

34:8-24

LEGISLATIVE HISTORY CHECKLIST

(Booking agencies--amends law on conduct)

NJSA 34:8-24

LAWS 1981

CHAPTER 500

Bill No. S3213

Sponsor(s) Bedell

Date Introduced May 4, 1981

Committee: Assembly _____

Senate Labor, Industry and Professions

Amended during passage Yes

~~XXX~~ Substituted for A3320 ~~XXXX~~

Date of Passage: Assembly Jan. 11, 1982

~~XXXX~~ (\$3213.) Assembly statement to A3320 (attached)

Senate Dec. 10, 1981

Date of approval Jan. 12, 1982

Following statements are attached if available:

Sponsor statement	Yes	XX
Committee Statement: Assembly	XXX	No
Senate	Yes	XX
Fiscal Note	XXX	No
Veto Message	XXX	No
Message on signing	Yes	XX

Following were printed:

Reports	XXX	No
Hearings	XXX	No

6/22/81 208

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SENATE, No. 3213

STATE OF NEW JERSEY

INTRODUCED MAY 4, 1981

By Senator BEDELL

Referred to Committee on Labor, Industry and Professions

AN ACT concerning booking agencies, and amending and supplementing P. L. 1951, c. 337.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 1 of P. L. 1951, c. 337 (C. 34:8-24) is amended to read
2 as follows:

3 1. As used in this act:

4 "Employment agency" means and includes the business of
5 procuring or offering to procure help or employment, or the giving
6 of information as to where help or employment may be procured,
7 whether the business is conducted in a building or on the street or
8 elsewhere; or the business of keeping an employment bureau,
9 nurses' registry, or *booking* agency for procuring engagements
10 for [vaudeville or theatrical performers] *performing artists*, or
11 other agency or office for procuring work or employment for per-
12 sons, where a fee or privilege is exacted, charged or received
13 directly or indirectly for procuring or assisting or promising to
14 procure employment, work, engagement or a situation of any kind,
15 or for procuring or providing help or promising to provide help for
16 any person, whether such fee is collected from the applicant for
17 employment or the applicant for help, or whether the application
18 for help or employment is made directly or indirectly by either the
19 prospective employer or the prospective employee or by any per-
20 son acting to secure either help or employment for the prospective
21 employer or the prospective employee. "Employment agency"
22 shall not include any temporary help service firms.

23 "Fee" means and includes any payment of money, or promises
24 to pay money, or the excess of money received by a person fur-
25 nishing employment or employees over what he has paid for
26 transportation, transfer or baggage or lodging for an applicant
27 for employment. It shall also mean and include the difference

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

28 between the amount of money received by any person who either
29 furnishes employees or performers for any entertainment, exhibi-
30 tion or performance, or who furnishes baby sitters for any oc-
31 casion, and the amount paid by such person or persons to the
32 employees, performers or baby sitters.

33 "Privilege" means and includes the furnishing of food, supplies,
34 tools or shelter to contract laborers, commonly known as com-
35 missary privileges. The furnishing of food, supplies, tools or
36 shelter to laborers if performed or paid for within this State, both
37 in connection with the promise or offer to provide help or employ-
38 ment regardless of where such offer is made or where the help is
39 obtained, shall be considered proof of violation of this act.

40 "Attorney General" means the Attorney General of this State
41 or his duly authorized representative.

42 "Contract laborers" means unskilled or skilled workers, of
43 either sex, furnished either directly or indirectly by any person,
44 engaged directly or indirectly in the business of furnishing em-
45 ployees, to employers by whom they are to be employed in groups
46 of five or more persons.

47 "Employment agency owner's license" means a license autho-
48 rizing the person to whom it is issued to own an employment agency
49 and to have such employment agency operated by a person or per-
50 sons duly authorized to perform the functions for which the agency
51 is licensed.

52 "Employment agency operator's license" means a license issued
53 to an individual person who is the holder of an employment agency
54 owner's license or to an employee or agent of the holder of an
55 employment agency owner's license. When held by the employee
56 or agent of the holder of an employment agency owner's license
57 such employment agency operator's license shall authorize the
58 holder to perform such functions as he may be duly authorized and
59 empowered by his employer to perform and for the performance
60 of which an employment agency operator's license is required. No
61 person, other than the holder of an employment agency operator's
62 license, shall furnish help or employment, or furnish information
63 as to where help or employment may be obtained, or manage,
64 operate or carry on the business of an employment agency.

