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SENATE BILL 6263

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State of Washington 57th Legislature

2002 Regular Session

By Senators Prentice, Kohl-Welles, Keiser and Gardner

Read first time 01/14/2002. Referred to Committee on Labor, Commerce & Financial Institutions.

1 AN ACT Relating to contracts for modeling and theatrical agencies;  
2 amending RCW 19.31.020; and adding a new section to chapter 19.31 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 19.31.020 and 1998 c 228 s 1 are each amended to read  
5 as follows:

6 ~~((Unless a different meaning is clearly required by the context,~~  
7 ~~the following words and phrases, as hereinafter used in this chapter,~~  
8 ~~shall have the following meanings:))~~

9 The definitions in this section apply throughout this chapter  
10 unless the context clearly requires otherwise.

11 (1) "Employment agency" is synonymous with "agency" and ~~((shall))~~  
12 means any business in which any part of the business gross or net  
13 income is derived from a fee received from applicants, and in which any  
14 of the following activities are engaged in:

15 (a) The offering, promising, procuring, or attempting to procure  
16 employment for applicants;

17 (b) The giving of information regarding where and from whom  
18 employment may be obtained; or

1 (c) The sale of a list of jobs or a list of names of persons or  
2 companies accepting applications for specific positions, in any form.

3 In addition, the term "employment agency" (~~shall~~) means and  
4 includes any person, bureau, employment listing service, employment  
5 directory, organization, or school which for profit, by advertisement  
6 or otherwise, offers, as one of its main objects or purposes, to  
7 procure employment for any person who pays for its services, or which  
8 collects tuition, or charges for service of any nature, where the main  
9 object of the person paying the same is to secure employment. It also  
10 includes any business that provides a resume to an individual and  
11 provides that person with a list of names to whom the resume may be  
12 sent or provides that person with preaddressed envelopes to be mailed  
13 by the individual or by the business itself, if the list of names or  
14 the preaddressed envelopes have been compiled and are represented by  
15 the business as having job openings. The term "employment agency"  
16 (~~shall~~) does not include labor union organizations, temporary service  
17 contractors, proprietary schools operating within the scope of  
18 activities for which the school is licensed under chapter 28C.10 RCW,  
19 nonprofit schools and colleges, career guidance and counseling  
20 services, employment directories that are sold in a manner that allows  
21 the applicant to examine the directory before purchase, theatrical  
22 agencies, modeling agencies, farm labor contractors, or the Washington  
23 state employment agency.

24 (2) "Temporary service contractors" (~~shall~~) means any person,  
25 firm, association, or corporation conducting a business which consists  
26 of employing individuals directly for the purpose of furnishing such  
27 individuals on a part time or temporary help basis to others.

28 (3) "Modeling agency" means a person, firm, association, or  
29 corporation engaged in the business of conducting an agency, bureau,  
30 office, or other place for the purpose of procuring, offering,  
31 promising, or attempting to provide engagements for persons who want to  
32 procure employment as models, or giving information as to where these  
33 engagements may be procured or provided.

34 (4) ~~"Theatrical agency" means (any person who, for a fee or~~  
35 ~~commission, procures on behalf of an individual or individuals,~~  
36 ~~employment or engagements for circus, vaudeville, the variety field,~~  
37 ~~the legitimate theater, motion pictures, radio, television, phonograph~~  
38 ~~recordings, transcriptions, opera, concert, ballet, modeling, or other~~  
39 ~~entertainments, exhibitions, or performances. The term "theatrical~~

1 agency" does not include any person charging an applicant a fee prior  
2 to or in advance of:

3 (a) ~~Procuring employment for the applicant;~~

4 (b) ~~Giving or providing the applicant information regarding where  
5 or from whom employment may be obtained;~~

6 (c) ~~Allowing or requiring the applicant to participate in any  
7 instructional class, audition, or career guidance or counseling; or~~

8 (d) ~~Allowing the applicant to be eligible for employment through  
9 the person.~~

10 (4)) a person, firm, association, or corporation conducting an  
11 agency, bureau, office, or other place for the purpose of procuring,  
12 offering, promising, or attempting to provide engagements for persons  
13 who want employment in the following occupations: Circus, theater,  
14 motion pictures, radio, television, studio recordings, transcriptions,  
15 opera, concert, ballet, or other entertainments, exhibitions, or  
16 performances; or of giving information as to where these engagements  
17 may be procured or provided.

