
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1980 Session of
2014

INTRODUCED BY FEE, AUMENT, MACKENZIE, PICKETT, LUCAS, MILLARD,
MENTZER, GREINER, TRUITT, WATSON, CUTLER, GRELL, GINGRICH,
C. HARRIS, DeLUCA, R. MILLER, MAJOR, HEFFLEY, MILNE AND
HICKERNELL, JANUARY 24, 2014

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, JANUARY 24, 2014

AN ACT

1 Repealing 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."

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 1 of the act of July 31, 1941 (P.L.616,
14 No.261), known as the Employment Agency Law, is repealed:

15 [Section 1. This act shall be known and may be cited as the
16 "Employment Agency Law".]

17 Section 2. Sections 2 and 3 of the act, amended October 16,
18 1972 (P.L.917, No.220), are repealed:

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

1 (1) "Department" shall mean the Department of Labor and
2 Industry of this Commonwealth.

3 (2) "Emergency engagement" means and includes any engagement
4 that is to be performed within forty-eight (48) hours of the
5 time such application was made by an employer.

6 (3) "Employee" as used in this act means any person
7 performing or seeking to perform work or service of any kind or
8 character whatsoever for hire.

9 (4) "Employer" as used in this act means any person
10 employing or seeking to employ any person for hire.

11 (5) "Employment agent" shall mean every person,
12 copartnership, association or corporation engaged in, or
13 maintaining as owner, agent, manager-contractor, subcontractor
14 or in any other capacity, an intelligence office, domestic and
15 commercial employment agency, theatrical or entertainment
16 employment agency, general employment bureau, shipping agency,
17 nurses' registry or any other agency or office for the purpose
18 of procuring or attempting to procure help or employment or
19 engagements for persons seeking employment or engagements, or
20 for the registration of persons seeking such help, employment or
21 engagement, or of giving information as to where and of whom
22 such help, employment or engagement may be procured, where a fee
23 or other valuable consideration is charged for such services,
24 whether such business is conducted in a building or on the
25 street or elsewhere. The term shall include any person,
26 copartnership, association or corporation which by advertisement
27 or otherwise offers as one of the main objects or purposes to
28 secure employment for any person who will pay for its services
29 or that collects dues, membership or registration fees of any
30 sort, where the main object of the person paying the same is to

1 secure employment: Provided, however, That nothing contained in
2 this act shall be construed to apply to any agent, agency or
3 department of any firm, copartnership, corporation or
4 association intended and established for the purpose of
5 procuring or attempting to procure help, employment or
6 engagement for persons seeking employment or engagement with
7 said firm, copartnership, corporation or association, where no
8 fee is charged, either directly or indirectly.

9 (6) "Fee" means and includes any money or other valuable
10 consideration paid or promised to be paid for services rendered
11 or to be rendered by any person conducting an employment agency
12 of any kind under the provisions of this act. Such term includes
13 any excess of money received by any such person over what has
14 been paid out by him for the transportation, transfer of baggage
15 or board and lodging for any applicant for employment. Such term
16 also includes the difference between the amount of money
17 received by any such person who furnishes employes, performers
18 or entertainers for circus, fair, vaudeville, theatrical and
19 other entertainments, exhibitions or performances and the amount
20 paid by him to the said employes, performers or entertainers
21 whom he hires or provides for such entertainments, exhibitions
22 or performances.

23 (7) "Nurses' registry" means and includes the business of
24 conducting any agency, bureau, office or any other place for the
25 purpose of procuring, offering, promising or attempting to
26 provide employment or engagements for nurses of any kind.

27 (8) "Person" shall include an individual, copartnership,
28 association, corporation, society and his or its manager, agents
29 and employes.

30 (9) "Private employment agent" shall mean every person,

1 copartnership, association or corporation who for hire or with a
2 view of profit shall undertake to secure employment or help or
3 through the medium of a card, circular, pamphlet or any other
4 medium whatsoever or through the display of a sign or a bulletin
5 offers to secure employment or help or give information as to
6 where employment or help may be secured. Charitable institutions
7 making no charge for such services are not included.

8 (10) "Privilege" as used in this act means and includes the
9 furnishing of food, supplies, tools or shelter to contract
10 laborers, commonly known as commissary privileges.