65 "Representative" means any individual person holding an em-
66 ployment agency operator's license duly authorized and empowered
67 by the owner of the employment agency owner's license, by whom
68 he is employed, to solicit business and otherwise act as the duly
69 authorized representative of his employer to the extent of such
70 authorization and subject to the provisions of this act.

71 "Employee" means an applicant for a job, or an engagement to
72 work, who is furnished to an employer, or prospective employer,
73 by an employment agency. This definition shall not apply to em-
74 ployees of the employment agency.

75 "Employer" means an applicant for help for whom an employee
76 is to be supplied by an employment agency.

77 "Rules and regulations" means such rules and regulations as
78 shall have been promulgated by the Attorney General and are not
79 inconsistent with the provisions of this act.

80 ["Vaudeville or theatrical performers" means individual per-
81 sons or groups of persons whose services are available for hire for
82 the purposes of furnishing entertainment or amusement, whether
83 the services are rendered by individuals performing alone or in
84 groups commonly described as entertainment acts.

85 "Agency for procuring engagements for theatrical or vaudeville
86 performers" means any person engaged in the business of procur-
87 ing employment for vaudeville or theatrical employees for any
88 employer other than himself.]

89 "*Booking agency*" means the business of conducting any agency
90 which procures, offers, promises, or attempts to procure employ-
91 ment for performing artists, and which collects a fee for providing
92 such employment.

93 "*Performing artists*" means musical, theatrical or vaudeville
94 performers employed or engaged individually or as a group.

95 "Baby sitters" means and includes any individual person under
96 21 years of age, of either sex, other than a registered nurse or a
97 licensed nurse, entrusted temporarily with the care of children
98 during the absence of their parents, guardians, or persons standing
99 in loco parentis to them. This definition shall not include persons
100 regularly employed by agencies, or institutions operated by or
101 under the control or supervision of this State, or any of its political
102 subdivisions, nor any nurseries operated for the care of children
103 when such nurseries are similarly controlled or supervised.

104 "Temporary help service firm" means and includes any person,
105 firm or entity, who operates a business which consists of employing
106 individuals directly for the purpose of assigning his employees to
107 assist his customers in the handling of his customers' temporary,
108 excess or special work loads, and who, in addition to the payment of
109 wages or salaries to his employees, pays Federal social security
110 taxes and State and Federal unemployment insurance, carries
111 workmen's compensation insurance as required by State law, and
112 sustains responsibility for the actions of his employees while
113 rendering services to his customers.

1 2. Section 3 of P. L. 1951, c. 337 (C. 34:8-26) is amended to read
2 as follows :

3 3. No person shall either directly or indirectly open, conduct or
4 maintain an employment agency or perform any of the functions
5 of an employment agency without first obtaining such license or
6 licenses as is or are required by the provisions of this act. No
7 license shall authorize the furnishing of help or employment or the
8 furnishing of information where help or employment may be
9 procured in the capacity of baby sitters. No employee of a licensee
10 shall be exempt from the requirement of securing a license for the
11-20 performance of any act for which a license is required by this act.
21 No license shall be of avail to any person other than the individual
22 person or persons holding such license except that a corporation
23 may be the holder of an employment agency owner's license. No
24 license shall be of avail for use at any place other than at the place
25 designated in such license. No license, issued to an employee of any
26 employment agency shall authorize his employment by any other
27 employment agency. No employment agency owner's license shall
28 be transferred or amended unless a consent thereto, in writing, is
29 given by the Attorney General. No employment agency owner's
30 license shall be transferred by the licensee to any other person
31 except upon the written consent of the Attorney General, and the
32 payment of the fee prescribed by this act.

33 Upon the termination of the employment of the holder of an
34 employment agency operator's license the holder of the employment
35 agency owner's license by whom the holder of said employment
36 agency operator's license has been employed shall promptly notify
37 the Attorney General of the termination of the employment. The
38 employment agency operator's license shall thereupon be canceled
39 and the holder thereof entitled to the issuance of a new license for
40 the unexpired term of the old license without payment of additional
41 fee upon the written request of such holder thereof, and the holder
42 of the employment agency owner's license who is to be named in
43 such new license as the new employer; provided, however, that the
44 Attorney General may refuse to issue such new license for any
45 good cause shown within the provisions of this act.

