

1269

2015-2016 Regular Sessions

I N A S S E M B L Y

January 9, 2015

Introduced by M. of A. O'DONNELL -- read once and referred to the
Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to fees charged by
employment agencies

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

1 Section 1. Subdivision 10 of section 185 of the general business law,
2 as added by chapter 501 of the laws of 2014, is amended to read as
3 follows:
4 10. Notwithstanding any other provision of law to the contrary, no fee
5 may be charged or collected FOR SERVICES RENDERED by an employment agen-
6 cy not licensed pursuant to section one hundred seventy-two of this
7 article AT THE TIME SUCH SERVICES WERE RENDERED. [Any agreement or
8 contract with an unlicensed employment agency shall render the agreement
9 or contract void in any action to collect a fee, at the option of the
10 defendant to such action.] IN AN ACTION TO COLLECT A FEE, THE COURT
11 SHALL VOID ALL OR ANY PART OF AN AGREEMENT OR CONTRACT WITH AN EMPLOY-
12 MENT AGENCY THAT DID NOT HAVE A VALID LICENSE AT THE TIME THE CONTRACT
13 WAS ENTERED INTO OR SERVICES WERE RENDERED; HOWEVER, SUCH CONTRACT SHALL
14 NOT BE CONSIDERED VOID IF A COURT FINDS A GOOD FAITH EFFORT BY AN
15 EMPLOYMENT AGENCY TO MAINTAIN ITS LICENSE DESPITE CLERICAL ERROR OR
16 DELAY BY THE DEPARTMENT OF LABOR OR THE NEW YORK CITY DEPARTMENT OF
17 CONSUMER AFFAIRS.
18 S 2. This act shall take effect immediately and shall be deemed to
19 have been in full force and effect on the same date chapter 501 of the
20 laws of 2014 took effect.

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

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