

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

1           The term "employment agent" or "employment agency" does not include any person,  
2           firm, corporation, limited liability company, or association employing individuals to  
3           render part-time or temporary services to or for a third person, if the person, firm,  
4           corporation, limited liability company, or association employing the individuals, in  
5           addition to wages or salaries, pays social security and unemployment insurance taxes,  
6           provides workforce safety and insurance coverage, and is responsible for the acts of  
7           the employees while rendering services to or for a third person. The term "employment  
8           agent" or "employment agency" does not include a person, firm, corporation, limited  
9           liability company, or association charging service fees or any other charges exclusively  
10          to employers; or a person, firm, corporation, limited liability company or association  
11          licensed or certified by the department of human services to provide employment  
12          related services.

- 13          5. "Gross misconduct" means misconduct involving assault and battery, the malicious  
14          destruction of property, or the theft of money or property.