

Armored Car Carriers and Armored Car Guards

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New York State
DEPARTMENT OF STATE
Division of Licensing Services

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Licensing of Armored Car Carriers

Article 8-B, General Business Law

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Training and Registration of Armored Car Guards

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Licensing of Armored Car Carriers

§89-aaa. Short title

This article shall be known and may be cited as the “armored car carrier act.”

§89-bbb. Definitions

When used in this article, the following terms shall have the following meanings:

1. “Commissioner” means the commissioner of the division of criminal justice services.
2. “Division” means the division of criminal justice services.
3. “Secretary” means the secretary of state.
4. “Department” means the department of state.
5. [Repealed]
6. “Armored car carrier” means any individual, partnership, association, limited liability company, corporation, or any other entity, engaging in the business of providing armored car services for hire.
7. “Armored car services” means engaging in the business of providing secured transportation, protection and safeguarding of valuable cargo from one place or point to another, including the provision of cash services for automated teller machines, by means of specially designed and constructed bullet-resistant armored vehicles and armored car guards.
8. “Armored car guard” has the meaning ascribed to that term by subdivision 89-ppp(8) of this chapter.
9. “Valuable cargo” means money, cash, currency, coin, bullion, precious metals and articles made therefrom, gems and jewelry, negotiable and nonnegotiable securities, bonds, notes, checks, drafts, coupons, or other valuable instruments, documents or certificates, including tapes, computer disks, or other electronic or magnetic media, U.S. postage stamps, food stamps, and other articles of unusual value.
10. “Licensee” means an armored car carrier that has been issued a license in accordance with the provisions of this article.
11. “Principal” means any person controlling an interest greater than ten percent of an armored car carrier.
12. “Officer” means the four primary officers of a corporation, normally defined as president, vice-president, secretary and treasurer.
13. “Serious offense” has the meaning ascribed to that term by subdivision 89-f(13) of this chapter.

§89-ccc. Doing business without a license prohibited

1. No individual, partnership, association, limited liability company, corporation, or any other entity, shall operate in the state as an armored car carrier or provide armored car services, or hold themselves out as an armored car carrier or provider of armored car services, except as authorized by this article and without first being licensed by the department. No armored car carrier shall employ any armored car guard who does not possess a conditional letter of authority or a valid registration card in accordance with the provisions of article 8-C of this chapter.

2. Notwithstanding the provisions of subdivision (1) of this section, each armored car carrier engaging in the business of providing armored car services in the state as of the effective date of this section, may continue to provide such services until the 180th day after this section shall have taken effect. No armored car carrier shall provide armored car services after such date which has not complied with the provisions of this article and article 8-C of this chapter.

§89-ddd. Application for licenses

1. Application for a license required under this article shall be in writing, subscribed by the applicant under oath, and in the form prescribed by the secretary, and shall contain the following:

- a. The exact name and the address of the applicant and its date of incorporation or organization, as applicable;
- b. The name and the business and residential address of each principal and officer of the applicant;
- c. The complete address where the business of the applicant is to be conducted, showing the street and number, if any, post office and building and room number, if any, the office building and room number, if any, and the municipality and county;
- d. If the applicant has one or more branches, subsidiaries or affiliates operating in the state, the complete address of each such place of business; and
- e. A complete set of two fingerprint cards for each principal and officer of the applicant on a standard fingerprint card approved by the division and a fee pursuant to subdivision §837(8-a) of the Executive Law, and amendments thereto, for the cost of the division's full search and retain procedures, which fee shall be remitted by the department to the division for deposit by the comptroller into the general fund. Before approving such application the secretary, or his or her designee, shall forward one copy of such fingerprint card and the processing fee to the division upon receipt of such fingerprints. The division shall forward to the secretary a report with respect to the applicant's previous criminal history, if any, or a statement that the applicant has no previous criminal history according to its files. Upon the written request of an armored car carrier, the secretary shall require each principal and officer of the applicant to submit to an additional fingerprint check by the Federal Bureau of Investigation, and to remit the appropriate fee therefor. If additional copies of fingerprints are required the applicant shall furnish them upon request.

2. Upon original application for a license to operate as an armored car carrier, the applicant shall pay an application fee in the amount of \$300. Upon application for a license renewal, the licensee shall pay a renewal processing fee in the amount of \$300.

§89-eee. Conditions precedent to licensing

Upon filing of an application for a license, if the secretary shall be satisfied that the good character, competency and integrity of the applicant, and of the principals and officers thereof, are such as to comply with the provisions of this article, he or she shall thereupon issue a license to operate as an armored car carrier in accordance with the provisions of this article. Such license shall remain in full force and effect for a period of three years unless it is surrendered by the licensee or revoked or suspended as hereinafter provided; if the secretary shall not so find, the secretary shall not issue such license and the secretary shall notify the applicant of the denial in writing. The secretary shall approve or deny every application for license hereunder within 90 days from the filing thereof. No license shall be issued to an applicant who has been convicted of a serious offense, or of a misdemeanor, where such conviction, in the discretion of the secretary, bears such a relationship to providing armored car services so as to constitute a bar to licensure.