46 Any unlicensed person or any officer or agent of any unlicensed
47 corporation who shall either directly or indirectly open, conduct or
48 maintain an employment agency, or any person who shall know-
49 ingly permit any unlicensed employee or agent to perform any act,
50 the performer of which is required to be licensed, shall be guilty
51 of a misdemeanor and shall be punishable by a fine of not less

52 than \$50.00 nor more than \$250.00 or by imprisonment for a period
 53 of not more than 1 year, or both] *liable to a civil penalty of \$300.00*
 54 *for the first offense, and not less than \$500.00 nor more than*
 55 *\$1,500.00 for each and every subsequent offense. The penalty shall*
 56 *be sued for and recovered by and in the name of the Attorney*
 57 *General and shall be collected and enforced by summary proceedings*
 58 *pursuant to "the penalty enforcement law" (N. J. S. 2A:58-1*
 59 *et seq.).*

60 Any person performing any act, the performance of which is
 61 within the definition of employment agency operator's license,
 62 without holding such a license, shall be [guilty of a misdemeanor
 63 and shall be punishable by a fine of not less than \$50.00 nor more
 64 than \$250.00, or by imprisonment for a period of not more than
 65 1 year, or both *liable to a civil penalty of \$300.00 for the first*
 66 *offense, and not less than \$500.00 nor more than \$1,500.00 for each*
 67 *and every subsequent offense. The penalty shall be sued for and*
 68 *recovered by and in the name of the Attorney General and shall be*
 69 *collected and enforced by summary proceedings pursuant to "the*
 70 *penalty enforcement law" (N. J. S. 2A:58-1 et seq.)*

1 3. Section 6 of P. L. 1951, c. 337 (C. 34:8-29) is amended to read
 2 as follows:

3 6. An employment agency shall not be conducted in any of the
 4 following places:

- 5 (1) Rooms or quarters used for living purposes;
- 6 (2) Boarding or lodging houses, rooms or quarters;
- 7 (3) Sleeping rooms or quarters.

8 Where the application is for a license to operate an employment
 9 agency in a place used for the conduct of another business, the
 10 Attorney General may refuse to grant such license if, in his opinion,
 11 such refusal would be in the public interest. Should the other
 12 business be that of operating *[a temporary help service firm or]*
 13 ***a temporary help service firm or** a booking agency, the*
 14 Attorney General may refuse to grant such license if the businesses
 15 are not operated separately as proscribed by the rules and regula-
 16 tions promulgated by the Attorney General.

1 4. Section 7 of P. L. 1951, c. 337 (C. 34:8-30) is amended to read
 2 as follows:

3 7. Before an employment agency owner's license is issued, the
 4 applicant shall deposit with the Attorney General a bond in the
 5 penal sum of [\$1,000.00] \$2,000.00, with two or more sureties, or a
 6 duly authorized surety company as surety, to be approved by the
 7 Attorney General.

8 The bond shall be payable to the State and shall be conditioned
9 that the person applying for the license will comply with this act
10 and will pay all damages occasioned to any person by reason of any
11 misstatement, misrepresentation, fraud or deceit, or any unlawful
12 act or omission of any licensed person, his agents, or employees,
13 while acting within the scope of their employment, made, committed
14 or omitted in the business conducted under the license, or caused
15 by any violation of this act in carrying on the business for which
16 the license is granted. In case of a breach of the condition of any
17 bond, application may be made to the Attorney General by the
18 person injured by the breach for leave to sue upon the bond, which
19 leave shall be granted by the Attorney General if it be proven to
20 his satisfaction that the condition of the bond has been breached
21 and the party applying has been injured thereby. The person
22 obtaining leave to sue shall be furnished with a certified copy of
23 the bond and institute suit on the bond in his own name for the
24 recovery of damages sustained by such breach.

25 If at any time, in the opinion of the Attorney General, the sureties
26 on any such bond, or any of them, shall become irresponsible,
27 the person holding such license shall, upon notice from the Attorney
28 General, give a new bond, subject to the provisions of this section.
29 The failure to give a new bond within 10 days after such notice, at
30 the direction of the Attorney General, shall operate as revocation
31 of such license, and the license shall be thereupon returned to the
32 Attorney General.

