S T A T E  O F  N E W  Y O R K

4996

2015-2016 Regular Sessions

I N  S E N A T E

April 28, 2015

Introduced by Sen. VENDITTO -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

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:

Section 1. Section 83 of the general business law, as amended by chapter 562 of the laws of 2000, and the opening paragraph as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

S 83. Application of article. Nothing in this article shall apply to any detective or officer belonging to the police force of the state, or any county, city, town or village thereof, appointed or elected by due authority of law, or to any person in the employ of any police force or police department of the state, or of any county, city, town or village thereof while engaged in the performance of their official duties; nor to any person, firm, limited liability company, partnership, corporation, or any bureau or agency, whose business is exclusively the furnishing of information as to the business and financial standing, and credit responsibility of persons, firms, or corporations, or as to the personal habits and financial responsibility of applicants for insurance, indemnity bonds or commercial credit or of claimants under insurance policies, NOR TO ANY PERSON LICENSED AS A CERTIFIED PUBLIC ACCOUNTANT WHILE ENGAGED IN THE PRACTICE OF PUBLIC ACCOUNTANCY AS DEFINED IN ARTICLE ONE HUNDRED FORTY-NINE OF THE EDUCATION LAW OR ANY FIRM, LIMITED LIABILITY COMPANY, PARTNERSHIP OR CORPORATION REGISTERED AS A CERTIFIED PUBLIC ACCOUNTING FIRM BY THE COMMISSIONER OF EDUCATION WHILE PERFORMING SERVICES REGULATED UNDER ARTICLE ONE HUNDRED FORTY-NINE OF THE EDUCATION LAW OR PART 70 OF THE REGULATIONS OF THE COMMISSIONER OF EDUCATION; and whose business does not embrace other activities described in section 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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commissioner of labor under the provisions of section twenty-four-a or subdivision three-b of section fifty of the workers' compensation law or whose business is representing employers or groups of employers insured under the workers' compensation law in the state insurance fund; nor to any corporation duly authorized by the state to operate a central burglar or fire alarm protection business; nor to any person while engaged in the business of adjuster for an insurance company nor to any public adjuster licensed by the superintendent of financial services under the insurance law nor to any person regularly employed as special agent, detective or investigator exclusively by one employer in connection with the affairs of that employer only nor to any charitable or philanthropic society or association duly incorporated under the laws of the state and which is organized and maintained for the public good and not for private profit, nor shall anything in this article contained be construed to affect in any way attorneys or counselors at law in the regular practice of their profession, but such exemption shall not enure to the benefit of any employee or representative of such attorney or counselor at law who is not employed solely, exclusively and regularly by such attorney or counselor at law. No person, firm, limited liability company, partnership, corporation or any bureau or agency exempted hereunder from the application of this article shall perform any manner of private investigator, bail enforcement agent or watch, guard or patrol agency service as described in section seventy-one of this article, for any other person, firm, limited liability company, partnership, corporation, bureau or agency whether for fee, hire, reward, other compensation, remuneration, or consideration or as an accommodation without fee, reward or remuneration or by a reciprocal arrangement whereby such services are exchanged on request of parties thereto. The commission of a single act prohibited by this article shall constitute a violation thereof.

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

S 2. This act shall take effect immediately.