X) ALL TAX IDENTIFICATION NUMBERS ISSUED TO THE**  
16 **APPLICANT; AND**

17                   **(XI) THE NAMES OF ALL INDIVIDUALS, INCLUDING ANY**  
18 **INDEPENDENT CONTRACTORS OR SUBCONTRACTORS, EMPLOYED OR USED BY THE**  
19 **APPLICANT OR WITH WHOM THE APPLICANT CONTRACTS TO PERFORM A FOREIGN**  
20 **LABOR CONTRACTING SERVICE; AND**

21                   **[(11)] (13)** other relevant information that the Commissioner requires.

22                   (c) If information required under subsection (b) of this section changes, the  
23 applicant or, if a license has been issued, the licensee shall give the Commissioner notice of  
24 the change within 10 days after the applicant or licensee knows or should have known of  
25 the change.

26                   (d) Information in an application or in a notice of change may not be used to imply  
27 legal responsibility on an agricultural operation for the care, custody, or activities of a  
28 migrant agricultural worker whom a farm labor contractor provides.

29                   (e) The Commissioner shall make application forms reasonably available at  
30 convenient locations throughout the State.

31 7-305.

1 While a license is in effect, it authorizes the licensee to:

2 **(1) IF THE LICENSEE IS A FARM LABOR CONTRACTOR,** perform farm  
3 labor contracting services for consideration; **OR**

4 **(2) IF THE LICENSEE IS A FOREIGN LABOR CONTRACTOR, PERFORM**  
5 **FOREIGN LABOR CONTRACTING SERVICES FOR CONSIDERATION.**

6 7-307.

7 While a licensee is performing a farm labor contracting service **OR A FOREIGN**  
8 **LABOR CONTRACTING SERVICE** in the State, the licensee shall:

9 (1) carry the license; and

10 (2) show the license:

11 (i) to each person with whom the licensee intends to deal as a farm  
12 labor contractor **OR A FOREIGN LABOR CONTRACTOR;** and

13 (ii) on request, to an authorized employee or official of the State.

14 7-308.

15 Subject to the hearing provisions of § 7-309 of this subtitle, the Commissioner may  
16 deny a license to any applicant or suspend or revoke a license if the applicant or licensee:

17 (1) fraudulently or deceptively obtains or attempts to obtain a license for  
18 the applicant or licensee or for another;

19 (2) fraudulently or deceptively uses a license;

20 (3) knowingly makes any misrepresentation in the application;

21 (4) is not the real party in interest in the application for a license and the  
22 real party in interest:

23 (i) has been refused a license;

24 (ii) has had a license suspended or revoked; or

25 (iii) otherwise fails to qualify under this section for a license;

26 (5) fails to comply with any provision of this title;

27 (6) fails to comply with any regulation that the Commissioner adopts;

- 1 (7) fails to comply with an order that the Commissioner passes;
- 2 (8) fails to satisfy a judgment that the Commissioner obtains under this  
3 title;
- 4 (9) knowingly gives a migrant agricultural worker **OR A FOREIGN**  
5 **WORKER** who is recruited or hired false or misleading information about the existence or  
6 conditions of employment;
- 7 (10) fails, without just cause, to comply with any agreement or arrangement  
8 with an agricultural operation or with a migrant agricultural worker **OR FOREIGN**  
9 **WORKER**;
- 10 (11) is found by the Secretary of Health and Mental Hygiene to have violated  
11 a regulation of the Secretary on housing, sanitation, or safety for migrant agricultural  
12 workers **OR FOREIGN WORKERS**;
- 13 (12) has had a farm labor contractor registration certificate suspended or  
14 revoked by the United States Department of Labor or by another state for a reason that  
15 would justify suspension or revocation of a license in this State;
- 16 (13) has been convicted of a felony under a law of the State or under federal  
17 law; [or]
- 18 (14) during the past 5 years, has been convicted of a misdemeanor in  
19 connection with performing a farm labor contracting service **OR A FOREIGN LABOR**  
20 **CONTRACTING SERVICE** if the misdemeanor relates to:
- 21 (i) gambling;
- 22 (ii) sale, distribution, or possession of an alcoholic beverage; or
- 23 (iii) sale, distribution, or possession of a controlled dangerous  
24 substance; **OR**
- 25 **(15) ASSESSES TO A FOREIGN WORKER ANY COSTS, FEES, OR EXPENSES**  
26 **RELATED TO THE PERFORMANCE OF A FOREIGN LABOR CONTRACTING SERVICE.**

27 7-310.

