

HB 1198 -- PROFESSIONAL EMPLOYER ORGANIZATION ACT

SPONSOR: Berry

This bill establishes regulations and registration requirements for professional employer organizations (PEOs).

This bill requires all professional employer organizations to be registered with the Department of Insurance, Financial Institutions, and Professional Registration. PEO's may register individually or as a group. At the time of registration, and every year thereafter, the PEO or PEO group must file with the department an audit performed by an independent certified public accountant. A PEO may be eligible for limited registration if it meets certain requirements.

The Department of Insurance shall maintain a list of PEOs registered in this state. PEOs shall pay an initial registration fee not to exceed \$500 with an annual renewal fee not to exceed \$250. PEOs seeking limited registration shall pay an initial and annual registration fee not to exceed \$250; however, no fee shall exceed the amount reasonably necessary for the administration of the act.

Each PEO or PEO group shall maintain either positive working capital or provide a bond, irrevocable letter of credit, or securities with a minimum market value equaling the deficiency plus \$100,000 to the department. PEOs seeking limited registration are not required to meet these requirements.

The bill establishes the conditions under which a client and a PEO may enter into a professional employment agreement as well as the rights and responsibilities of each party.

Persons may be sanctioned by the department for providing professional employer services without registering with the department, or for providing false or fraudulent information to the department in conjunction with any registration, renewal, or report required by this act. Such sanctions may include revocation of license or the imposition of an administrative penalty of not more than \$1,000, among other potential penalties.

This bill provides that a client shall be entitled to the benefit of any tax credit, economic incentive, or other benefit arising as the result of the employment of covered employees of such client. The client's status or certification as a minority-owned or woman-owned business enterprise shall not be affected because such client has entered into an agreement with a PEO or uses the services of a PEO.

This bill is similar to HB 1196, HB 1154, and SCS SB 266 (2017).