

~~30.17 PLACE OF INSPECTION. Inspection of lots of potatoes of 3,000 pounds or more shall be made at the point of origin when inspectors are available at such points. The commissioner shall designate other points at which lots of potatoes may be inspected. If such other points are more than 30 miles from an established inspection office inspection service is requested at other points, mileage costs at the regular rates paid by the state for private car driving shall be charged for the excess driving to and from such points and shall be added to the inspection fee.~~

Approved March 29, 1971.

CHAPTER 95—S.F.No.234

[Coded in Part]

An act relating to employment agencies; providing penalties; amending Minnesota Statutes 1969, Sections 184.22; 184.23, Subdivision 1; 184.24, Subdivision 2; 184.28, Subdivision 2; 184.31; 184.32; 184.36, Subdivision 1; and 184.38, by adding subdivisions.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes, 1969, Section 184.22, is amended to read:

184.22 EMPLOYMENT AGENCIES; REGULATION; LICENSES REQUIRED. No person shall engage in the business of or act as an employment agent or counselor unless he first obtains a license from the department. ~~Any person who shall engage in the business of or act as an employment agent or counselor without first procuring such a license shall be punished by a fine of not less than \$25 and not more than \$100, or on failure to pay such fine by imprisonment for a period not to exceed 90 days, or both, at the discretion of the court.~~

~~In addition to the penalties described herein the department may proceed by injunction suit against any person who shall engage in the business of or act as an employment agent or counselor without first procuring such a license to enjoin such person from so engaging or acting. Each separate location for the business of an employment agency or for employment counseling shall have a separate, licensed manager who shall have immediate control of only one location.~~

Sec. 2. Minnesota Statutes 1969, Section 184.23, Subdivision 1, is amended to read:

Changes or additions indicated by underline, deletions by ~~strikeout~~.

184.23 ADVISORY BOARD CREATED. Subdivision 1. There is created a board to be known as the employment agency advisory board whose duty shall be to advise the department as to the administration of the provisions of sections 184.21 to 184.40. Such board shall consist of ~~seven~~ nine members, appointed by the governor, with the advice and consent of the senate. A majority of those selected shall be actually engaged as an owner or manager of an employment agency licensed by the state of Minnesota for a period of three years immediately preceding the time of their appointment.

Sec. 3. Minnesota Statutes 1969, Section 184.24, Subdivision 2, is amended to read:

Subd. 2. The department shall have supervisory and investigative authority over all employment agents and counselors. The department shall have the right to examine only such records required to be kept by ~~law which pertain to a specific written complaint or alleged offense by such~~ Minnesota Statutes, Chapter 184 and this act by employment agents and counselors and to examine the offices where business is or shall be conducted by them. The department shall have the right to investigate all advertisements, communications and materials published, disseminated, circulated, or placed before the public by an employment agency or counselor, for the purpose of determining whether the provisions of Minnesota Statutes, Sections 325.905 or 184.38, Subdivision 8 have been violated.

Sec. 4. Minnesota Statutes 1969, Section 184.28, Subdivision 2, is amended to read:

Subd. 2. The department shall hold such examinations at such times and places as it shall determine. An examination fee of \$10 shall be paid by each applicant in addition to the license fee, which examination fee shall be retained by the department whether or not the applicant passes the examination. The examination fee shall be forfeited if the applicant does not take the examination within six months of the application date. The examination fee of \$10 shall cover the costs of preparing and printing the examinations and the cost of giving each person taking the examination a copy of the latest rules and regulations. Rules and regulations shall be kept on the premises readily available to the counselor, manager, or agent.

Sec. 5. Minnesota Statutes 1969, Section 184.31, is amended to read:

184.31 LICENSES CLASSIFIED. Employment agents' licenses granted under the provisions of sections 184.21 to 184.40 shall be designated as class 1, class 2, class 3, or class 4.

A class 1 license shall entitle the holder thereof to engage in a business of serving those seeking employment and those seeking

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employees in the unskilled, semiskilled and skilled manual trades and crafts. It shall also include such various and sundry related occupations which do not require specific formal training for their pursuits. Examples of these would be vehicle drivers, stock clerks, janitors, warehouse laborers, cooks, etc.

A class 2 license shall entitle the holder thereof to engage in a business of serving those seeking employment and those seeking employees in the scientific, technical, executive, administrative, educational, sales, clerical, hospital, medical, dental, and other related pursuits not provided for under either class 1 or a class 3 license.

A class 3 license shall entitle the holder thereof to engage in the business of serving those seeking employment and those seeking employees in circus, vaudeville, theatrical, or other entertainments, exhibitions, or performances, or allied pursuits.

A class 4 license shall entitle the holder thereof to engage in the business of serving those seeking employment to care for children and those seeking employees to care for children.

No employment agent shall engage in the business of serving those seeking employment and those seeking employees included in either class 1, 2, 3 or 4 unless such person shall hold a license entitling him to do so with respect to such specific class; provided, however, that any such employment agent who shall otherwise qualify shall be entitled to a license for each such class upon payment of a fee for each such class in the amount set forth in section 184.29.

Any questions of classification arising under the provisions of sections 184.21 to 184.40 shall be determined by the board department.

Sec. 6. Minnesota Statutes 1969, Section 184.32, is amended to read:

184.32 DURATION OF LICENSE. Every license, unless previously revoked, shall remain in force until January immediately following the date of its issue, and every employment agent and counselor shall, upon the filing of a new application and upon payment of the amount of the license fee required and the filing of a new bond, and complying in all respects with the lawful requirements, have issued to it a license for the ensuing year, unless the board department shall refuse to do so for any of the reasons stated in this chapter.

Sec. 7. Minnesota Statutes 1969, Section 184.36, Subdivision 1, is amended to read:

184.36 PLACES OF BUSINESS. Subdivision 1. No employment agent shall open, conduct, or maintain an employment agency

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at any other place than that specified in the license without first obtaining the consent of the ~~board~~ department. Such consent may be withheld for any reason for which an original application might have been rejected, if such place has been mentioned therein. If such consent is given, it shall be endorsed upon the license and, if such license is renewed, such other place shall be substituted for the place originally named in the license. So long as any employment agent shall continue to act as such under his license he shall maintain and keep open an office or place of business at the place specified in the license.

Sec. 8. Minnesota Statutes 1969, Section 184.38, is amended by adding subdivisions to read:

Subd. 16. Every employment agent shall notify the department within 10 days of any change in the address where such agent conducts his business, and he shall notify the department within 10 days when he can no longer be reached at the last business address given by him to the department.

Subd. 17. Except for applicant information given in the course of normal agency operations, no employment agent shall voluntarily sell, give, or otherwise transfer any files, records, or other information relating to his employment agency applicants and employers to any person other than a licensed employment agent or a person who agrees to obtain an employment agency license. Every employment agent who ceases to engage in the business of or act as an employment agent shall notify the department of such fact within 30 days thereof, and shall advise the department as to the disposition of all files and other records relating to his employment agency business.

Sec. 9. [184.41] VIOLATIONS. Any person who shall engage in the business of or act as an employment agent or counselor without first procuring a license as required by section 1, and any employment agent, manager or counselor who shall violate the provisions of Minnesota Statutes, Chapter 184, shall be guilty of a misdemeanor.

In addition to the penalties for commission of a misdemeanor, the department may proceed by an action for an injunction against any person who shall engage in the business of or act as an employment agent or counselor without first procuring the license required under section 1 and against any employment agent, manager or counselor who shall violate the provisions of Minnesota Statutes, Chapter 184.

Sec. 10. This act is effective July 1, 1971.

Approved April 2, 1971.

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