

2201

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 14, 2011

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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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 1 of section 173 of the general business law,  
2     as amended by chapter 617 of the laws of 1988, is amended to read as  
3     follows:  
4     1. An application for such license shall be made to the commissioner  
5     of labor, except that if the employment agency is to be conducted in the  
6     city of New York the application for such license shall be made to the  
7     commissioner of consumer affairs of such city. If the employment agency  
8     is owned by an individual such application shall be made by such indi-  
9     vidual; if it is owned by a partnership such application shall be made  
10    by all partners; if it is owned by an association or society, such  
11    application shall be made by the president and treasurer thereof, by  
12    whatever title designated; if it is owned by a corporation, THE STOCK OF  
13    WHICH IS PUBLICLY TRADED, such application shall be made by all its  
14    officers [and] PROVIDED, HOWEVER, if the stock of the corporation is NOT  
15    publicly traded, SUCH APPLICATION SHALL BE MADE BY ALL ITS OFFICERS AND  
16    by all stockholders holding ten percent or more of the stock of such  
17    corporation. A conformed or photostatic copy of the minutes showing the  
18    election of such officers shall be attached to such application.  
19    If the applicant will conduct business under a trade name or if the  
20    applicant is a partnership, the application for a license shall be  
21    accompanied by a copy of the trade name or partnership certificate duly  
22    certified by the clerk of the county in whose office said certificate is  
23    filed. Such trade name shall not be similar or identical to that of any  
24    existing licensed agency.

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

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

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

13 S 3. Section 190 of the general business law, as amended by chapter  
14 632 of the laws of 1975, is amended to read as follows:

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

32 S 4. This act shall take effect immediately.