1 5. Section 15 of P. L. 1951, c. 337 (C. 34:8-38) is amended to read
2 as follows:

3 15. Except as otherwise specifically provided in this act, any
4 person, corporation, partnership or member of any association, or
5 any agent, servant or employee of any person, corporation, partner-
6 ship or association who shall violate any of the provisions of this
7 act and any holder of an employment agency operator's license
8 who shall willfully violate any of the provisions of this act shall
9 be [guilty of a misdemeanor and shall be punishable by a fine of
10 not less than twenty-five dollars (\$25.00) and not more than two
11 hundred fifty dollars (\$250.00), or by imprisonment for a period
12 of not more than one year, or both] *liable to a civil penalty of*
13 *\$300.00 for the first offense, and not less than \$500.00 nor more than*
14 *\$1,500.00 for each and every subsequent offense. The penalty shall*
15 *be sued for and recovered by and in the name of the Attorney*
16 *General and shall be collected and enforced by summary proceedings*
17 *pursuant to "the penalty enforcement law" (N. J. S. 2A:58-1*
18 *et seq.)*

1 6. (New section) Whenever it shall appear to the Attorney
2 General, either upon complaint or otherwise, that any person is
3 conducting or maintaining an employment agency, or performing
4 any of the functions of an employment agency without first obtain-
5 ing the license or licenses required by P. L. 1951, c. 337 (C. 34:8-24
6 et seq.), or whenever he believes it to be in the public interest
7 that an investigation be made, he may require the person to file
8 with him a statement in writing under oath or otherwise as to all
9 the facts and circumstances concerning his licensure, or non-
10 licensure, as the case may be.

11 The Attorney General may also require whatever other data
12 and information he deems relevant and may make such special and
13 independent investigations as he may deem necessary. In connec-
14 tion with the investigations the Attorney General is empowered to
15 subpoena witnesses, compel their attendance, examine them under
16 oath, and require the production of any books, records or papers
17 which he deems relevant or material to the inquiry.

18 If any person shall fail, or refuse, to file any such statement,
19 books, records or papers, or fail or refuse to obey any subpoena
20 issued pursuant to the provisions of this section, the Attorney
21 General may apply to the Superior Court and obtain an order:

- 22 a. Adjudging the person in contempt of court; or
- 23 b. Granting injunctive relief, without notice, restraining the
24 person from continuing to conduct his business; or,
- 25 c. Both; until the person files the statement, books, records or
26 papers, or obeys the subpoena, or until he provides proof of
27 licensure.

1 7. This act shall take effect immediately.

1 6. (New section) Whenever it shall appear to the Attorney
 2 General, either upon complaint or otherwise, that any person is
 3 conducting or maintaining an employment agency, or performing
 4 any of the functions of an employment agency without first obtain-
 5 ing the license or licenses required by P. L. 1951, c. 337 (C. 34:8-24
 6 et seq.), or whenever he believes it to be in the public interest
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 17 which he deems relevant or material to the inquiry.

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 19 books, records or papers, or fail or refuse to obey any subpoena
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 21 General may apply to the Superior Court and obtain an order:

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 23 b. Granting injunctive relief, without notice, restraining the
 24 person from continuing to conduct his business; or,
 25 c. Both; until the person files the statement, books, records or
 26 papers, or obeys the subpoena, or until he provides proof of
 27 licensure.

1 7. This act shall take effect immediately.

STATEMENT

This bill addresses problems arising in the conduct of certain
 booking agencies. It is alleged that a goodly number of people
 engaging in the business of booking agencies are not licensed, and
 that they are engaging in unscrupulous business practices.

This bill amends the law governing employment agencies (P. L.
 1951, c. 337) to improve enforcement of the law, particularly with
 regard to booking agencies.

The bill establishes an administrative procedure for dealing
 with persons engaging in the business of an employment agency
 without being licensed. The bond required for licensure is in-
 creased from \$1,000.00 to \$2,000.00.

A civil penalty replaces the criminal penalty for general viola-
 tions of the law and times are increased.

53213 (1981)

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SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO

SENATE, No. 3213

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 25, 1981

This bill amends the law governing employment agencies (P. L. 1951, c. 337) to improve enforcement of the law, particularly with regard to booking agencies.