11 (11) "Representative" or "counselor" as used in this act
12 shall mean an employe who solicits business or interviews
13 applicants or refers them to prospective employers for
14 employment.

15 (12) "Secretary" shall mean the Secretary of Labor and
16 Industry of the Department of Labor and Industry of this
17 Commonwealth.

18 (13) "Theatrical employment agency" means and includes the
19 business of conducting an agency, bureau, office or any other
20 place for the purpose of procuring or offering, promising or
21 attempting to provide engagements for persons who want
22 employment in the following occupations: circus, fair,
23 vaudeville, musical, theatrical and other entertainment or
24 exhibitions or performances; or of giving information as to
25 where such engagements may be procured or provided, whether such
26 business is conducted in a building, on the street or elsewhere.

27 (14) "Theatrical engagement" means and includes any
28 engagement or employment of a person as an actor, performer,
29 musician or entertainer in a circus, fair, vaudeville,
30 theatrical or any other entertainment, exhibition or

1 performance.

2 Section 3. The term "employment agent" as used in this act
3 shall not apply to:

4 (1) Departments, associations or bureaus which are
5 maintained solely for persons in this Commonwealth for the
6 purpose of obtaining employes for themselves or their members
7 and which charge no fee or other consideration to applicants for
8 employment or registration.

9 (2) Theatrical or entertainment producers and managers
10 assembling, managing and directing their own performances at
11 their own expense and who charge no commissions or fees,
12 directly or indirectly.

13 (3) Bureaus or agencies procuring employment for school
14 teachers without charge.

15 (4) Bureaus or agencies conducted by registered medical
16 institutions, duly incorporated hospitals, or registries
17 conducted by duly incorporated alumnae associations of nurses
18 procuring employment of nurses without charge.

19 (5) Employment bureaus maintained by this Commonwealth.

20 (6) Employment bureaus maintained by the United States of
21 America within this Commonwealth.

22 (7) Employment bureaus or agencies maintained by any
23 association of manufacturers within the Commonwealth for the
24 purpose of obtaining employes for their members and which charge
25 no fee to applicants for registration or employment: Provided,
26 however, That persons excluded from licensure under this section
27 shall not open, operate or maintain such agencies until they
28 register with the department as hereinafter provided.

29 (8) Consultants or agencies who charge no fees to the
30 applicant for registration or employment and who do not require

1 the applicant to enter into any contractual agreements with the
2 agency or consultant.]

3 Section 3. Section 4 of the act is repealed:

4 [Section 4. It shall be unlawful for any employment agent to
5 operate as such in this Commonwealth unless such employment
6 agent is the holder of a license as in this act provided.]

7 Section 4. Section 5 of the act, amended October 16, 1972
8 (P.L.917, No.220), is repealed:

9 [Section 5. (a) Every person desiring to operate as an
10 employment agent shall file, for each physical location, an
11 application for a license with the department. The original
12 application shall be on a form furnished by the department and
13 shall state:

14 (1) The name and street address of the applicant.

15 (2) The address of the place where the business is to be
16 conducted.

17 (3) The educational and business or employment history of
18 the applicant.

19 (4) Whether or not the applicant is pecuniarily interested
20 in any other business of like nature and, if so, where.

21 (5) Whether the applicant is the only person pecuniarily
22 interested in the business to be carried on under the license.

23 (6) If the applicant is a corporation, the names and
24 addresses of the officers of said corporation.

25 (7) If the applicant is a partnership, the names of all
26 partners therein.

27 (8) Whether the applicant has a criminal record.

28 (9) That the applicant is fully aware of all applicable
29 provisions of the act of October 27, 1955 (P.L.744), the
30 "Pennsylvania Human Relations Act," as amended, and that the

1 applicant has knowledge of the penalties that may be imposed for
2 violation of this act.

3 (b) No licensed employment agent shall permit any person not
4 mentioned in the original application for a license to become a
5 partner, if such agency is a partnership, or an officer of the
6 corporation, if such agency is a corporation, unless the written
7 consent of the department shall first be obtained. Such consent
8 may be withheld for any reason for which an original application
9 might have been rejected if the person in question had been
10 mentioned therein.]

11 Section 5. Sections 6, 7 and 8 of the act are repealed:

12 [Section 6. Upon receipt of such application the department
13 shall post in a conspicuous place on the premises at which the
14 business is or is intended to be conducted, the name and address
15 of the applicant, the place where the business is to be
16 conducted and the fact that such application has been filed.