28 The Commissioner may suspend a license summarily pending the determination of  
29 a hearing under § 7-309 of this subtitle if the Commissioner finds suspension necessary to  
30 prevent abuse of or injury to a migrant agricultural worker **OR A FOREIGN WORKER.**

31 7-311.

1 (a) If, after an investigation, the Commissioner has reason to believe that a  
2 person is performing a farm labor contracting service **OR A FOREIGN LABOR**  
3 **CONTRACTING SERVICE** for consideration in the State without a license, the  
4 Commissioner may pass an order to require the person immediately to cease performing  
5 the farm labor contracting service **OR FOREIGN LABOR CONTRACTING SERVICE**.

6 (b) The Commissioner shall give notice of the order and, if requested under  
7 subsection (d) of this section, hold a hearing in accordance with Title 10, Subtitle 2 of the  
8 State Government Article.

9 (c) An order passed under this section shall be:

10 (1) served personally; or

11 (2) sent by certified mail to the last known address of the person.

12 (d) (1) Within 7 days after service of an order under this section, the person  
13 may submit to the Commissioner a written request for a hearing.

14 (2) Unless a person requests a hearing in accordance with paragraph (1) of  
15 this subsection, the order is final.

16 **7-312.1.**

17 (A) **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE**  
18 **COMMISSIONER SHALL REQUIRE A FOREIGN LABOR CONTRACTOR TO POST A**  
19 **SURETY BOND OR OTHER SECURITY IF THE COMMISSIONER:**

20 (1) **FINDS THAT THE FOREIGN LABOR CONTRACTOR HAS VIOLATED A**  
21 **PROVISION OF THIS TITLE OR ANY ORDER THAT THE COMMISSIONER ISSUES OR**  
22 **REGULATION THAT THE COMMISSIONER ADOPTS; OR**

23 (2) **RECEIVES A CERTIFIED RECORD OF THE FINDING OF A UNIT OF**  
24 **ANOTHER STATE OR THE UNITED STATES THAT THE FOREIGN LABOR CONTRACTOR**  
25 **HAS VIOLATED ANY LAW THAT RELATES TO:**

26 (I) **REGISTRATION AS A FOREIGN LABOR CONTRACTOR; OR**

27 (II) **THE EMPLOYMENT OF, PROVISION OF HOUSING FOR, OR**  
28 **TRANSPORTATION OF A FOREIGN WORKER.**

29 (B) **THE COMMISSIONER MAY NOT REQUIRE SECURITY ON THE BASIS OF AN**  
30 **ADMINISTRATIVE DECISION THAT A COURT NULLIFIES.**

1           **(C) THE COMMISSIONER MAY REQUIRE SECURITY IN AN AMOUNT THAT THE**  
2 **COMMISSIONER CONSIDERS ADEQUATE TO ENSURE COMPLIANCE WITH THE LAWS**  
3 **OF THE STATE.**

4           Subtitle 4. Responsibilities of Farm Labor **AND FOREIGN LABOR** Contractors.

5 **7-401.1.**

6           **(A) (1) IN ACCORDANCE WITH THIS SECTION, EACH FOREIGN LABOR**  
7 **CONTRACTOR SHALL PROVIDE EACH FOREIGN WORKER WITH AN ENFORCEABLE**  
8 **EMPLOYMENT CONTRACT SIGNED BY THE FOREIGN LABOR CONTRACTOR AND THE**  
9 **FOREIGN WORKER THAT INCLUDES ALL ASSURANCES MADE BY THE FOREIGN LABOR**  
10 **CONTRACTOR AND ALL TERMS AND CONDITIONS OF EMPLOYMENT TO BE PROVIDED**  
11 **TO THE FOREIGN WORKER AND OTHER RELEVANT INFORMATION, INCLUDING:**

12                   **(I) EACH PLACE OF EMPLOYMENT IN THE STATE;**

13                   **(II) THE NAME OF THE EMPLOYER AND ANY AGENTS OF THE**  
14 **EMPLOYER OR THE FOREIGN LABOR CONTRACTOR;**