As the law stands now, conducting the business of an employment agency, or allowing unlicensed employees to act as employment agents without a license is a misdemeanor, punishable by a fine of from \$50.00 to \$250.00 or by 1 year in jail or both. This bill would increase the penalty and establish an administrative procedure for dealing with unlicensed violators. The penalty for nonlicensure would be \$300.00 for the first offense and from \$500.00 to \$1,500.00 for each subsequent offense. The penalty would be sued for and recovered by the Attorney General in a summary proceeding pursuant to "the penalty enforcement law" (N. J. S. A. 2A:58-1 et seq.).

Whenever the Attorney General, either by complaint or otherwise, had reason to believe any person was conducting the business of an employment agency without being licensed, he could require the person to file a statement concerning his licensure, or nonlicensure, as the case may be. The Attorney General could conduct investigations as he saw fit; in connection with the investigations, he would be empowered to subpoena witnesses, compel their attendance, examine them under oath, and require the production of any books, records or papers which he feels are relevant to the inquiry.

If any person failed, or refused, to file the statement, books, records or papers required by the Attorney General, or refused to obey a subpoena, the Attorney General could apply to the Superior Court and obtain an order adjudging the person in contempt of court, or granting injunctive relief restraining the person from continuing to conduct his business, or both, until the person filed the statement, books, records or papers, or obeyed the subpoena, or until he provided proof of licensure.

The bond required for licensure is increased from \$1,000.00 to \$2,000.00.

A civil penalty replaces the criminal penalty for general violations of the law and fines are increased.

The Senate Labor, Industry, and Professions Committee amended the bill to remove a provision in the Employment Agency Act which would permit the Attorney General to refuse to grant a license to an operator of a temporary help service firm whose business is improperly commingled with another, as defined by regulation.

The amendment is intended to alleviate the fears of private employment agencies, most of whom are small and commingle their permanent and temporary placement services, that they will lose their license if they cannot conform to regulations issued by the Attorney General which might require the segregation of the permanent and temporary help placement services they provide, and thereby make their business economically less feasible.

SENATE AMENDMENT TO
SENATE, No. 3213
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STATE OF NEW JERSEY

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ADOPTED DECEMBER 3, 1981

Amend page 5, section 3, line 12, after "or"]". insert "a temporary help service firm or".

STATEMENT

This amendment reinstates the original intent of the bill that employment agencies and temporary help service firms maintain their businesses separately.

ASSEMBLY, No. 3320

STATE OF NEW JERSEY

INTRODUCED MAY 4, 1981

By Assemblymen BORNHEIMER, PATERNITI, PATERO, HURLEY, ORECHIO and KAVANAUGH

Referred to Committee on Commerce, Industry and Professions

AN ACT concerning booking agencies, and amending and supplementing P. L. 1951, c. 337.

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1 1. Section 1 of P. L. 1951, c. 337 (C. 34:8-24) is amended to read
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7 whether the business is conducted in a building or on the street or
8 elsewhere; or the business of keeping an employment bureau,
9 nurses' registry, or *booking* agency for procuring engagements
10 for [vaudeville or theatrical performers] *performing artists*, or
11 other agency or office for procuring work or employment for per-
12 sons, where a fee or privilege is exacted, charged or received
13 directly or indirectly for procuring or assisting or promising to
14 procure employment, work, engagement or a situation of any kind,
15 or for procuring or providing help or promising to provide help for
16 any person, whether such fee is collected from the applicant for
17 employment or the applicant for help, or whether the application
18 for help or employment is made directly or indirectly by either the
19 prospective employer or the prospective employee or by any per-
20 son acting to secure either help or employment for the prospective
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29 furnishes employees or performers for any entertainment, exhibi-
30 tion or performance, or who furnishes baby sitters for any oc-
31 casion, and the amount paid by such person or persons to the
32 employees, performers or baby sitters.

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34 tools or shelter to contract laborers, commonly known as com-
35 missary privileges. The furnishing of food, supplies, tools or
36 shelter to laborers if performed or paid for within this State, both
37 in connection with the promise or offer to provide help or employ-
38 ment regardless of where such offer is made or where the help is
39 obtained, shall be considered proof of violation of this act.