17 The department shall thereupon investigate the character and
18 responsibility of the applicant and the location and premises at
19 which the business is intended to be conducted.

20 Any person may file within one week after the posting by the
21 department of the facts pertaining to the application as
22 heretofore provided a protest with the department against the
23 issuance of such license. Such protest shall be in writing and
24 shall be signed by the person filing the same or his authorized
25 agent or attorney and shall state the reasons why the license
26 should not be granted.

27 If the investigation by the department is unsatisfactory, or
28 in the event of a protest, the department shall, not less than
29 fifteen days after the posting of the facts of application, hold
30 a public hearing at a place designated by the department in the

1 city, borough, town or township where the business is to be
2 established. At least five days' notice of the time and place of
3 such hearing shall be given by the department to the applicant
4 and the protestants, if any.

5 The department shall have the power to issue subpoenas
6 requiring the attendance of witnesses and the production of
7 books and papers pertinent to any hearings which may be held
8 under this act and to administer oaths to and examine such
9 witnesses and to examine such books and papers.

10 Any witness who refuses to obey a subpoena issued hereunder,
11 or who refuses to be sworn or affirmed, or to testify, or who is
12 guilty of any contempt after summons to appear, may be punished
13 as for contempt of court, and for this purpose an application
14 may be made to any court of common pleas within whose
15 territorial jurisdiction the offense was committed, for which
16 purpose such court is hereby given jurisdiction.

17 Section 7. The department may refuse to issue licenses
18 whenever, after due investigation and hearing by the department,
19 it finds that the character of the applicant makes him unfit to
20 be an employment agent, or that the proposed plan of business is
21 unjust or unfair under the terms of this act, or that the
22 applicant has been guilty of unethical business practice, or
23 that the applicant being heretofore an employment agent has
24 failed to comply with the existing laws relating thereto, or
25 that the place where the business is to be conducted is not a
26 suitable place therefor, and such places, as well as for other
27 proper reasons, shall be deemed unsuitable if it is to be
28 conducted in rooms used for living purposes, or where boarders
29 or lodgers are kept, or where meals are served, or where persons
30 sleep, or in connection with a building or premises where

1 intoxicating liquors are sold or reputed to be sold (excepting
2 cafes or restaurants in office buildings and hotels which
3 maintain regular office suites), or in a house of ill repute, or
4 in a neighborhood deemed unsatisfactory by the department. No
5 theatrical employment agency shall be conducted in a private
6 home.

7 Section 8. In all other cases the department, upon the
8 compliance by the applicant with the provisions of this act,
9 shall grant such applicant a license for a period of one year.
10 In all cases, whether the license shall be granted or refused,
11 the department shall make such final decision and take such
12 action within (30) days after the filing of the application.

13 Licenses may be renewed from year to year upon application,
14 payment of license fees and filing of bonds as in the case of
15 original applications.]

16 Section 6. Sections 9 and 10 of the act, amended or added
17 October 16, 1972 (P.L.917, No.220), are repealed:

18 [Section 9. No such license shall be granted until the
19 applicant has filed with the secretary a bond of a duly
20 authorized surety company, to be approved by the department, in
21 the penal sum of three thousand (\$3,000) dollars payable to the
22 Commonwealth of Pennsylvania, conditioned that the applicant
23 will comply with the provisions of this act and shall pay all
24 damages occasioned to any person by reason of any misstatement,
25 misrepresentation, fraud or deceit or any unlawful act or
26 omission of any such person, his agent or employes, while acting
27 within the scope of their employment, made, committed or omitted
28 in the business conducted under such license, or caused by any
29 other violation of this act in carrying on such business.

30 All actions upon bonds given under this act shall be in the

1 same manner as actions upon official bonds.

2 Section 10. No person shall open, keep or carry on any
3 employment agency in the Commonwealth of Pennsylvania unless
4 every such person shall have obtained a license to do so.

5 (1) Licenses to be known as class "1" shall be required for
6 employment agents performing services leading a person to
7 employment, payment for such service being entirely contingent
8 upon the employer offering and the applicant accepting
9 employment and the obligation for payment therefore being made
10 in whole or in part by the applicant. The annual license fee
11 shall be the sum of one hundred fifty (\$150) dollars.

