

1269

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 9, 2015

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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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