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41 or his duly authorized representative.

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62 license, shall furnish help or employment, or furnish information
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101 under the control or supervision of this State, or any of its political
102 subdivisions, nor any nurseries operated for the care of children
103 when such nurseries are similarly controlled or supervised.

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105 firm or entity, who operates a business which consists of employing
106 individuals directly for the purpose of assigning his employees to
107 assist his customers in the handling of his customers' temporary,
108 excess or special work loads, and who, in addition to the payment of
109 wages or salaries to his employees, pays Federal social security
110 taxes and State and Federal unemployment insurance, carries
111 workmen's compensation insurance as required by State law, and
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9 procured in the capacity of baby sitters. No employee of a licensee
10 shall be exempt from the requirement of securing a license for the
11-20 performance of any act for which a license is required by this act.
21 No license shall be of avail to any person other than the individual
22 person or persons holding such license except that a corporation
23 may be the holder of an employment agency owner's license. No
24 license shall be of avail for use at any place other than at the place
25 designated in such license. No license, issued to an employee of any
26 employment agency shall authorize his employment by any other
27 employment agency. No employment agency owner's license shall
28 be transferred or amended unless a consent thereto, in writing, is
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33 Upon the termination of the employment of the holder of an
34 employment agency operator's license the holder of the employment
35 agency owner's license by whom the holder of said employment
36 agency operator's license has been employed shall promptly notify
37 the Attorney General of the termination of the employment. The
38 employment agency operator's license shall thereupon be canceled
39 and the holder thereof entitled to the issuance of a new license for
40 the unexpired term of the old license without payment of additional
41 fee upon the written request of such holder thereof, and the holder
42 of the employment agency owner's license who is to be named in
43 such new license as the new employer; provided, however, that the
44 Attorney General may refuse to issue such new license for any
45 good cause shown within the provisions of this act.

46 Any unlicensed person or any officer or agent of any unlicensed
47 corporation who shall either directly or indirectly open, conduct or
48 maintain an employment agency, or any person who shall know-
49 ingly permit any unlicensed employee or agent to perform any act,
50 the performer of which is required to be licensed, shall be [guilty
51 of a misdemeanor and shall be punishable by a fine of not less

52 than \$50.00 nor more than \$250.00 or by imprisonment for a period
 53 of not more than 1 year, or both] *liable to a civil penalty of \$300.00*
 54 *for the first offense, and not less than \$500.00 nor more than*
 55 *\$1,500.00 for each and every subsequent offense. The penalty shall*
 56 *be sued for and recovered by and in the name of the Attorney*
 57 *General and shall be collected and enforced by summary proceedings*
 58 *pursuant to "the penalty enforcement law" (N. J. S. 2A:58-1*
 59 *et seq.).*

60 Any person performing any act, the performance of which is
 61 within the definition of employment agency operator's license,
 62 without holding such a license, shall be [guilty of a misdemeanor
 63 and shall be punishable by a fine of not less than \$50.00 nor more
 64 than \$250.00, or by imprisonment for a period of not more than
 65 1 year, or both *liable to a civil penalty of \$300.00 for the first*
 66 *offense, and not less than \$500.00 nor more than \$1,500.00 for each*
 67 *and every subsequent offense. The penalty shall be sued for and*
 68 *recovered by and in the name of the Attorney General and shall be*
 69 *collected and enforced by summary proceedings pursuant to "the*
 70 *penalty enforcement law" (N. J. S. 2A:58-1 et seq.)*

1 3. Section 6 of P. L. 1951, c. 337 (C. 34:8-29) is amended to read
 2 as follows:

3 6. An employment agency shall not be conducted in any of the
 4 following places:

- 5 (1) Rooms or quarters used for living purposes;
- 6 (2) Boarding or lodging houses, rooms or quarters;
- 7 (3) Sleeping rooms or quarters.

8 Where the application is for a license to operate an employment
 9 agency in a place used for the conduct of another business, the
 10 Attorney General may refuse to grant such license if, in his opinion,
 11 such refusal would be in the public interest. Should the other
 12 business be that of operating a temporary help service firm *or a*
 13 *booking agency*, the Attorney General may refuse to grant such
 14 license if the businesses are not operated separately as prescribed
 15 by the rules and regulations promulgated by the Attorney General.