12 (2) Licenses to be known as class "2" shall be required for
13 all modeling and theatrical service agents or bureaus. The
14 annual license fee shall be the sum of one hundred fifty (\$150)
15 dollars.]

16 Section 7. Section 11 of the act is repealed:

17 [Section 11. Each applicant for a license shall file with
18 the application a schedule of fees, charges and commissions
19 which he intends to charge and collect for his services,
20 together with a copy of all forms and contracts to be used in
21 the operation of the agency. Such schedule of fees, charges and
22 commissions may thereafter be changed by filing with the
23 department an amended or supplemental schedule showing such
24 changes at least fifteen (15) days before the change is to
25 become effective. Any change in forms or contracts must be filed
26 with the department at least fifteen (15) days before such
27 change is to become effective. Such schedule of fees to be
28 charged shall be posted in a conspicuous place in such agency.

29 It shall be unlawful for any employment agency to charge,
30 collect or receive a greater compensation for any service

1 performed by it than is specified in the schedule filed with the
2 department.]

3 Section 8. Sections 12, 13, 14, 15, 16, 17, 18 and 19 of the
4 act, added October 16, 1972 (P.L.917, No.220), are repealed:

5 [Section 12. It shall be unlawful for any person to act or
6 assume to act as an employment agent, counselor or
7 representative without first registering with the department and
8 successfully completing an examination covering the provisions
9 of this act and regulations pertaining thereto.

10 Registrations shall be effective and the test satisfactorily
11 completed within thirty (30) days from date of employment with
12 the agency. In the event of failure of the examination,
13 provisions shall be made for retesting within a time specified
14 by the department.

15 A counselor-in-training may perform whatever duties the
16 agency deems necessary to enable the counselor-in-training to
17 become a registered counselor. However, a counselor-in-training
18 may not actually place applicants nor may that counselor-in-
19 training be paid commissions for making such placements.

20 A fee of ten (\$10) dollars shall accompany an application for
21 registration. A registration may be renewed each year for an
22 additional fee of ten (\$10) dollars.

23 It shall be the responsibility of the employment agent and
24 the counselor or representative to maintain current
25 registration.

26 Section 13. The department, upon its own motion, or upon the
27 filing with it by any person or by any authority, board or
28 commission of the Commonwealth of Pennsylvania of a verified
29 complaint, accompanied by such evidence, documentary or
30 otherwise, as makes out a prima facie case that any registered

1 counselor has violated this act or the regulations pertaining
2 thereto in the performance of his duties, may hold a hearing to
3 determine his continued eligibility for registration.

4 Any person who violates any provisions of this section or who
5 testifies falsely as to any matter required by the provisions of
6 this section or of this act shall, upon conviction thereof in a
7 summary proceeding, be sentenced to pay a fine of not less than
8 ten (\$10) dollars, nor more than one hundred (\$100) dollars, or
9 upon nonpayment thereof, to undergo imprisonment for a period of
10 not more than thirty (30) days.

11 Section 14. It shall be the duty of every employment agent
12 to keep a record of every applicant, job order and job
13 placement. Such records shall be kept in a manner acceptable to
14 the department and shall be open during office hours to
15 inspection by the department and its duly authorized agents. No
16 employment agent or his employes shall knowingly make any false
17 entry in such records.

18 Section 15. It shall be the duty of the employment agent
19 whenever possible to communicate orally or in writing with at
20 least one of the persons mentioned as reference by any applicant
21 for work in private families or to be employed in a fiduciary
22 capacity, and the result of such investigation shall be kept on
23 file in such agency: Provided, That if the applicant for help
24 voluntarily waives in writing such investigation of references
25 the employment agent shall not be required so to do.

26 Section 16. Every employment agent shall post in conspicuous
27 place in his agency such sections of this act as may be required
28 by the department, copies of which shall be supplied by the
29 department. He shall also post his license in the main room of
30 the agency. He shall further post the notice entitled,

1 'Employment Provisions-Pennsylvania Human Relations Act' copies
2 of which can be obtained from the Pennsylvania Human Relations
3 Commission.

4 Every employment agent shall, under rules to be prescribed by
5 the department, furnish the department upon request statements
6 showing the number of applicants and the number and characters
7 of placements and job orders.

