Chapter 29
Employment Agencies

34-29-1 License required -- Agencies for teachers excepted.

It is unlawful for any person to open and establish in any city or town, or elsewhere within the limits of this state, any intelligence or employment office for the purpose of procuring or obtaining for money or other valuable consideration, either directly or indirectly, any work or employment for persons seeking the same, or to otherwise engage in such business, or in any way to act as a broker or go-between between employers and persons seeking work, without first having obtained a license so to do from the city, town, or, if not within any city or town, from the county where such intelligence or employment office is to be opened or such business is to be carried on. Any person performing any of these services shall be deemed to be an employment agent within the meaning of this chapter, but the provisions of Section 34-29-10 do not apply to any person operating agencies for schoolteachers; but it is a class B misdemeanor for any schoolteachers' employment agency to receive as commission for information or assistance such as is described herein any consideration in value in excess of 5% of the amount of the first year's salary of the person to whom such information is furnished.

Amended by Chapter 148, 2018 General Session

34-29-2 License -- Duty of cities, towns and counties to issue and regulate.

Every city, town and county shall by ordinance provide for the issuing of licenses as contemplated by this chapter and shall establish such rules and regulations as are not herein provided for the carrying on of the business or occupation for which such license may be issued.

Enacted by Chapter 85, 1969 General Session

34-29-3 License -- Application.

Any person applying for a license under the provisions of this chapter shall make application to the board of city commissioners, city council or board of town trustees, or the county executive for the same and shall deposit with the city, town or county treasurer in advance the annual fee for such license, to be evidenced by the receipt of the city, town or county treasurer endorsed on the application. If the board of city commissioners, city council, board of town trustees, or the county executive refuses to order the issuance of such license to the party applying for the same, the sum so deposited with the city, town or county treasurer shall be refunded to the applicant for license without any further action of the governing body.

Amended by Chapter 227, 1993 General Session

34-29-4 License -- Bond -- Transfer.

Any person licensed under the provisions of this chapter shall pay an annual license fee in such amount as may be determined by the board of city commissioners, city council, board of town trustees, or the county legislative body, and before such license shall be issued shall deposit with the city, town or county treasurer a bond in the penal sum of $1,000, with two or more sureties to be approved by the officers designated by ordinance. The bond shall be made payable to the city, town or county where such business is to be carried on and shall be conditioned that the person applying for the license will comply with this chapter and will pay all damages occasioned to any

person by reason of any misstatement, misrepresentation, fraud or deceit of any person, or by any other violation of this chapter, in carrying on the business for which a license is granted. If at any time in the opinion of the officers designated by ordinance to approve such bond, the sureties or any of them shall become irresponsible, the person holding such license shall, upon notice from the city, town or county treasurer, give a new bond, to be approved as hereinafter provided. Failure to give a new bond within 10 days after such notice shall operate as a revocation of such license, and the license certificate shall be immediately returned to the city, town or county treasurer, who shall destroy the same. Licenses granted under this chapter may be transferred by order of the board of city commissioners, city council, board of town trustees, or the county executive, but before such transfer shall be authorized, the applicant for the same shall deposit with the city, town or county treasurer the sum of $5, which shall be endorsed upon the application, and the person to whom such license is transferred shall also deposit such a bond as is required by the applicant for an original license as hereinbefore prescribed, to be approved in the same manner.

Amended by Chapter 227, 1993 General Session

34-29-5 License -- Posting.

Upon the granting of a license by the board of city commissioners, city council, board of town trustees, or the county executive under this chapter, the city, town, or county treasurer shall within one week after payment of the license fee issue to the applicant entitled to the same a certificate setting forth the fact that such license has been granted. It shall be the duty of all persons who may obtain such license to keep the same publicly exposed to view in a conspicuous place in their offices or places of business.

Amended by Chapter 227, 1993 General Session

34-29-6 Referring employment to unlawful places -- Penalty.

Any employment agent who knowingly refers employment to any place of bad repute, house of ill fame, assignation house, or to any house or place of amusement kept for immoral purposes, is guilty of a class B misdemeanor. In addition to any other penalty, the agent's license shall be revoked.

Amended by Chapter 148, 2018 General Session

34-29-7 Referrals on bona fide orders only.

Any employment agent who sends out any help without having previously obtained a bona fide order therefor shall, for each and every offense, be subject to the penalties provided in Section 34-29-15.

Enacted by Chapter 85, 1969 General Session

34-29-8 Taking commission in advance unlawful -- Penalty.

(1) It is unlawful for any employment agent to receive, directly or indirectly, any money or other valuable consideration from any person seeking employment for any information or assistance furnished or to be furnished by the agent to such person, enabling or tending to enable that person to secure employment, before the time the information or assistance is actually furnished.

(2) An employment agent who violates Subsection (1) is liable to the person from whom the money or other valuable consideration is received for an amount equal to twice the amount of money or other valuable consideration paid to the employment agent.

Amended by Chapter 149, 2005 General Session

34-29-9 Commission to be returned if employment not secured.

It shall be unlawful for an employment agent to retain, directly or indirectly, any money or other valuable consideration received for any information or assistance described in Section 34-29-1, if the person for whom such information or assistance is furnished fails through no neglect or fault of the person's own to secure the employment regarding which such information or assistance is furnished; and the money or consideration shall be by the agent forthwith returned to the payer of the same upon demand.

Amended by Chapter 365, 2024 General Session

34-29-10 Schedule of fees -- Fee limitations.