1 4. Section 7 of P. L. 1951, c. 337 (C. 34:8-30) is amended to read
 2 as follows:

3 7. Before an employment agency owner's license is issued, the
 4 applicant shall deposit with the Attorney General a bond in the
 5 penal sum of [~~\$1,000.00~~] *\$2,000.00*, with two or more sureties, or a
 6 duly authorized surety company as surety, to be approved by the
 7 Attorney General.

8 The bond shall be payable to the State and shall be conditioned
9 that the person applying for the license will comply with this act
10 and will pay all damages occasioned to any person by reason of any
11 misstatement, misrepresentation, fraud or deceit, or any unlawful
12 act or omission of any licensed person, his agents, or employees,
13 while acting within the scope of their employment, made, committed
14 or omitted in the business conducted under the license, or caused
15 by any violation of this act in carrying on the business for which
16 the license is granted. In case of a breach of the condition of any
17 bond, application may be made to the Attorney General by the
18 person injured by the breach for leave to sue upon the bond, which
19 leave shall be granted by the Attorney General if it be proven to
20 his satisfaction that the condition of the bond has been breached
21 and the party applying has been injured thereby. The person
22 obtaining leave to sue shall be furnished with a certified copy of
23 the bond and institute suit on the bond in his own name for the
24 recovery of damages sustained by such breach.

25 If at any time, in the opinion of the Attorney General, the sureties
26 on any such bond, or any of them, shall become irresponsible,
27 the person holding such license shall, upon notice from the Attorney
28 General, give a new bond, subject to the provisions of this section.
29 The failure to give a new bond within 10 days after such notice, at
30 the direction of the Attorney General, shall operate as revocation
31 of such license, and the license shall be thereupon returned to the
32 Attorney General.

1 5. Section 15 of P. L. 1951, c. 337 (C. 34:8-38) is amended to read
2 as follows:

3 15. Except as otherwise specifically provided in this act, any
4 person, corporation, partnership or member of any association, or
5 any agent, servant or employee of any person, corporation, partner-
6 ship or association who shall violate any of the provisions of this
7 act and any holder of an employment agency operator's license
8 who shall willfully violate any of the provisions of this act shall
9 be [guilty of a misdemeanor and shall be punishable by a fine of
10 not less than twenty-five dollars (\$25.00) and not more than two
11 hundred fifty dollars (\$250.00), or by imprisonment for a period
12 of not more than one year, or both] *liable to a civil penalty of*
13 *\$300.00 for the first offense, and not less than \$500.00 nor more than*
14 *\$1,500.00 for each and every subsequent offense. The penalty shall*
15 *be sued for and recovered by and in the name of the Attorney*
16 *General and shall be collected and enforced by summary proceedings*
17 *pursuant to "the penalty enforcement law" (N. J. S. 2A:58-1*
18 *et seq.)*

1 6. (New section) Whenever it shall appear to the Attorney
 2 General, either upon complaint or otherwise, that any person is
 3 conducting or maintaining an employment agency, or performing
 4 any of the functions of an employment agency without first obtain-
 5 ing the license or licenses required by P. L. 1951, c. 337 (C. 34:8-24
 6 et seq.), or whenever he believes it to be in the public interest
 7 that an investigation be made, he may require the person to file
 8 with him a statement in writing under oath or otherwise as to all
 9 the facts and circumstances concerning his licensure, or non-
 10 licensure, as the case may be.

11 The Attorney General may also require whatever other data
 12 and information he deems relevant and may make such special and
 13 independent investigations as he may deem necessary. In connec-
 14 tion with the investigations the Attorney General is empowered to
 15 subpoena witnesses, compel their attendance, examine them under
 16 oath, and require the production of any books, records or papers
 17 which he deems relevant or material to the inquiry.

18 If any person shall fail, or refuse, to file any such statement,
 19 books, records or papers, or fail or refuse to obey any subpoena
 20 issued pursuant to the provisions of this section, the Attorney
 21 General may apply to the Superior Court and obtain an order:

- 22 a. Adjudging the person in contempt of court; or
- 23 b. Granting injunctive relief, without notice, restraining the
 24 person from continuing to conduct his business; or,
- 25 c. Both; until the person files the statement, books, records or
 26 papers, or obeys the subpoena, or until he provides proof of
 27 licensure.