8 Section 17. If, after verbal and written warnings, an
9 employment agent persists in violating sections 14, 15 and 16 of
10 this act, he shall be charged with a summary offense and, upon
11 conviction thereof, shall be sentenced to pay a fine of not less
12 than one hundred (\$100) dollars nor more than five hundred
13 (\$500) dollars, or upon nonpayment thereof, to undergo
14 imprisonment for a period of not more than thirty (30) days.

15 Section 18. Every employment agent conducting a theatrical
16 employment agency, before making a theatrical engagement, except
17 an emergency engagement, shall have a bona fide contract in
18 writing for an employe with any employer for services in any
19 such engagement and shall prepare and file in such agency a
20 written statement signed and verified by the employment agent
21 setting forth how long such employer has been engaged in the
22 theatrical business. Every such statement shall be kept for the
23 period of one (1) year and shall set forth whether or not such
24 employer, while financially interested in a theatrical business,
25 has failed to pay salaries or has "left stranded" any company,
26 group or employe during the two (2) years preceding the date of
27 application and further shall set forth the names of at least
28 two persons as references. If such employer is a corporation,
29 such statement shall set forth the names of the officers and
30 directors thereof, the length of time such corporation or any of

1 its officers have been engaged in the theatrical business and
2 the amount of the paid up capital stock. If the employer
3 conducts a cabaret or night club the agent shall include in such
4 statement the name and address of the owner or owners and
5 whether they have failed to pay salaries to employes within the
6 past two (2) years. If any allegations in such written verified
7 statement is made upon information and belief the person
8 verifying this statement shall set forth the sources of his
9 information and the reasons for his belief. Such statement shall
10 be kept on file for the benefit of any employes whose services
11 are sought by any such employers.

12 Every employment agent conducting a theatrical employment
13 agency who shall procure for or offer to an applicant a
14 theatrical engagement or any kind of employment as an
15 entertainer shall have executed in triplicate a numbered
16 contract containing the name, address and signature of the
17 applicant, the name and address and signature of the employer
18 and that of the employment agency acting for such employer in
19 employing or furnishing such applicant for employment, the
20 character of the entertainment to be given or services to be
21 rendered, the number and time of performances to be given per
22 day or per week, time of rehearsal, by whom the transportation,
23 if any, is to be paid, and, if it is to be paid by the
24 applicant, either the cost of the transportation between the
25 places where said entertainment or services are to be given or
26 rendered or the average cost of such transportation. The
27 contract shall state from whom said applicant is to receive his
28 or her salary, board and lodging, the amount of salary promised
29 and the gross commissions or fees to be paid by the applicant
30 and to whom such gross commissions or fees are to be paid. The

1 original contract shall be given to the applicant for
2 employment; the duplicate contract shall be given to the
3 employer, and the triplicate contract shall be kept on file in
4 the office of the agency for a period of one (1) year.

5 Such numbered contracts shall contain no other conditions and
6 provisions except such as are equitable among the parties
7 thereto and do not constitute an unreasonable restriction of
8 business.

9 Section 19. Every employment agent conducting a nurses'
10 registry shall cause every applicant for employment to fill out
11 an application form giving the following information: the name
12 and address and qualifications of such applicant; the names and
13 places of the hospitals wherein the applicant has studied or has
14 been employed; the length of time of service therein or other
15 experiences in nursing if not in a hospital; and whether such
16 applicant is a graduate trained, certified, registered,
17 undergraduate or practical nurse or trained attendant. There
18 shall be stated on such application the number and date of the
19 certificate issued to such nurse or trained attendant by the
20 Department of Education. Such application form shall be kept on
21 file in the office of the registry and shall be open to the
22 inspection of the Department of Labor and Industry and the
23 Department of Education.]

24 Section 9. Section 20 of the act, amended or added October
25 16, 1972 (P.L.917, No.220) and December 7, 1994 (P.L.702,
26 No.105), is repealed:

27 [Section 20. (a) No employment agent shall induce or
28 attempt to induce any employe to leave his employment with a
29 view to obtaining other employment through such employment
30 agent.

1 (b) No employment agent or his representative shall demand,
2 divide, or offer to divide or share directly or indirectly any
3 fees, charge or compensation, received or to be received from
4 any employe, with any employer or person in any way connected
5 with the business thereof.

