S T A T E O F N E W Y O R K

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I N A S S E M B L Y

April 26, 2010

Introduced by M. of A. SCHIMMINGER, PAULIN, GALEF -- Multi-Sponsored by -- M. of A. HIKIND, KOON, McENENY, REILLY -- (at request of the Department of State) -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the general business law, in relation to the employment of security guards

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 89-g of the general business law, as added by chapter 336 of the laws of 1992, the opening paragraph as amended by chapter 634 of the laws of 1994, is amended to read as follows:

1. Except as provided in this section and section eighty-nine-w of this article, no security guard company shall knowingly employ a person as a security guard and no person shall be employed as a security guard or act as a security guard unless[:

a. The] THE security guard company has verified with the department that such person possesses a valid registration card which has not expired or been revoked or suspended[; or

b. Such security guard company has filed with the department in a manner prescribed by rules and regulations promulgated by the department, by certified mail:

(i) An application for a registration card completed and sworn to by such person pursuant to subdivision one of section eighty-nine-h of this article;

(ii) A certification by the security guard company that it has exercised due diligence to verify as true the information contained in such person's application;

(iii) A certification that such person has completed the preassignment training required by subdivision two of section eighty-nine-h of this article;

(iv) Two photographs of such person taken within thirty days prior to the filing of the application of a size prescribed by the secretary and

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD15643-01-0

two sets of fingerprints of such person. The fingerprints shall be taken on a standard fingerprint card approved by the division; and

(v) The fees prescribed by subdivision ten of section eighty-nine-h of this article].

S 2. Subdivision 4 of section 89-g of the general business law, as added by chapter 336 of the laws of 1992, is amended to read as follows:

4. For each security guard employed by a security guard company as of the effective date of this section such security guard company shall at a time assigned by the secretary, pursuant to a staggered schedule, comply with the provisions of [paragraphs a and b of] subdivision one of this section and the provisions of section eighty-nine-n of this article. Until the assigned filing date, such security guard company may continue to employ such person to perform security guard functions. No security guard company may employ such person after the assigned filing date which has not complied with the provisions of [paragraphs a and b of] subdivision one of this section with respect to such person.

S 3. This act shall take effect immediately.