

New Rule, R.2008 d.155, effective June 16, 2008.
See: 39 N.J.R. 2323(a), 40 N.J.R. 3744(b).

13:45B-5.3 Consulting firm providing temporary help services

(a) A consulting firm that provides temporary help services as defined in N.J.A.C. 13:45B-1.2 pursuant to N.J.S.A. 34:8-64g shall not be required to register as both a consulting firm and a temporary help service firm. Such firm shall annually register as, and pay the registration fee for, a consulting firm.

(b) A consulting firm that provides temporary help services pursuant to N.J.S.A. 34:8-64g shall be required to post a bond of \$1,000 with the Attorney General to secure compliance with the CFA. The Director may waive such bond for any corporation or entity having a net worth of \$100,000 or greater. In order to obtain such a waiver, the consulting firm must provide a copy of a certified financial report prepared by a certified public accountant or licensed accountant establishing that the firm has a net worth of \$100,000 or greater.

Recodified from N.J.A.C. 13:45B-5.1 and amended by R.2008 d.254, effective August 18, 2008.

See: 40 N.J.R. 1762(a), 40 N.J.R. 4819(a).

In (b), substituted "the CFA" for "N.J.S.A. 56:8-1 et seq., the Consumer Fraud Act".

SUBCHAPTER 6. ENTERTAINMENT AGENCIES

13:45B-6.1 Purpose and scope

(a) The rules contained in this subchapter implement the Act and supplement rules in this chapter that govern the operation of entertainment agencies and agents, under which booking agencies, employment agencies, and agents procure, obtain, offer, promise or attempt to procure or obtain employment or engagements for performing artists in this State.

(b) This subchapter shall apply to all persons operating entertainment agencies located in New Jersey, or agencies wherever located that place performing artists in temporary or permanent positions located in New Jersey, or that engage in single or repeated acts of solicitation to employees or job seekers resident in New Jersey, whether by mail, newspaper, magazine, telephone, sales/TV, radio/TV, poster, billboard, or any other media, or in person.

Amended by R.2008 d.254, effective August 18, 2008.

See: 40 N.J.R. 1762(a), 40 N.J.R. 4819(a).

In (a), deleted "Bureau of Employment and Personnel Services" preceding "Act", "N.J.S.A. 34:8-43 et seq.," following "Act", "who" preceding "procure", "actors, actresses," preceding "performing", and "vocalists, musicians or models" following "artists", substituted a comma for "and" following "booking agencies", "promise" for "promises" and "attempt" for "attempts", and inserted a comma following "employment agencies"; and in (b), deleted "as defined in N.J.A.C. 13:45B-1.2." following "all persons".

13:45B-6.2 Booking/entertainment agency and agent license requirements

Booking agencies and entertainment agencies shall obtain licenses in accordance with the requirements set forth under N.J.A.C. 13:45B-2.1(a). Booking agents and entertainment agents shall obtain licenses in accordance with the requirements set forth under N.J.A.C. 13:45B-2.6.

Repeal and New Rule, R.2008 d.254, effective August 18, 2008.

See: 40 N.J.R. 1762(a), 40 N.J.R. 4819(a).

Section was "Definitions".

13:45B-6.3 Bond requirement

Booking agencies and entertainment agencies shall obtain a bond in accordance with the requirements set forth in N.J.A.C. 13:45B-2.3.

New Rule, R.2008 d.254, effective August 18, 2008.

See: 40 N.J.R. 1762(a), 40 N.J.R. 4819(a).

Former N.J.A.C. 13:45B-6.3, Entertainment agency licenses: posting, recodified to N.J.A.C. 13:45B-6.4.

13:45B-6.4 Entertainment agency licenses; posting

(a) In every entertainment agency operated and conducted under the Act and this chapter, the license under which the entertainment agency is conducted and operated shall be displayed in a prominent place where it may be easily seen and read by all persons visiting the entertainment agency.

(b) Each person required to have an agent's license shall display such license in such place and manner as to make it readily visible and legible by persons doing business with such licensee.

(c) There shall be posted in each entertainment agency the agency's schedule of fees, as well as a certified abstract of the Act and this chapter. Such posting shall be in a manner and place as to be readily visible and legible by persons doing business with the agency. The entertainment agency also shall have full copies of the Act and this chapter available for review by any job seeker or employer. The certified abstract shall be available from the Bureau for a fee of \$5.00.

Recodified from N.J.A.C. 13:45B-6.3 and amended by R.2008 d.254, effective August 18, 2008.

See: 40 N.J.R. 1762(a), 40 N.J.R. 4819(a).

In (c), substituted "also shall" for "shall also" and "seeker or employer" for "seeker's or employer's review", and inserted "review by".

Former N.J.A.C. 13:45B-6.4, Entertainment agency contracts, recodified to N.J.A.C. 13:45B-6.5.