15                   **(III) A DESCRIPTION OF THE WORK ACTIVITIES INVOLVED;**

16                   **(IV) EACH CONDITION OF EMPLOYMENT AT EACH PLACE OF**  
17 **EMPLOYMENT, INCLUDING:**

18                           1. **THE WAGE TO BE PAID;**

19                           2. **THE PERSON WHO WILL PAY THE WAGE;**

20                           3. **WHEN THE WAGE IS DUE;**

21                           4. **THE HOURS TO BE WORKED;**

22                           5. **INFORMATION ABOUT MEALS AND REST PERIODS TO**  
23 **BE PROVIDED TO THE FOREIGN WORKER;**

24                           6. **ANY PRODUCTION STANDARDS; AND**

25                           7. **THE PERIOD FOR WHICH THE FOREIGN WORKER IS TO**  
26 **BE EMPLOYED;**

27                   **(V) THE HOUSING, INSURANCE, OR TRANSPORTATION THAT**  
28 **WILL BE PROVIDED TO THE FOREIGN WORKER;**



1 (VI) ANY COST THAT WILL BE CHARGED TO THE FOREIGN  
2 WORKER FOR HOUSING OR INSURANCE;

3 (VII) EACH LABOR DISPUTE THAT THE FOREIGN LABOR  
4 CONTRACTOR KNOWS EXISTS AT A PLACE OF EMPLOYMENT;

5 (VIII) A DISCLOSURE REGARDING THE ABILITY OF THE FOREIGN  
6 WORKER TO ENGAGE IN A STRIKE OR LOCKOUT;

7 (IX) THE INFORMATION TO BE INCLUDED ON EACH PAY STUB;

8 (X) ANY AMOUNTS THAT WILL BE WITHHELD OR DEDUCTED  
9 FROM THE PAY OF THE FOREIGN WORKER;

10 (XI) ANY APPLICABLE PENALTIES FOR EARLY TERMINATION OF  
11 EMPLOYMENT;

12 (XII) THE FOLLOWING INFORMATION REGARDING THE VISA  
13 UNDER WHICH THE FOREIGN WORKER IS TO BE EMPLOYED:

14 1. THE TYPE OF VISA;

15 2. THE LENGTH OF TIME FOR WHICH THE VISA IS VALID;

16 3. THE TERMS AND CONDITIONS UNDER WHICH THE VISA  
17 WILL BE RENEWED;

18 4. WHETHER THE EMPLOYER OR THE FOREIGN WORKER  
19 IS RESPONSIBLE FOR SECURING THE RENEWAL OF THE VISA; AND

20 5. ANY EXPENSES ASSOCIATED WITH THE RENEWAL;

21 (XIII) CONTACT INFORMATION, INCLUDING THE PHONE NUMBER  
22 AND ADDRESS, FOR THE INDIVIDUAL, INDEPENDENT CONTRACTOR,  
23 SUBCONTRACTOR, OR AGENT WHO WILL BE IN DIRECT CONTACT WITH THE FOREIGN  
24 WORKER;

25 (XIV) WHETHER THE FOREIGN WORKER IS COVERED BY  
26 WORKERS' COMPENSATION, PRIVATE INSURANCE, OR OTHER COVERAGE FOR  
27 INJURIES OR DEATH SUSTAINED DURING THE COURSE OF EMPLOYMENT;

1           **(XV) A REQUIREMENT THAT THE FOREIGN LABOR CONTRACTOR**  
2 **OR THE EMPLOYER PAY ALL FEES, INCLUDING VISA APPLICATION FEES, BORDER**  
3 **CROSSING FEES, TRANSPORTATION COSTS, OR ANY OTHER COST OR FEE RELATED**  
4 **TO RECRUITMENT FOR EMPLOYMENT IN THE UNITED STATES;**

5           **(XVI) PROOF OF COMPLIANCE WITH THE LOCAL HOUSING CODE**  
6 **FOR THE AREA WHERE THE FOREIGN WORKER WILL BE HOUSED;**

7           **(XVII) WHETHER ANY EDUCATION OR TRAINING WILL BE**  
8 **PROVIDED TO THE FOREIGN WORKER AND, IF SO, ANY ASSOCIATED COSTS AND**  
9 **WHETHER THE FOREIGN WORKER IS RESPONSIBLE FOR PAYING THE ASSOCIATED**  
10 **COSTS; AND**

11           **(XVIII) A DESCRIPTION OF PROTECTIONS AVAILABLE TO THE**  
12 **FOREIGN WORKER UNDER THE FEDERAL TRAFFICKING VICTIMS PROTECTION ACT.**