6 (c) No employment agency shall accept promissory notes or
7 any other evidence of indebtedness without recourse. No
8 subsequent holder shall be deemed a holder in due course. A
9 violation of this section shall constitute a summary offense
10 under this act.

11 (d) No employment agent shall publish or cause to be
12 published any false or fraudulent or misleading information,
13 representation, notice or advertisement. All advertisements
14 shall indicate that a fee will be charged whenever the
15 employment agent charges an applicant a fee for its services
16 under the provisions of subsection (m). All advertisements of
17 such employment agent by means of cards, circulars or signs and
18 in newspapers or other publications, and all letterheads,
19 receipts and blanks shall be printed and contain the name and
20 address of such employment agent and the words "employment
21 agency."

22 (e) No employment agent shall give any false information or
23 make any false promise or false representation concerning an
24 engagement or employment to any employer or to any applicant who
25 shall register or apply for an engagement or employment or help.

26 (f) No employment agent shall send or cause to be sent any
27 person as a servant, employe, entertainer or performer, to any
28 place of bad repute, house of ill fame, or assignation house, or
29 to any house or place of amusement kept for immoral purposes, or
30 place resorted to for the purpose of prostitution, or gambling

1 house, the character of which the employment agent could have
2 ascertained upon reasonable inquiry.

3 (g) No employment agent shall send out any applicant for
4 employment without making a reasonable effort to investigate the
5 character of the employer.

6 (h) No such employment agent shall send out any applicant
7 for employment without having obtained a bona fide order
8 therefor. For the purposes of this act, a bona fide job order
9 shall include the following information:

10 (1) Name and address of employer seeking applicant.

11 (2) Full name and position of person giving job order.

12 (3) Name of person accepting job order on behalf of
13 employment agent.

14 (4) Date on which job order is accepted.

15 (5) Location for which applicant is requested.

16 (6) Job title.

17 (7) Job description.

18 (8) Starting salary range (commissions, bonuses, draw).

19 (9) Fee policy of employer.

20 (10) Educational and experience requirements for particular
21 position.

22 (i) No employment agent shall advertise any position unless
23 such employment agent has a bona fide job order for said
24 position.

25 (j) No employment agent or his representatives shall send
26 any applicant to any place where a strike, a lock out or other
27 labor trouble exists without first notifying the applicant of
28 such conditions, and shall in addition thereto enter a complete
29 statement of such facts upon the receipt given to such
30 applicant.

1 (k) No employment agent or representative shall, when acting
2 in the capacity of either an employer or an employment agent or
3 representative, engage in any policies or practices deemed to be
4 unlawful discriminatory practices by the act of October 27, 1955
5 (P.L.744), the "Pennsylvania Human Relations Act," as amended.

6 (l) Every employment agent shall give to each applicant who
7 signs a contract, a copy of said contract at the time of
8 application.

9 (m) No employment agent shall charge a fee for its services
10 until the applicant has accepted a position. "Accept a position"
11 shall mean that an applicant has actually reported for work
12 having met all of the conditions of employment, or has a
13 definite agreement with an employer concerning starting date,
14 starting salary (including bonuses, commissions, etc.) and
15 duties.

16 For a position known to be of a duration of ten (10) weeks or
17 less or for a position that the applicant loses within a period
18 of ten (10) weeks after the starting date, the fee will be a
19 maximum of ten (10%) percent of the amount earned, except if the
20 applicant fails to report as agreed or resigns to accept
21 employment elsewhere, then the agency shall be entitled to its
22 full fee.

23 (n) No employment agent shall charge a registration fee. Any
24 person who violates any provision of this section is guilty of a
25 summary offense and, upon conviction thereof, shall be sentenced
26 to pay a fine of not less than one hundred (\$100) dollars nor
27 more than five hundred (\$500) dollars, or, in default of
28 payment, shall undergo imprisonment for a period of not more
29 than thirty (30) days.]

30 Section 10. Sections 21 and 22 of the act, added October 16,

1 1972 (P.L.917, No.220), are repealed:

2 [Section 21. If, after conviction of any violation of this
3 act or the rules and regulations pertaining thereto, an
4 employment agent persists in violating this act and the rules
5 and regulations pertaining thereto, by three (3) or more
6 convictions in any twenty-four-month period, the department may
7 suspend the license of said agent after hearing upon due notice
8 to the holder of such license. The period of such suspension
9 shall be at the discretion of the department, but in any case
10 shall not be less than ten (10) calendar days nor exceed ninety
11 (90) days. Upon order of suspension of the license, the
12 employment agent shall immediately deliver the license to the
13 department and shall cease and desist all activity as an
14 employment agent for the duration of the suspension.

