

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4  
5 By: Senator Gwatney

## A Bill

ACT 435 OF 1997  
SENATE BILL 71

### For An Act To Be Entitled

9 "AN ACT TO AMEND THE PRIVATE EMPLOYMENT AGENCY ACT TO  
10 EXEMPT FROM LICENSURE PERSONS WHO CONTRACT WITH AN  
11 EMPLOYER TO RECRUIT EMPLOYEES WITHOUT CHARGE TO THE  
12 EMPLOYEE; AND FOR OTHER PURPOSES."

### Subtitle

15 "AMEND THE PRIVATE EMPLOYMENT AGENCY ACT  
16 TO EXEMPT FROM LICENSURE PERSONS WHO  
17 CONTRACT WITH AN EMPLOYER TO RECRUIT  
18 EMPLOYEES WITHOUT CHARGE TO THE  
19 EMPLOYEE."

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23 SECTION 1. Arkansas Code 11-11-202(6)(B) is amended to read as follows:

24 "(B) However, employment agent or employment agency does not mean:

25 (i) Any person who prepares resumes for individuals for  
26 employment purposes, if the person who prepares the resumes does not refer or  
27 purport to refer prospective employees to employers or employers to  
28 prospective employees, does not represent himself or herself as an employment  
29 agency, or does not have any financial connection with any employment agency;

30 (ii) Any person who employs individuals to render part-time or  
31 temporary services to, for, or under the direction of a third person if the  
32 person employing the individuals, in addition to wages or salaries, pays  
33 federal social security taxes, state and federal unemployment insurance, and  
34 secures work-service to, for, or under the direction of a third person;

35 (iii) Any bona fide nursing school, nurses' registry, management  
36 consulting firm, business school, or vocational school whose primary function

1 and purpose is training and education, except that if such an organization  
2 charges a fee, directly or indirectly, for job placement of individuals, the  
3 organization shall be an employment agency within the meaning of this  
4 subchapter;

5 (iv) A labor organization;

6 (v) Any person who publishes advertisements placed and paid for  
7 by a third person seeking employment or an employee, provided such person does  
8 not procure or offer to procure employment or employees;

9 (vi) Any person who contracts with an employer to recruit  
10 employees for the employer without charge to the prospective employee."

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12 SECTION 2. All provisions of this act of a general and permanent nature  
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 3. If any provision of this act or the application thereof to  
17 any person or circumstance is held invalid, such invalidity shall not affect  
18 other provisions or applications of the act which can be given effect without  
19 the invalid provision or application, and to this end the provisions of this  
20 act are declared to be severable.

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22 SECTION 4. All laws and parts of laws in conflict with this act are  
23 hereby repealed.

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APPROVED:3-11-97

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