13           **(2) EACH FOREIGN LABOR CONTRACTOR SHALL PROVIDE THE**  
14 **EMPLOYMENT CONTRACT REQUIRED UNDER THIS SUBSECTION TO THE FOREIGN**  
15 **WORKER:**

16           **(I) AT THE TIME THE RECRUITMENT PROCESS BEGINS; AND**

17           **(II) IN THE PRIMARY LANGUAGE OF THE FOREIGN WORKER.**

18           **(3) CHANGES TO THE EMPLOYMENT CONTRACT REQUIRED UNDER**  
19 **THIS SUBSECTION MAY NOT BE MADE UNLESS THE FOREIGN WORKER:**

20           **(I) IS GIVEN 48 HOURS TO REVIEW AND CONSIDER THE**  
21 **CHANGES; AND**

22           **(II) VOLUNTARILY CONSENTS TO THE CHANGES.**

23           **(B) EACH FOREIGN LABOR CONTRACTOR WHO PROVIDES HOUSING FOR A**  
24 **FOREIGN WORKER SHALL ENSURE THAT ALL OF THE CONDITIONS OF OCCUPANCY**  
25 **ARE POSTED CONSPICUOUSLY WHILE THE FOREIGN WORKER STAYS IN THE**  
26 **HOUSING.**

27           **(C) ON REQUEST, THE COMMISSIONER SHALL MAKE AVAILABLE TO A**  
28 **FOREIGN LABOR CONTRACTOR A STANDARD EMPLOYMENT CONTRACT THAT CAN BE**  
29 **USED TO MEET THE REQUIREMENTS OF THIS SECTION.**

1 (D) A FOREIGN LABOR CONTRACTOR SHALL FILE WITH THE COMMISSIONER  
2 EACH EMPLOYMENT CONTRACT PROVIDED TO A FOREIGN WORKER UNDER  
3 SUBSECTION (A) OF THIS SECTION.

4 **7-401.2.**

5 (A) A FOREIGN LABOR CONTRACTOR OR AN EMPLOYER THAT USES A  
6 FOREIGN LABOR CONTRACTOR MAY NOT ASSESS TO A FOREIGN WORKER ANY COSTS,  
7 FEES, OR EXPENSES RELATED TO THE PERFORMANCE OF A FOREIGN LABOR  
8 CONTRACTING SERVICE.

9 (B) IF A FOREIGN LABOR CONTRACTOR OR EMPLOYER VIOLATES  
10 SUBSECTION (A) OF THIS SECTION BEFORE THE FOREIGN WORKER BEGINS WORK  
11 FOR WHICH THE FOREIGN LABOR CONTRACTING SERVICE WAS PERFORMED, THE  
12 FOREIGN LABOR CONTRACTOR SHALL:

13 (1) IMMEDIATELY REPAY THE FOREIGN WORKER; AND

14 (2) PROVIDE THE EXACT OR COMPARABLE EMPLOYMENT FOR THE  
15 FOREIGN WORKER.

16 **7-401.3.**

17 (A) EACH EMPLOYER THAT USES A FOREIGN LABOR CONTRACTOR SHALL  
18 FILE WITH THE COMMISSIONER THE NAME AND CONTACT INFORMATION FOR THE  
19 FOREIGN LABOR CONTRACTOR.

20 (B) AN EMPLOYER THAT USES A FOREIGN LABOR CONTRACTOR IS JOINTLY  
21 AND SEVERALLY LIABLE FOR ANY VIOLATION OF § 7-401.1 OF THIS SUBTITLE  
22 COMMITTED BY THE FOREIGN LABOR CONTRACTOR.

23 **7-403.**

24 (a) (1) The Commissioner may require, by regulation, a farm labor contractor  
25 to keep records of:

26 [(1)] (I) wages owed to each migrant agricultural worker for agricultural  
27 work performed in the State; and

28 [(2)] (II) wages paid to each migrant agricultural worker for agricultural  
29 work performed in the State.

1           **[(b)] (2)** A farm labor contractor shall keep all of the records required under  
2 **[subsection (a) of this section] PARAGRAPH (1) OF THIS SUBSECTION** even if the farm  
3 labor contractor is not responsible for paying a migrant agricultural worker.

