

EMPLOYMENT AGENCY REVISIONS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: J. Stuart Adams

LONG TITLE

General Description:

This bill increases penalties under Title 34, Chapter 29, Employment Agencies.

Highlighted Provisions:

This bill:

- ▶ allows a person to recover two times the amount of money paid to an employment agency as a commission in advance;
- ▶ increases the allowable penalty for other violations of Title 34, Chapter 29, Employment Agencies; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

34-29-8, as enacted by Chapter 85, Laws of Utah 1969

34-29-15, as enacted by Chapter 85, Laws of Utah 1969

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **34-29-8** is amended to read:

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



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

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

36 Section 2. Section **34-29-15** is amended to read:

37 **34-29-15. False statements -- Failure to keep registers -- Other violations --**

38 **Penalty.**

39 (1) If ~~any~~ a person engaged in the business of employment or intelligence agent or
40 broker~~, duty~~ licensed ~~as provided in~~ under this chapter~~;~~ does the following, that person is
41 liable under Subsection (2):

42 (a) gives any false information or makes any misstatement or any false promises
43 concerning any work ~~or~~, employment, or occupation~~, or~~;

44 (b) fails to keep the registers as prescribed in Sections 34-29-11 and 34-29-12~~, or~~
45 ~~shall~~;

46 (c) willfully ~~make~~ makes any false entries in ~~such register or shall violate~~ a register
47 under Section 34-29-11 or 34-29-12; or

48 (d) violates any other ~~provisions~~ provision of this chapter ~~for which violation~~
49 ~~penalties are not hereinbefore provided, he~~;

50 (2) If a person violates Subsection (1) and no penalty is otherwise provided in this
51 chapter, the person shall for each and every offense be fined in any sum not exceeding [\$100]
52 \$200, and in the discretion of the trial court, [his] the person's license may be revoked.

Legislative Review Note

as of 2-8-05 12:35 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0348

Employment Agency Revisions

11-Feb-05

12:46 PM

State Impact

No fiscal impact.

Individual and Business Impact

Enforcement is by private right of action.

Office of the Legislative Fiscal Analyst