

HB 3194 -6 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 6/11, 6/12

WHAT THE MEASURE DOES:

The measure establishes joint and several liability for landowners and farmworker camp operators who violate farmworker camp operator requirements and duties unless the landowner delegated the authority to a farmworker camp operator and had no actual knowledge or reason to know of the farmworker camp operator's noncompliance with licensing, registration, and indorsement requirements. The measure also expands the ability of an aggrieved person to bring suit against any person for violations related to farmworker camps, to recover damages and seek an injunction. It increases the damages recoverable for each violation from \$500 to \$2,000 or actual damages, whichever is greater.

Fiscal: Minimal Impact

Revenue: Minimal Impact

ISSUES DISCUSSED:

- Burden of proof
- Rebuttable presumption of indemnified landowners
- Penalty amount

EFFECT OF AMENDMENT:

-6 The amendment replaces the measure. It creates joint and several liability for landowners who know, or should have known, that their property is being used as the site of a farmworker camp. It creates a rebuttable presumption that a landowner did not know and could not reasonably have known about the operation of an unregistered farmworker camp on their property if they provide a written lease agreement that expressly prohibits such activity by the lessee or third party. It provides that the presumption can be rebutted by a preponderance of the evidence showing the landowner knew or should have known about the camp. It expands the ability of an aggrieved person to bring suit against any person for violations related to farmworker camps, to recover damages and seek injunction. It also increases the damages recoverable for each violation from \$500 to \$2,000, or actual damages, whichever is greater.

BACKGROUND:

Oregon law regulates farmworker camps and living conditions under ORS 658.705 to 658.850. House Bill 3194 provides that a landowner may be held jointly and severally liable for violations unless they delegated authority to an operator and did not have actual knowledge of the violation. The amendment changes the liability standard, allowing a landowner to avoid liability only if they exercised due diligence in verifying compliance and had no knowledge or reason to know of the violation. The amendment also expands the ability of aggrieved individuals to bring suit for violations, to recover damages and seek an injunction. It increases statutory damages from \$500 to \$2,000, whichever is greater.