4           **(B) (1) THE COMMISSIONER SHALL REQUIRE, BY REGULATION, A**  
5 **FOREIGN LABOR CONTRACTOR TO KEEP RECORDS OF:**

6                   **(I) WAGES OWED TO EACH FOREIGN WORKER FOR WORK**  
7 **PERFORMED IN THE STATE FOR WHICH THE FOREIGN LABOR CONTRACTING**  
8 **SERVICE WAS PERFORMED; AND**

9                   **(II) WAGES PAID TO EACH FOREIGN WORKER FOR WORK**  
10 **PERFORMED IN THE STATE FOR WHICH THE FOREIGN LABOR CONTRACTING**  
11 **SERVICE WAS PERFORMED.**

12           **(2) A FOREIGN LABOR CONTRACTOR SHALL KEEP ALL THE RECORDS**  
13 **REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION EVEN IF THE FOREIGN**  
14 **LABOR CONTRACTOR IS NOT RESPONSIBLE FOR PAYING A FOREIGN WORKER.**

15           **(3) THE INFORMATION LISTED IN PARAGRAPH (1) OF THIS**  
16 **SUBSECTION SHALL BE INCLUDED IN THE PAY STUB OF A FOREIGN WORKER.**

17 7-404.

18           (a) Each farm labor contractor **AND EACH FOREIGN LABOR CONTRACTOR** shall  
19 ensure that each vehicle that the farm labor contractor **OR FOREIGN LABOR**  
20 **CONTRACTOR** uses or causes to be used to transport a migrant agricultural worker **OR A**  
21 **FOREIGN WORKER** in the State meets applicable federal and State standards for safety.

22           (b) Each farm labor contractor **AND EACH FOREIGN LABOR CONTRACTOR** shall  
23 ensure that the driver of each vehicle that the farm labor contractor **OR FOREIGN LABOR**  
24 **CONTRACTOR** uses or causes to be used to transport a migrant agricultural worker **OR A**  
25 **FOREIGN WORKER** in the State is authorized under Title 16 of the Transportation Article  
26 to drive the vehicle.

27           (c) (1) Each farm labor contractor **AND EACH FOREIGN LABOR**  
28 **CONTRACTOR** shall ensure that the owner of each vehicle that the farm labor contractor  
29 **OR FOREIGN LABOR CONTRACTOR** uses or causes to be used to transport a migrant  
30 agricultural worker **OR FOREIGN WORKER** in the State has a policy that insures against  
31 liability for bodily injury and damage to property that arises from the ownership or  
32 operation of the vehicle.

1           (2) The Commissioner shall set, by regulation, the minimum amount of  
2 insurance coverage required under paragraph (1) of this subsection, but the amount may  
3 not exceed the coverage required under federal law.

4 7-501.

5           (A) Except as otherwise provided in this title, a person may not perform a farm  
6 labor contracting service **OR A FOREIGN LABOR CONTRACTING SERVICE** in the State for  
7 consideration unless licensed by the Commissioner.

8           (B) **A FOREIGN LABOR CONTRACTOR MAY NOT DISCRIMINATE AGAINST A  
9 FOREIGN WORKER, WHETHER DURING THE COURSE OF RECRUITMENT IN THE  
10 FOREIGN WORKER'S COUNTRY OF ORIGIN OR IN THE UNITED STATES, TO THE SAME  
11 EXTENT AN EMPLOYER IS PROHIBITED FROM DISCRIMINATING UNDER TITLE 20,  
12 SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE.**

13 7-502.

14           (A) Unless authorized under this title to perform a farm labor contracting service  
15 for consideration, a person may not represent to the public, by the use of a title, including  
16 "licensed farm labor contractor", by description of services, methods, or procedures, or  
17 otherwise, that the person is authorized to perform a farm labor contracting service in the  
18 State for consideration.

19           (B) **UNLESS AUTHORIZED UNDER THIS TITLE TO PERFORM A FOREIGN  
20 LABOR CONTRACTING SERVICE FOR CONSIDERATION, A PERSON MAY NOT  
21 REPRESENT TO THE PUBLIC, BY THE USE OF A TITLE, INCLUDING "LICENSED  
22 FOREIGN LABOR CONTRACTOR", BY DESCRIPTION OF SERVICES, METHODS, OR  
23 PROCEDURES, OR OTHERWISE, THAT THE PERSON IS AUTHORIZED TO PERFORM A  
24 FOREIGN LABOR CONTRACTING SERVICE IN THE STATE FOR CONSIDERATION.**

25 7-503.

