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

1828

2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. WRIGHT -- 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 technical amendments relating to employment agencies

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

Section 1. Subdivision 1 of section 173 of the general business law, as amended by chapter 617 of the laws of 1988, is amended to read as follows:

1. An application for such license shall be made to the commissioner of labor, except that if the employment agency is to be conducted in the city of New York the application for such license shall be made to the commissioner of consumer affairs of such city. If the employment agency is owned by an individual such application shall be made by such individual; if it is owned by a partnership such application shall be made by all partners; if it is owned by an association or society, such application shall be made by the president and treasurer thereof, by whatever title designated; if it is owned by a corporation, THE STOCK OF WHICH IS PUBLICLY TRADED, such application shall be made by all its officers [and] PROVIDED, HOWEVER, if the stock of the corporation is NOT publicly traded, SUCH APPLICATION SHALL BE MADE BY ALL ITS OFFICERS AND by all stockholders holding ten percent or more of the stock of such corporation. A conformed or photostatic copy of the minutes showing the election of such officers shall be attached to such application.

If the applicant will conduct business under a trade name or if the applicant is a partnership, the application for a license shall be accompanied by a copy of the trade name or partnership certificate duly certified by the clerk of the county in whose office said certificate is filed. Such trade name shall not be similar or identical to that of any existing licensed agency.

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

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S 2. Subdivision 4 of section 181 of the general business law, as amended by chapter 479 of the laws of 1963, is amended to read as follows:

4. The original or duplicate-original copy of each such contract and receipt shall be retained by every employment agency for three years following the date on which the contract is executed or the payment is made, and shall be made available for inspection by the commissioner or his duly authorized agent or inspector, upon his request. Notwithstanding the other provisions of such contracts, the monetary consideration to be paid by the applicant shall not exceed the APPLICABLE fee ceiling provided in [subdivision eight of] section one hundred eighty-five OF THIS ARTICLE.

S 3. Section 190 of the general business law, as amended by chapter 632 of the laws of 1975, is amended to read as follows:

S 190. Penalties for violations. Any person [who violates and the officers], OFFICER of a corporation, REGARDLESS OF WHETHER THE STOCK OF THE CORPORATION IS PUBLICLY TRADED, and [stockholders] STOCKHOLDER OF A CORPORATION holding ten percent or more of the stock of a corporation which is not publicly traded, who VIOLATES, OR knowingly [permit] PERMITS the corporation to violate sections one hundred seventy-two, one hundred seventy-three, one hundred seventy-six, one hundred eighty-four, one hundred eighty-four-a, one hundred eighty-five, one hundred eighty-five-a, one hundred eighty-six, or one hundred eighty-seven of this article shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed one thousand dollars, or imprisonment for not more than one year, or both, by any court of competent jurisdiction. The violation of any other provision of this article shall be punishable by a fine not to exceed one hundred dollars or imprisonment for not more than thirty days. Criminal proceedings based upon violations of these sections shall be instituted by the commissioner and may be instituted by any persons aggrieved by such violations.

S 4. This act shall take effect immediately.