18 (5) "Farm labor contractor" means any person, or his or her agent,  
19 who, for a fee, employs workers to render personal services in  
20 connection with the production of any farm products, to, for, or under  
21 the direction of an employer engaged in the growing, producing, or  
22 harvesting of farm products, or who recruits, solicits, supplies, or  
23 hires workers on behalf of an employer engaged in the growing,  
24 producing, or harvesting of farm products or who provides in connection  
25 with recruiting, soliciting, supplying, or hiring workers engaged in  
26 the growing, producing, or harvesting of farm products, one or more of  
27 the following services: Furnishes board, lodging, or transportation  
28 for such workers, supervises, times, checks, counts, sizes, or  
29 otherwise directs or measures their work; or disburses wage payments to  
30 such persons.

31 ((+5)) (6) "Employer" means any person, firm, corporation,  
32 partnership, or association employing or seeking to enter into an  
33 arrangement to employ a person through the medium or service of an  
34 employment agency.

35 ((+6)) (7) "Applicant", except when used to describe an applicant  
36 for an employment agency license, means any person, whether employed or  
37 unemployed, seeking or entering into any arrangement for his or her  
38 employment or change of his or her employment through the medium or  
39 service of an employment agency.

1       (~~(7)~~) (8) "Person" includes any individual, firm, corporation,  
2 partnership, association, company, society, manager, contractor,  
3 subcontractor, bureau, agency, service, office, or an agent or employee  
4 of any of the foregoing.

5       (~~(8)~~) (9) "Director" (~~(shall)~~) means the director of licensing.

6       (~~(9)~~) (10) "Resume" means a document of the applicant's  
7 employment history that is approved, received, and paid for by the  
8 applicant.

9       (~~(10)~~) (11) "Fee" means anything of value. The term includes  
10 money or other valuable consideration or services or the promise of  
11 money or other valuable consideration or services, received directly or  
12 indirectly by an employment agency from a person seeking employment, in  
13 payment for the service.

14       (~~(11)~~) (12) "Employment listing service" means any business  
15 operated by any person that provides in any form, including written or  
16 verbal, lists of specified positions of employment available with any  
17 employer other than itself or that holds itself out to applicants as  
18 able to provide information about specific positions of employment  
19 available with any employer other than itself, and that charges a fee  
20 to the applicant for its services and does not set up interviews or  
21 otherwise intercede between employer and applicant.

22       (~~(12)~~) (13) "Employment directory" means any business operated by  
23 any person that provides in any form, including written or verbal,  
24 lists of employers, does not provide lists of specified positions of  
25 employment, that holds itself out to applicants as able to provide  
26 information on employment in specific industries or geographical areas,  
27 and that charges a fee to the applicant for its services.

28       (~~(13)~~) (14) "Career guidance and counseling service" means any  
29 person, firm, association, or corporation conducting a business that  
30 engages in any of the following activities:

31       (a) Career assessment, planning, or testing through individual  
32 counseling or group seminars, classes, or workshops;

33       (b) Skills analysis, resume writing, and preparation through  
34 individual counseling or group seminars, classes, or workshops;

35       (c) Training in job search or interviewing skills through  
36 individual counseling or group seminars, classes, or workshops:  
37 PROVIDED, That the career guidance and counseling service does not  
38 engage in any of the following activities:

- 1 (i) Contacts employers on behalf of an applicant or in any way  
2 intercedes between employer and applicant;  
3 (ii) Provides information on specific job openings;  
4 (iii) Holds itself out as able to provide referrals to specific  
5 companies or individuals who have specific job openings.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.31 RCW  
7 to read as follows:

8 If a modeling or theatrical agency charges a fee for a service, the  
9 agency must, before the service is provided to an applicant, provide  
10 each applicant with a written contract specifying all fees charged to  
11 the applicant. The contract must contain the following:

- 12 (1) The name, address, and telephone number of the agency;  
13 (2) The date of the contract;  
14 (3) The name of the applicant;  
15 (4) The amount of the fee to be charged the applicant, the method  
16 of computation of the fee, and the time and method of payments; and  
17 (5) A notice in eight-point bold face type or larger directly above  
18 the space reserved in the contract for the signature of the buyer. The  
19 caption "NOTICE TO APPLICANT--READ BEFORE SIGNING" must precede the  
20 body of the notice and must be in ten-point bold face type or larger.  
21 The notice must read as follows:

22 "This is a contract. If you accept the services provided by this  
23 agency, you will be liable for the payment of the fee as set out above.  
24 Do not sign this contract before you read it or if any spaces intended  
25 for the agreed terms are left blank. You must be given a copy of this  
26 contract at the time you sign it."

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