

7691

2015-2016 Regular Sessions

I N A S S E M B L Y

May 22, 2015

Introduced by M. of A. SCHIMMINGER -- read once and referred to the
Committee on Economic Development

AN ACT to amend the general business law, in relation to exemptions for
the licensure of private investigators

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

1 Section 1. Section 83 of the general business law, as amended by chap-
2 ter 562 of the laws of 2000, and the opening paragraph as further
3 amended by section 104 of part A of chapter 62 of the laws of 2011, is
4 amended to read as follows:
5 S 83. Application of article. Nothing in this article shall apply to
6 any detective or officer belonging to the police force of the state, or
7 any county, city, town or village thereof, appointed or elected by due
8 authority of law, or to any person in the employ of any police force or
9 police department of the state, or of any county, city, town or village
10 thereof while engaged in the performance of their official duties; nor
11 to any person, firm, limited liability company, partnership, corpo-
12 ration, or any bureau or agency, whose business is exclusively the
13 furnishing of information as to the business and financial standing, and
14 credit responsibility of persons, firms, or corporations, or as to the
15 personal habits and financial responsibility of applicants for insur-
16 ance, indemnity bonds or commercial credit or of claimants under insur-
17 ance policies, NOR TO ANY PERSON LICENSED AS A CERTIFIED PUBLIC ACCOUNT-
18 ANT WHILE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY AS DEFINED IN
19 ARTICLE ONE HUNDRED FORTY-NINE OF THE EDUCATION LAW OR ANY FIRM, LIMITED
20 LIABILITY COMPANY, PARTNERSHIP OR CORPORATION REGISTERED AS A CERTIFIED
21 PUBLIC ACCOUNTING FIRM BY THE COMMISSIONER OF EDUCATION WHILE PERFORMING
22 SERVICES REGULATED UNDER ARTICLE ONE HUNDRED FORTY-NINE OF THE EDUCATION
23 LAW OR PART 70 OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION; and
24 whose business does not embrace other activities described in section
25 seventy-one of this article; or whose business is licensed by the

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

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1 commissioner of labor under the provisions of section twenty-four-a or
2 subdivision three-b of section fifty of the workers' compensation law or
3 whose business is representing employers or groups of employers insured
4 under the workers' compensation law in the state insurance fund; nor to
5 any corporation duly authorized by the state to operate a central burg-
6 lar or fire alarm protection business; nor to any person while engaged
7 in the business of adjuster for an insurance company nor to any public
8 adjuster licensed by the superintendent of financial services under the
9 insurance law nor to any person regularly employed as special agent,
10 detective or investigator exclusively by one employer in connection with
11 the affairs of that employer only nor to any charitable or philanthropic
12 society or association duly incorporated under the laws of the state and
13 which is organized and maintained for the public good and not for
14 private profit, nor shall anything in this article contained be
15 construed to affect in any way attorneys or counselors at law in the
16 regular practice of their profession, but such exemption shall not enure
17 to the benefit of any employee or representative of such attorney or
18 counselor at law who is not employed solely, exclusively and regularly
19 by such attorney or counselor at law. No person, firm, limited liabil-
20 ity company, partnership, corporation or any bureau or agency exempted
21 hereunder from the application of this article shall perform any manner
22 of private investigator, bail enforcement agent or watch, guard or
23 patrol agency service as described in section seventy-one of this arti-
24 cle, for any other person, firm, limited liability company, partnership,
25 corporation, bureau or agency whether for fee, hire, reward, other
26 compensation, remuneration, or consideration or as an accommodation
27 without fee, reward or remuneration or by a reciprocal arrangement
28 whereby such services are exchanged on request of parties thereto. The
29 commission of a single act prohibited by this article shall constitute a
30 violation thereof.

31 Nothing in this article shall be construed to affect or prohibit the
32 right of any person to form or become affiliated with or to continue as
33 a member of any union, association, society or organization of his own
34 choosing.

35 S 2. This act shall take effect immediately.