

**STATE OF NEW YORK
DEPARTMENT OF STATE**

DETERMINATION

In the matter of the designation of “armored car guard” as an eligible profession for the purchase, sale, and use of body armor.

Date of designation: July 6, 2022

Legal framework

To purchase or take possession of body armor in New York State, an individual or entity must be engaged or employed in an eligible profession.¹ Pursuant to Executive Law section 144-a, the Department of State (Department) has established criteria for eligible professions requiring the use of body armor, as such term is defined in subdivision 2 of section 270.20 of the Penal Law. Designation of an eligible profession must be supported by a finding that the duties of the profession may expose an individual engaged in such profession to serious physical injury that may be prevented or mitigated by the wearing of body armor.² The Department may add a profession to the list of eligible professions requiring the use of body armor.³

Findings of fact and analysis

The law implementing restrictions on the use of body armor in New York State provides the eligible profession framework for lawful use of body armor,⁴ which is codified in part in section 270.21 of the Penal Law. Under that law, eligible professions shall include those in which the duties of such profession may expose the individual to serious physical injury that may be prevented or mitigated by the wearing of body armor.

The profession of armored car guard is listed in the 2018 federal Office of Management and Budget Standard Occupational Classification Manual, under code 33-9099 titled “Protective Service Workers, All Other.” Further, armored car guard is defined in General Business Law section 89-ppp(8) as:

an individual employed by an armored car carrier to provide armored car services and who carries a firearm or is authorized by the employer to access a firearm when providing armored car services, and who holds a conditional letter of authority or a valid registration card issued by the department [of state] pursuant to the provisions of this article.

¹ New York Penal Law § 270.21.

² New York Executive Law § 144-a; 19 NYCRR §§ 905.3, 905.1(c), (f).

³ 19 NYCRR §§ 905.2(a), 905.5(a).

⁴ L.2022, ch.210, as amended by L.2022, ch.371, §§ 11–13.

To be registered in the State of New York as an armored car guard, an individual must receive specific firearms training.⁵ The Division of Criminal Justice Services (DCJS) establishes the 47-hour firearms training course and 8-hour firearms annual in-service training requirements for armored car guards.⁶

In order to carry out their duties as an armored car guard, individuals must protect valuable cargo⁷ and carry or have access to firearms.⁸ An armored car guard protects valuable items transported in a bullet-resistant armored vehicle⁹ and may be required to respond to robber who is armed with a weapon. As such, the profession of security guard sometimes requires individuals to put themselves in dangerous situations that may expose them to serious physical injury, and that such serious physical injury may be prevented or mitigated by the wearing of body armor.

Determination

The information set forth above supports a determination by the Department that the profession of armored car guard sometimes requires individuals engaged or employed in that profession to put themselves in dangerous situations that may expose them to serious physical injury, and that such serious physical injury may be prevented or mitigated by the wearing of body armor.

Based on the foregoing facts and the requirements of Executive Law §144-a and 19 NYCRR Part 905, the Department has designated the profession of armored car guard as an eligible profession and adds such profession to the Department's list of eligible professions.

⁵ See, generally Gen. Bus. L. Article 8-C; see also NYS Dep't of State, Div. of Licensing Servs., Armored Car Guard Application, available at <https://dos.ny.gov/system/files/documents/2021/03/1351-f-a.pdf>. An armored car guard must be registered with the State unless exempt under federal reciprocity. See 15 U.S.C. Ch. 85.

⁶ See Gen. Bus. L. § 89-sss (training waivers or exemptions, including for police officers and certain peace officers, are included).

⁷ See Gen. Bus. L. § 89-bbb(9). Valuable cargo can include cash, precious metals, jewelry, bonds, etc. *Id.*

⁸ See Gen. Bus. L. § 89-ppp(8).

⁹ See Gen. Bus. L. § 89-bbb(7).