

2201

2011-2012 Regular Sessions

I N A S S E M B L Y

January 14, 2011

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.