13:45B-6.5 Entertainment agency contracts

(a) Each performing artist shall be supplied with a copy of any contract with the entertainment agency signed by the artist.

(b) Each entertainment agency shall file a copy of the form(s) of any contract used or to be used by the agency with the Regulated Business Section of the Office of Consumer

Protection, 124 Halsey Street, P.O. Box 45028, Newark, New Jersey 07102. All forms of contract shall comply with the plain language law standards as set forth in N.J.S.A. 56:12-2 and 56:12-10.

(c) Copies of all executed contracts between the entertainment agency and performing artists shall be maintained by the agency in a form suitable for inspection by the Division. These copies shall be made available for inspection by representatives of the Division.

(d) If the entertainment agent's contract with the performing artist includes products, such as, but not limited to, photographs or a photographic publication, the contract shall state the exact quantity, quality, and cost of the item(s) to be supplied, and the date of delivery or publication.

(e) If date of delivery or publication is more than 60 days following the date of the contract, no more than one-third of any fee, charge or commission shall be collected by the licensed entertainment agency for its products prior to delivery.

(f) If the entertainment agency fails to deliver products or services by the date of delivery as specified in the contract, the job seeker is entitled to a full refund of monies paid for the promised service or product. The job seeker may waive the right to a refund by acknowledging and waiving the right in writing.

Amended by R.1995 d.190, effective April 3, 1995.
 See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).
 Recodified from N.J.A.C. 13:45B-6.4 and amended by R.2008 d.254, effective August 18, 2008.
 See: 40 N.J.R. 1762(a), 40 N.J.R. 4819(a).
 In (b), inserted the last sentence; in (c), substituted "Division" for "Section" twice; and in (f), deleted "and/" preceding "or product".
 Former N.J.A.C. 13:45B-6.5, Entertainment agency advertising, repealed.

13:45B-6.6 Information required

(a) Information required by the Act and this subchapter shall be provided to the Regulated Business Section of the Office of Consumer Protection, 124 Halsey Street, Newark, New Jersey 07102 (Mailing address: P.O. Box 45028, Newark, New Jersey 07101) on January 1 of each year. Where the entertainment agency begins operation after January 1, the information required by the Act and this subchapter shall be provided with the agency's application.

Amended by R.1995 d.190, effective April 3, 1995.
 See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).
 Amended by R.2008 d.254, effective August 18, 2008.
 See: 40 N.J.R. 1762(a), 40 N.J.R. 4819(a).
 In (a), substituted "the Act" for "N.J.S.A. 34:8-43 et seq." twice, substituted "of the" for a comma following "Business Section" and deleted the last sentence; and deleted (b).

SUBCHAPTER 7. FEES AND EXPIRATION DATES

13:45B-7.1 Fee schedule

The following fees shall be charged by the Division:

Employment agency annual license.....	\$250.00
Consulting firm annual registration.....	\$175.00
Career consulting or outplacement firm annual registration.....	\$250.00
Health care service firm annual registration, each primary location.....	\$500.00
Job listing service and registration	\$250.00
Prepaid computer job matching service annual registration.....	\$250.00
Temporary help service firm annual registration, primary location.....	\$175.00
Temporary help service firm, secondary location(s).....	\$10.00
Agent's annual license.....	\$25.00
Agent's conditional license.....	\$25.00
Transfer of agent's license.....	\$10.00
Agent-registrants	\$25.00
Fee for abstract of law	\$5.00
Examination fee.....	\$25.00
Late fee for renewals	\$25.00
Special (off-premises) permit	\$10.00

Amended by R.1995 d.190, effective April 3, 1995.
 See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).
 Amended by R.1996 d.191, effective April 15, 1996.
 See: 27 N.J.R. 3910(a), 28 N.J.R. 2078(a).
 Decreased fees for consulting firms and temporary help service firms (primary location).
 Amended by R.2008 d.254, effective August 18, 2008.
 See: 40 N.J.R. 1762(a), 40 N.J.R. 4819(a).
 In the introductory paragraph, substituted "Division" for "Office of Consumer Protection, Regulated Business Section"; and in the eighth row of the table, substituted "secondary location(s)" for "permit for operation of each other location".

13:45B-7.2 License and registration expiration

- (a) All licenses shall expire on January 1 of the year following their issuance.
- (b) All registrations shall expire on July 1 of each year.

13:45B-7.3 Standards for issuance and renewal of licenses and registrations

- (a) No license or registration required by the provisions of the Act or N.J.S.A. 56:8-1.1 shall be issued until it has been established to the satisfaction of the Director that all of the provisions of the Act, N.J.S.A. 56:8-1.1 and this chapter applicable to the issuance of such license or registration have been fully complied with.
- (b) Prior to any suspension, revocation or refusal to renew a license or registration, the licensee or registrant shall have the right to request a hearing, which shall be conducted pursuant to the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.