15 Any person who violates the provision of this section is
16 guilty of a summary offense and upon conviction thereof shall be
17 sentenced to pay a fine of not less than two hundred (\$200)
18 dollars, nor more than five hundred (\$500) dollars and in
19 addition thereto, the license of such employment agent may be
20 revoked at the request of the department.

21 Section 22. Any person who violates any provision of this
22 act or the rules and regulations pertaining thereto for which no
23 other specific penalty is provided shall be guilty of a summary
24 offense and upon conviction thereof, shall be sentenced to pay a
25 fine of not less than one hundred (\$100) dollars nor more than
26 five hundred (\$500) dollars, or to, on default in the payment
27 thereof, undergo imprisonment for a period of not more than
28 thirty (30) days.]

29 Section 11. Section 23 of the act, added and repealed in
30 part October 16, 1972 (P.L.917, No.220) and April 28, 1978

1 (P.L.202, No.53), is repealed:

2 [Section 23. As an alternative, supplemental and additional
3 remedy in cases of unlawful practices, the department may
4 institute proceedings in the court asking for the revocation of
5 such license.

6 Whenever a license shall be revoked, the department shall
7 not, within one (1) year, of such revocation, issue another
8 license to such person. No such person shall be employed during
9 such period by any other employment agent.]

10 Section 12. Sections 24, 25, 26 and 27 of the act, added
11 October 16, 1972 (P.L.917, No.220), are repealed:

12 [Section 24. There is hereby created in the Department of
13 Labor and Industry an Employment Agency Advisory Council
14 consisting of seven (7) members to be appointed for a term of
15 two (2) years by the secretary to assist him in carrying out his
16 duties under this act and for the purpose of conducting public
17 hearings at the request of the secretary to recommend rules and
18 regulations for the implementation of this act.

19 The members of the advisory council shall, insofar as
20 possible, be geographically representative of the various
21 segments of the private employment agency business, one from the
22 Eastern Pennsylvania area, one from the Central Pennsylvania
23 area, one from the Western Pennsylvania area, one from the
24 Bureau of Consumer Protection, one from the Department of Labor
25 and Industry and two citizens of the Commonwealth of good
26 repute. The council shall organize and elect a chairman and
27 thereafter meet upon the call of the chairman or a majority of
28 the members. Each member of the council shall receive thirty
29 (\$30) dollars per day plus necessary expenses for each day
30 actually spent in the performance of his duty.

1 The council shall have the power and duty to:

2 (1) Consult with the secretary concerning any matter arising
3 under the administration of this act.

4 (2) Conduct hearings at the request of the secretary to
5 develop rules and regulations for the implementation of this
6 act.

7 (3) Advise the secretary on matters pertaining to the
8 private employment agency industry.

9 Section 25. The secretary shall be charged with the
10 enforcement of the provisions of this act and shall have power
11 to make and enforce such reasonable rules and regulations for
12 the conduct of the business of employment agents as may be
13 necessary to carry out the laws relating thereto. For the
14 purpose of enforcing this act, the secretary shall appoint
15 inspectors who shall have power to execute and serve all
16 warrants and processes of law issued by any justice of the
17 peace, alderman and magistrate or by any court of competent
18 jurisdiction in the same manner as sheriffs, constables or
19 police officers may serve and execute such processes. Such
20 inspectors may arrest on view and without warrant any unlicensed
21 person detected by them violating any of the provisions of this
22 act and may take such person so offending before any justice of
23 the peace, alderman or magistrate and there make a complaint
24 against him.

25 Section 26. All registers, books, records and other papers
26 required by this act to be kept by any employment agent shall be
27 open at all reasonable hours to the inspection of the department
28 and its inspectors. An auditor may be sent to the office of any
29 employment agent by the department at least once a year, or more
30 often if necessary, to obtain information for the use of the

1 department.

2 Section 27. All moneys or fees required to be paid under
3 this act shall be collected by the department and by it paid
4 into the State Treasury through the Department of Revenue.]

5 Section 13. This act shall take effect in 60 days.