

1989 Assembly Bill 264

Date of enactment: **April 12, 1990**
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1989 WISCONSIN ACT 220

AN ACT *to repeal* 105.11 (4); *to renumber* 105.06 and 105.16; *to amend* 105.05 (1), 105.11 (1), 105.14, 105.15 and 105.16 (title); and *to create* 105.01 (1) (f), 105.06 (2) and 105.16 (2) of the statutes, **relating to:** regulation of employment agencies.

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

SECTION 1. 105.01 (1) (f) of the statutes is created to read:

105.01 (1) (f) A person whose fees or charges are paid entirely by an employer.

SECTION 2. 105.05 (1) of the statutes is amended to read:

105.05 (1) No person may 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 and executing a bond under s. 105.06 (1). No person whose fees or charges are paid directly by employers may engage in the business specified in s. 105.01 (1) (intro.) without registering under s. 105.06 (2). The license constitutes permission from this state to operate as an employment agent for compensation. It is not transferable to or for the benefit of any person other than the licensee. A person licensed under this section shall not transact business as an employment agent at more than one office location or place of business without having first obtained from the department a separate license for each additional office in accordance with this chapter.

SECTION 3. 105.06 of the statutes is renumbered 105.06 (1).

SECTION 4. 105.06 (2) of the statutes is created to read:

105.06 (2) Persons whose fees or charges are paid directly by employers shall register annually with the department to engage in the business specified in s. 105.01 (1) (intro.). The fee to register under this subsection is \$5.

SECTION 5. 105.11 (1) of the statutes is amended to read:

105.11 (1) Every applicant for a license or renewal of a license to engage in the business of an employment agent shall file with the department, within a time fixed by the department, a schedule of the fees or charges made by such employment agent to applicants for employment ~~and to employers~~ for any services rendered together with all rules or regulations that may, in any manner, affect the fees charged or to be charged for any service. Fees charged to applicants for employment and such rules or regulations affecting applicants for employment may be changed only with the approval of the department and when changed shall be filed with the department.

SECTION 6. 105.11 (4) of the statutes is repealed.

SECTION 7. 105.14 of the statutes is amended to read:

105.14 Regulations; records; reports. The department may fix reasonable rules for the conduct of the business of any employment agent or employment agency as are necessary to carry out this chapter. The department may fix reasonable classifications of employments or positions and fix a reasonable scale of fees to be charged by employment agents to applicants for employment for

– 2 –

each classification within the restrictions contained in this chapter, and may fix reasonable classifications of the business of employment agents, and make its rules and orders conform to these classifications. It may prescribe the form of books, registers or records to be kept by the employment agent, the receipts or copies of contracts to be handed to persons referred to employment, the reports to be made to the department, the refunds to be made to applicants who failed to secure employment; and it may order any other measures reasonably necessary to protect the public, and persons seeking employment, ~~employers or employees seeking help,~~ against fraud, misrepresentation, or any other unauthorized act of any employment agent.

SECTION 8. 105.15 of the statutes is amended to read:

105.15 General powers of department applicable; penalties. Such investigations, classifications and orders shall be made pursuant to the proceeding in ss. 101.01 to 101.25, which are hereby made a part hereof, so far as not inconsistent with ~~ss. 105.01 to 105.15~~ this chapter, and every order of the department shall have the same force and effect as the orders issued pursuant to said

1989 Assembly Bill 264

ss. 101.01 to 101.25 and the penalties therein shall apply to and be imposed for any violation of ss. 105.01 to 105.11, or 105.13 to 105.15. ~~Said orders shall be~~ The department may also order a person who operates an employment agency in violation of s. 105.05 (1) to make refunds as provided under s. 105.16 (2). Orders issued under this section are subject to review in the manner provided in ch. 227.

SECTION 9. 105.16 (title) of the statutes is amended to read:

105.16 (title) Late fees and reports; failure to obtain license; refund.

SECTION 10. 105.16 of the statutes is renumbered 105.16 (1).

SECTION 11. 105.16 (2) of the statutes is created to read:

105.16 (2) If a person acts as an employment agent without the license required under s. 105.05 or after the person's license is suspended or revoked under s. 105.13, the department may order the person to refund all fees and charges that the person collected while unlicensed.