1 7. This act shall take effect immediately.

STATEMENT

This bill addresses problems arising in the conduct of certain
 booking agencies. It is alleged that a goodly number of people
 engaging in the business of booking agencies are not licensed, and
 that they are engaging in unscrupulous business practices.

This bill amends the law governing employment agencies (P. L.
 1951, c. 337) to improve enforcement of the law, particularly with
 regard to booking agencies.

The bill establishes an administrative procedure for dealing
 with persons engaging in the business of an employment agency
 without being licensed. The bond required for licensure is in-
 creased from \$1,000.00 to \$2,000.00.

A civil penalty replaces the criminal penalty for general viola-
 tions of the law and times are increased.

ASSEMBLY COMMERCE, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3320

STATE OF NEW JERSEY

DATED: MAY 14, 1981

This bill amends the law which provides for the regulation and licensing of private employment agencies. The bill would increase the penalty for conducting the business of an employment agency, or allowing unlicensed employees to act as employment agents without a license, from a misdemeanor, punishable by a fine of from \$50.00 to \$250.00 or by not more than one year in jail, or both, to a civil penalty of \$300.00 for the first offense and from \$500.00 to \$1,500.00 for each subsequent offense. The criminal penalty for general violations of the law was also changed to the civil penalty mentioned above.

Booking agencies which have been covered under the private employment agency law are defined more clearly. Under certain circumstances as set forth in rules and regulations which may be promulgated under the bill, the Attorney General may refuse to grant a license to a booking agency if it refuses to separate its business from another business with which it is operating.

Under section 6 of the bill, whenever the Attorney General, either by complaint or otherwise, has reason to believe any person is conducting the business of an employment agency without being licensed, he could require the person to file a statement concerning his licensure, or non-licensure, as the case may be. The Attorney General could conduct investigations as he sees fit; in connection with the investigations, he would be empowered to subpoena witnesses, compel their attendance, examine them under oath, and require the production of any books, records or papers which he feels are relevant to the inquiry. If any persons fails, or refuses, to file the statement, books, records or papers required by the Attorney General, or refuses to obey a subpoena, the Attorney General could apply to the Superior Court and obtain an order adjudging the person in contempt of court, or granting injunctive relief restraining the person from continuing to conduct his business, or both, until the person files the statement, books, records or papers, or obeys the subpoena, or until he provides proof of licensure.

The bond required for an employment agency owner's license is increased from \$1,000.00 to \$2,000.00.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE:

JANUARY 13, 1982

FOR FURTHER INFORMATION

DAVE DE'MAIO

Governor Brendan Byrne signed the following Senate bills yesterday morning (this partial list duplicates the numerical list you were given yesterday):

S-3466, sponsored by Senator Frank X. Graves, Jr. (D-Passaic), increasing penalties for persons convicted of driving while intoxicated. Under the bill:

- first offenders may be fined \$250-\$400, spend 30 days in jail, or lose their license for 6 to 12 months--an increase in the fines and loss of license time;

- second offenders may be fined \$500 to \$1,000, up to 90 days in jail, must perform 30 days of community service, or lose their license for 2 years--an increase in the loss of license period, and the new requirement for community service; and

- third offenders may be fined \$1,000, must spend 30 to 180 days in jail with credit for 90 days of community service, or lose their license for 10 years--an increase in the sentence and loss of license provisions.

The bill also strengthens criminal penalties against those who refuse to take "breathalyzer" tests. The provisions for community service penalties are new; there are no such provisions under current law.

Governor Byrne did not sign the "motor vehicle" package of bills (S-3401, S-3402, and S-3404 through S-3410) sponsored by Senator Graves.

S-3222, sponsored by Senator Matthew Feldman (D-Bergen), "grandfathering" into the civil service system municipal or county utility authority personnel who were left out of the system after the authorities were reorganized by legislation enacted in 1977. This is a one-time-only provision.

S-3213, sponsored by Senator Eugene Bedell (D-Monmouth), making technical changes in the laws governing penalties for violations of booking, or performing artists, employment agencies. Quasi-criminal sanctions of a fine (\$50-\$250) and jail sentence (up to one-year) for operating without a license are replaced by civil penalties of \$300 for the first offense and \$500-\$1,000 for the second, among other technical changes.