

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1047

Introduced by

Legislative Management

(Human Services Committee)

1 A BILL for an Act to amend and reenact section 34-13-01 of the North Dakota Century Code,
2 relating to licensing employment agents and agencies.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 34-13-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **34-13-01. Definitions.**

7 As used in this chapter, unless the context or subject matter otherwise requires:

- 8 1. "Commissioner" means the labor commissioner.
- 9 2. "Employee" means any ~~person~~individual, whether employed or unemployed, seeking
10 or entering into any arrangement for employment or change of employment through
11 the medium of service of an employment agent.
- 12 3. "Employer" means any ~~person~~individual, firm, corporation, limited liability company, or
13 association employing or seeking to enter into an arrangement to employ any
14 ~~person~~individual through the medium or service of an employment agent.
- 15 4. "Employment agent" or "employment agency" ~~means:~~
- 16 a. Means any ~~person~~individual, firm, corporation, limited liability company, or
17 association in this state engaged for hire or compensation in the business of
18 furnishing:
- 19 a.(1) ~~Persons~~Individuals seeking employment or changing employment, with
20 information or other service enabling or tending to enable such
21 ~~persons~~individuals to procure employment, by or with employers, other than
22 such employment agent; or
- 23 b.(2) Any other ~~person~~individual, firm, corporation, limited liability company, or
24 association ~~who~~that may be seeking to employ or may be in the market for

1 help of any kind, with information enabling or tending to enable such other
2 ~~person~~individual, firm, corporation, limited liability company, or association
3 to procure such help.

4 ~~The term "employment agent" or "employment agency" does~~

5 ~~b. Does not include any person:~~

6 (1) ~~An individual~~, firm, corporation, limited liability company, or association
7 employing individuals to render part-time or temporary services to or for a
8 third person, if the ~~person~~individual, firm, corporation, limited liability
9 company, or association employing the individuals, in addition to wages or
10 salaries, pays social security and unemployment insurance taxes, provides
11 workforce safety and insurance coverage, and is responsible for the acts of
12 the employees while rendering services to or for a third person. ~~The term-~~
13 ~~"employment agent" or "employment agency" does not include a person~~

14 (2) ~~An individual~~, firm, corporation, limited liability company, or association
15 charging service fees or any other charges exclusively to employers.

16 (3) ~~An individual, firm, corporation, limited liability company, or association~~
17 licensed or certified by the department of human services to provide
18 employment related services, to the extent the employment-related services
19 are being provided for the clientele identified by the department in the
20 issuance of the license or certificate.

21 5. "Gross misconduct" means misconduct involving assault and battery, the malicious
22 destruction of property, or the theft of money or property.