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CHAPTER 444

1969 Assembly Bill 690

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**CHAPTER 444, LAWS OF 1969**

AN ACT to repeal 105.12; and to amend 105.01, 105.02 and 105.05 to 105.07, as affected by chapter 276, laws of 1969; and to create 105.12 of the statutes, relating to employment agents.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 105.01 of the statutes is amended to read:

105.01 The term "employment agent" shall mean and include:

(1) Means all persons, ~~firms, corporations or associations~~ which ~~who~~ furnish to persons seeking employment, information enabling or tending to enable such persons to secure the same, or ~~which~~ ~~who~~ furnish employers seeking laborers or other help of any kind, information enabling or tending to enable such employers to secure such help, or ~~which~~ ~~who~~ keep a register of persons seeking employment or help as aforesaid, whether such agents conduct their operations at a fixed place of business, on the streets or as transients, and also whether such operations constitute the principal business of such agents or only a side line or an incident to another business; ~~but this term shall~~.

(2) Does not include:

(a) Any employer who procures help for himself only or an employe of such an employer who procures help for him and does not act in a similar capacity for any other employer.

(b) Any temporary help service defined as any person employing individuals to render part-time or temporary services to, for or under the direction of a 3rd person, if the person employing the individuals in addition to wages or salaries pays federal social security taxes, state and federal unemployment, contributions or taxes, carries workmen's compensation insurance as required by state law and maintains liability insurance covering the acts of its employes while rendering services to, for or under the direction of a 3rd person.

(c) Any hiring hall operated by a bona fide labor union.

(d) Any theatrical or booking agent.

SECTION 2. 105.02 of the statutes is amended to read:

105.02 No person, ~~firm, association or corporation,~~ or any ~~his~~ employe or agent thereof, shall make any false statement to any person furnishing or seeking employment, knowing the same to be false, in regard to any employment, work or situation, its nature, location, duration, wages or salary attached thereto, or the circumstances surrounding the ~~said~~ employment, work or situation. No employment agent shall offer or hold himself out as in a position to secure or furnish employment without having an order therefor from an employer; and no employment agent shall misrepresent any other material matter in connection with any employment, work or situation he may offer or hold himself out in a position to secure.

SECTION 3. 105.05 to 105.07 of the statutes, as affected by chapter 276, laws of 1969, are amended to read:

105.05 (1) No person, ~~firm, corporation or association~~ shall engage in the business of an employment agent for profit, or receive any fee, charge, commission or other compensation, directly or indirectly, for services as an employment agent, including modeling agencies which secure work for persons to act as live models or to model for photography, without first having obtained a license from the department of industry, labor and

human relations and executing a bond as hereinafter provided. ~~Said~~ The license shall constitute a license from this state to operate as an employment agent for compensation and shall not be transferable, to any other person ~~or persons whatever,~~ or inure to the benefit of any person other than the licensee.

(2) *If the department receives a complaint and determines that there is probable cause to believe that fraud, misrepresentation or deceit in violation of s. 105.02 were committed by a combination or conspiracy of a temporary help service and an employment agent, the department shall have the right of entry and audit under ss. 105.08 and 105.09 to such temporary help service with respect to such matter.*

105.06 Application for the foregoing license shall be made to the department and shall be accompanied by a bond in due form to the state of Wisconsin for the penal sum of ~~one thousand dollars~~ \$5,000 issued by a surety company licensed to do business in this state to be approved by the department, conditioned that the agent will conform to and not violate any of the duties, terms, conditions or requirements of ~~sections~~ ss. 105.01 to 105.15, inclusive, of the statutes.

105.07 (1) Each such license shall ~~expire on June thirtieth, next following the date of issue and may be renewed annually.~~ The fee for such license or renewal shall be ~~as follows:~~ one per cent on the first five thousand dollars of the ~~all~~ fees, charges, commissions or other compensation actually received during the life of the license or renewal by an employment agent for service as such; ~~three-fourths of one per cent on the second five thousand dollars of such receipts; and no half of one per cent of all such receipts in excess of ten thousand dollars; provided, that~~ but in no event shall such fee be less than ~~twenty-five dollars~~ \$50 nor more than ~~one hundred and fifty dollars~~ \$300.

(2) The minimum fee shall be paid before a license or renewal thereof is issued. Each employment agent to whom a license has been issued under this chapter shall file with the department within ~~the first 10 days of July in each year~~ after the previous license has expired, a verified statement showing the actual fees, charges, commission or other compensation received by him for services as such agent during the preceding year and with such statement shall pay the balance, if any, of such license fee due the state. Such fees shall be paid to the department and ~~shall be paid by it into~~ deposited in the general fund of the state treasury within one week of receipt.

SECTION 6. 105.12 of the statutes is repealed.

SECTION 7. 105.12 of the statutes is created to read:

105.12 PROHIBITED PRACTICES. No applicant shall be placed in any employment by an employment agent in violation of any statute or of any order, rule or regulation of the department.

Approved February 13, 1970.