

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2900 Session of  
1994

INTRODUCED BY McNALLY, JUNE 14, 1994

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 14, 1994

AN ACT

1 Amending the act of July 31, 1941 (P.L.616, No.261), entitled  
2 "An act defining, regulating and providing for the licensing  
3 and registration of employment agents, and their  
4 representatives, including private employment agents,  
5 theatrical employment agencies and nurses' registries;  
6 providing for revocation and suspension of licenses and  
7 registrations subject to appeal and for their reinstatement;  
8 defining the powers and duties of the Department of Labor and  
9 Industry and the Department of Public Instruction; providing  
10 penalties, and repealing existing laws," further defining  
11 "employment agent"; defining "modeling agent"; and further  
12 providing for prohibited acts.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Section 2(5) of the act of July 31, 1941  
16 (P.L.616, No.261), known as the Employment Agency Law, is  
17 amended and the section is amended by adding a clause to read:

18 Section 2. Definitions.--The following terms shall, unless  
19 the context otherwise indicates, have the following respective  
20 meaning:

21 \* \* \*

22 (5) "Employment agent" shall mean every person,

1 copartnership, association or corporation engaged in, or  
2 maintaining as owner, agent, manager-contractor, subcontractor  
3 or in any other capacity, an intelligence office, domestic and  
4 commercial employment agency, theatrical or entertainment  
5 employment agency, general employment bureau, shipping agency,  
6 nurses' registry or any other agency or office for the purpose  
7 of procuring or attempting to procure help or employment or  
8 engagements for persons seeking employment or engagements, or  
9 for the registration of persons seeking such help, employment or  
10 engagement, or of giving information as to where and of whom  
11 such help, employment or engagement may be procured, where a fee  
12 or other valuable consideration is charged for such services,  
13 whether such business is conducted in a building or on the  
14 street or elsewhere. The term shall include any person,  
15 copartnership, association or corporation which by advertisement  
16 or otherwise offers as one of the main objects or purposes to  
17 secure employment for any person who will pay for its services  
18 or that collects dues, membership or registration fees of any  
19 sort, where the main object of the person paying the same is to  
20 secure employment: Provided, however, That nothing contained in  
21 this act shall be construed to apply to any agent, agency or  
22 department of any firm, copartnership, corporation or  
23 association intended and established for the purpose of  
24 procuring or attempting to procure help, employment or  
25 engagement for persons seeking employment or engagement with  
26 said firm, copartnership, corporation or association, where no  
27 fee is charged, either directly or indirectly. Except as  
28 otherwise provided in this act, the term shall include a  
29 modeling agent.

30 \* \* \*

1     (6.1) "Modeling agent" shall mean any person, copartnership,  
2     association or corporation engaged in the business of:

3     (i) conducting an agency, bureau, office or any other place  
4     for the purpose of procuring or offering, promising or  
5     attempting to provide engagements for persons who want to  
6     procure employment as models; or

7     (ii) giving information as to where such engagements may be  
8     procured or provided, whether such business is conducted in a  
9     building, on the street or elsewhere.

10     \* \* \*

11     Section 2. Section 20(m) of the act, added October 16, 1972  
12     (P.L.917, No.220), is amended to read:

13     Section 20. \* \* \*

14     (m) [No] Except as otherwise provided in this section, no  
15     employment agent shall charge a fee for its services until the  
16     applicant has accepted a position. "Accept a position" shall  
17     mean that an applicant has actually reported for work having met  
18     all of the conditions of employment, or has a definite agreement  
19     with an employer concerning starting date, starting salary  
20     (including bonuses, commissions, etc.) and duties.

21     No modeling agent may charge a fee for its services until it  
22     has secured an assignment for a model, which assignment has been  
23     accepted by the model and where the model and the person with  
24     whom the assignment has been secured have agreed on a fee.

25     [For] Except as otherwise provided in this section, for a  
26     position known to be of a duration of ten (10) weeks or less or  
27     for a position that the applicant loses within a period of ten  
28     (10) weeks after the starting date, the fee will be a maximum of  
29     ten (10%) percent of the amount earned, except if the applicant  
30     fails to report as agreed or resigns to accept employment

1 elsewhere, then the agency shall be entitled to its full fee.

2 A modeling agent shall be entitled to charge a fee of more  
3 than ten (10%) percent of the amount earned by a model for each  
4 job secured through the modeling agent regardless of the job's  
5 duration.

6 \* \* \*

7 Section 3. This act shall take effect in 60 days.