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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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

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

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

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11 expired or been revoked or suspended[; or

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

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

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

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

24 (iv) Two photographs of such person taken within thirty days prior to  
25 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.

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

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

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

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

17 S 3. This act shall take effect immediately.