26           (a) Except as otherwise provided in this title, a person may not use a farm labor  
27 contractor to perform a farm labor contracting service **OR A FOREIGN LABOR  
28 CONTRACTOR TO PERFORM A FOREIGN LABOR CONTRACTING SERVICE** unless the  
29 person ascertains that the farm labor contractor **OR FOREIGN LABOR CONTRACTOR** is  
30 licensed by:

31           (1) requesting confirmation from the Commissioner that the farm labor  
32 contractor **OR FOREIGN LABOR CONTRACTOR** is licensed; or

33           (2) examining the license.

1 (b) (1) Whenever a person makes a request under subsection (a)(1) of this  
2 section, the Commissioner shall inform the person whether the farm labor contractor **OR**  
3 **FOREIGN LABOR CONTRACTOR** is licensed.

4 (2) Within 5 working days after a person makes a request under subsection  
5 (a)(1) of this section, the Commissioner shall respond in writing.

6 (3) If the status changes during the term of the license, the Commissioner  
7 shall give the person who made the request written notice of the change.

8 (4) If the Commissioner fails to provide the notice required under this  
9 subsection, a person is not liable for hiring a person who is not authorized to perform farm  
10 labor contracting services **OR FOREIGN LABOR CONTRACTING SERVICES** in the State.

11 (c) Notwithstanding subsection (b)(4) of this section, a person may not hire or  
12 continue to use a farm labor contractor to perform a farm labor contracting service **OR A**  
13 **FOREIGN LABOR CONTRACTOR TO PERFORM A FOREIGN LABOR CONTRACTING**  
14 **SERVICE** after the person receives notice from the Commissioner or otherwise learns that  
15 the farm labor contractor **OR FOREIGN LABOR CONTRACTOR** is not licensed.

16 7-506.

17 (a) Subject to the limitations in this section, the Commissioner may assess a civil  
18 penalty against a person who willfully or repeatedly violates:

- 19 (1) any provision of this title;
- 20 (2) any order passed under this title; or
- 21 (3) any regulation adopted to carry out this title.

22 (b) A civil penalty under this section may not exceed **[\$5,000] \$50,000** for each  
23 violation.

24 (c) (1) Before the Commissioner assesses a civil penalty against an  
25 agricultural operation, the Commissioner shall consider the appropriateness of the penalty  
26 in relation to:

- 27 (i) the size of the business;
- 28 (ii) any good faith effort to comply with § 7-503 of this subtitle; and
- 29 (iii) the history of previous violations.

1 (2) Before the Commissioner assesses a civil penalty against a farm labor  
2 contractor **OR FOREIGN LABOR CONTRACTOR**, the Commissioner shall consider the  
3 appropriateness of the penalty in relation to:

4 (i) the size of the business;

5 (ii) the gravity of the violation;

6 (iii) the good faith of the farm labor contractor **OR THE FOREIGN**  
7 **LABOR CONTRACTOR**; and

8 (iv) the history of previous violations in this State or in any other  
9 state that relate to licensing or to the treatment of a migrant agricultural worker **OR**  
10 **FOREIGN WORKER**.

11 7-507.

12 A farm labor contractor **OR FOREIGN LABOR CONTRACTOR** who willfully violates  
13 any provision of this title or any regulation adopted to carry out this title is guilty of a  
14 misdemeanor and on conviction is subject:

15 (1) for a first offense, to a fine not exceeding ~~[\$5,000]~~ **\$50,000** or  
16 imprisonment not exceeding 1 year or both; and

17 (2) for a subsequent offense, to a fine not exceeding ~~[\$10,000]~~ **\$100,000** or  
18 imprisonment not exceeding 3 years or both.

19 **7-508.**

20 **(A) A FOREIGN LABOR CONTRACTOR MAY NOT TAKE ANY ADVERSE ACTION**  
21 **AGAINST A FOREIGN WORKER BECAUSE THE FOREIGN WORKER EXERCISED ANY**  
22 **RIGHT GRANTED UNDER THIS TITLE.**

23 **(B) IF A FOREIGN WORKER BELIEVES THAT A FOREIGN LABOR CONTRACTOR**  
24 **HAS VIOLATED THIS TITLE OR HAS CAUSED THIS TITLE TO BE VIOLATED, THE**  
25 **FOREIGN WORKER MAY BRING AN ACTION IN A COURT OF COMPETENT**  
26 **JURISDICTION TO RECOVER ANY DAMAGES SUSTAINED BY THE FOREIGN WORKER**  
27 **DUE TO THE VIOLATION.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed  
29 to preempt or alter any rights or remedies, including any causes of action, available under  
30 federal law or any other State law.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 2017.