(1)
(a) A private employment agency shall maintain a schedule of fees to be charged and collected in the conduct of its business.
(b) A private employment agency shall post the schedule described in Subsection (1)(a) in a conspicuous place in the private employment agency.
(c) A private employment agency may change the schedule described in Subsection (1)(a), but a change is not effective until the amended schedule is posted in accordance with Subsection (1)(b).

(2) A private employment agency may not charge or collect a fee that is greater than:
(a) the fee on the schedule of fees in effect at the time the contract for employment is issued; or
(b) 25% of the amount actually earned in the employment during the first 30 days, if the employment ends during the 30-day period.

Amended by Chapter 240, 2008 General Session

34-29-11 Register of employers to be kept.

Each employment agent licensed under this chapter shall enter upon a register, to be kept for that purpose and to be known as an "employers' register," every order received from any corporation, company or individual desiring the service of any persons seeking work or employment, the name and address of the corporation, company or individual from whom such order was received, the number of persons wanted, the nature of the work or employment, the town or city (street and number, if any) where such work or employment is to be furnished and the wages to be paid.

Enacted by Chapter 85, 1969 General Session

34-29-12 Register of applicants to be kept -- Open for inspection.

Each employment agent shall keep a register, to be known as "labor applicants' register," which shall show the name of each person seeking work or employment to whom information or assistance is furnished and the amount of the commission received in each such case therefor; the name of each person who, having received and paid for any information or assistance described

in Section 34-29-1, fails to secure the employment regarding which such information or assistance is furnished, together with the reason why such employment was not by such person secured, and the name of each to whom return is made in accordance with the provisions of Section 34-29-9 of any money or other consideration under Section 34-29-9, together with the amount or the value of consideration thus returned. The registers required by Section 34-29-11 and by this section shall be open at all reasonable hours to the inspection of any peace officer of this state.

Enacted by Chapter 85, 1969 General Session

34-29-13 Statements to be furnished applicants.

Every person securing information or intelligence from an employment agent relative to hiring or engagement to work for others as provided in Section 34-29-1 shall be furnished a written copy, in duplicate, of the terms of such hiring or engagement, by the employment agent, showing the amount of commissions or fees paid to such employment agent, the kind of service to be performed, the rate of wages or compensation, the length of time, if definite, and if indefinite, so stated, of such service, with full name and address of the person authorizing the hiring of such person. One of these copies shall be delivered to the person for whom the labor is to be performed and the other shall be retained by the person furnished with the information or intelligence; and the agent issuing the written copy of the conditions of service or employment shall make and keep in a book provided for the purpose a third copy of the same. Any person engaged in the business of keeping an employment office who fails to observe the provisions of this section shall be subject to the penalties provided in Section 34-29-15.

Enacted by Chapter 85, 1969 General Session

34-29-14 Dividing of fees prohibited.

Any employment agent sending out help to contractors or other employers of help and dividing the fees allowed under this chapter with subcontractors and employers of help, or their foremen or anyone in their employ, shall be subject to the penalties provided in Section 34-29-15.

Enacted by Chapter 85, 1969 General Session

34-29-15 False statements -- Failure to keep registers -- Other violations -- Penalty.

(1) If a person engaged in the business of employment or intelligence agent or broker licensed under this chapter does the following, that person is liable under Subsection (2):
  (a) gives any false information or makes any misstatement or any false promises concerning any work, employment, or occupation;
  (b) fails to keep the registers as prescribed in Sections 34-29-11 and 34-29-12;
  (c) willfully makes any false entries in a register under Section 34-29-11 or 34-29-12; or
  (d) violates any other provision of this chapter.
(2) If a person violates Subsection (1) and no penalty is otherwise provided in this chapter, the person shall for each and every offense be fined in any sum not exceeding $200, and in the discretion of the trial court, the person's license may be revoked.

Amended by Chapter 149, 2005 General Session

34-29-16 Action on bond -- Brought in name of injured party.

Any action brought in any court against any employment or intelligence agent upon the bond deposited with the city, town or county treasurer by this employment or intelligence agent as provided in Section 34-29-4 may be brought in the name of the party injured.

Enacted by Chapter 85, 1969 General Session

34-29-17 Religious or charitable associations excepted from chapter.

Nothing contained in this chapter shall be construed so as to require any religious or charitable association which may assist in procuring situations or employment for persons seeking the same to obtain a license therefor.

Enacted by Chapter 85, 1969 General Session

34-29-18 Copies of laws to be posted.

The keeper of an employment or intelligence office shall cause two copies of Sections 34-29-7 to 34-29-10, inclusive, and of Sections 34-29-13 to 34-29-15, inclusive, printed in type of sufficient size to be easily read, to be conspicuously posted in each room used or occupied for the purpose of such employment or intelligence office.

Enacted by Chapter 85, 1969 General Session

34-29-19 Deceptive or duplicate orders for employees -- Liability to applicants.

Any person who places with an employment agent an order for more employees than the person placing the order actually desires, or who places with employment agents duplicate orders for employees, or who permits a standing order for employees to remain uncanceled at a time when the person placing the order does not need such employees, shall be liable to persons who, in good faith, accept and act upon information furnished in good faith by employment agents under such excess, duplicate or standing order for the amount actually expended in traveling from the location of such employment agency to the place of such proposed employment and return.

Amended by Chapter 365, 2024 General Session

34-29-20 False orders for employees -- Misdemeanor.

Any person who gives to an employment agent any false or unauthorized order for employees, or who causes to be published in any newspaper or otherwise any false or unauthorized notice or statement that employees are wanted by any person, is guilty of a class B misdemeanor.

Amended by Chapter 148, 2018 General Session