§89-fff. Licensing

1. Each license issued under this article shall state the address or addresses at which the business is to be conducted and shall state fully the name of the licensee, and the date and place of its incorporation or organization, as applicable, and the expiration date of the license. A copy of such license shall be prominently posted in each place of business of the licensee. Such license shall not be transferable or assignable.

2. In the event the location at which the business is to be conducted shall be changed, the licensee shall forthwith notify the secretary in writing, who shall thereupon without charge attach to the license a rider setting forth such changed location.

3. In the event that there shall be any changes among the principals or officers of any licensee, the licensee shall forthwith notify the secretary in writing, of the name and address of each new principal or officer, and shall submit a complete set of two fingerprint cards, and the appropriate fee, for each such principal or officer in accordance with the provisions of subdivision §89-ddd(1)(e) of this article.

4. Prior to the sale or transfer of all or the majority of the stock or assets of any armored car carrier, the new principals or officers of the purchaser or transferee shall apply for a new license with the department in accordance with the provisions of §§89-ddd and 89-eee of this article. Such application shall be made at least 60 days prior to such sale or transfer. If the purchaser or transferee is an existing licensee under this article, then such licensee need not reapply for licensure hereunder, but shall notify the department in writing of such purchase or transfer at least 60 days prior thereto.

5. A license granted under the provisions of this article may be renewed by the department upon the application therefor by the licensee, in such form as the department may prescribe, accompanied by the non-refundable renewal processing fee pursuant to subdivision 89-ddd(2) of this article. In no event shall renewal be granted more than six months after the date of expiration of a license. No individual, partnership, association, limited liability company, corporation, or any other entity shall engage in the business of providing armored car services subject to this article during any period which may exist between the date of expiration of a license and the renewal thereof.

§89-ggg. Grounds for denial, suspension or revocation of license; procedure

1. The secretary shall have the power to suspend or revoke a license or, in lieu thereof, impose a fine not exceeding \$1,000 payable to the department, or, reprimand any licensee or deny an application for a renewal thereof upon proof:

- a. That the applicant or licensee has violated any of the provisions of this article or the rules and regulations promulgated hereunder;
- b. That the applicant or licensee has practiced fraud, deceit or misrepresentation;
- c. That the applicant or licensee has demonstrated incompetence or untrustworthiness in his or her actions;
- d. That the applicant or licensee has been convicted of a serious offense or misdemeanor which, in the discretion of the secretary, bears such a relationship to the provision of armored car services by an armored car carrier as to constitute a bar to licensure or renewal; or
- e. That the applicant or licensee has violated any of the provisions or article 8-C of this chapter or the rules and regulations promulgated thereunder.

2. No license shall be revoked or suspended and no fine or reprimand shall be imposed except after written notice and hearing as set forth in subdivisions (2)-(6) of §79 this chapter. The secretary shall revoke a license issued to a person pursuant to this section upon proof that, on or after the date such licensee applied for such license, the licensee was convicted of one or more serious offenses.

3. No license may be suspended or temporarily suspended pursuant to this section based upon the fact that a licensee is charged with one or more serious offenses, or charged with or convicted of a misdemeanor which, in the discretion of the secretary, bears such a relationship to the performance of the duties of an armored car carrier, as to constitute a bar to licensure unless:

- a. there is a direct relationship between one or more such serious offenses and the license to do business or business activities of an armored car carrier; or
- b. the possession of a license by such armored car carrier would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

4. Pending the hearing and adjudication on suspension or revocation of a license pursuant to the provisions of subdivision (3) of this section, such license may be temporarily suspended, in accordance with the provisions of subdivision 89-l(4) of this chapter, provided that such subdivision shall be read in such a manner as to apply to armored car carriers or armored car guards as the context requires.

5. Every license issued hereunder shall remain in full force and effect for a period of three years unless the same shall have been surrendered, revoked or suspended in accordance with the provisions of this article.

6. Whenever the secretary shall revoke or suspend a license issued pursuant to this article, the secretary shall forthwith execute a written order to that effect. The secretary shall forthwith serve a copy of such order upon the licensee. Any such order may be reviewed in the manner provided by article 78 of the Civil Practice Law and rules.

§89-hhh. Enforcement of article; investigations

All armored car carriers shall be subject to the enforcement provisions contained in article 7 of this chapter, provided that such provisions shall be read in such a manner as to apply to armored car carriers or armored car guards, as the context requires.

§89-iii. Insurance

1. Every armored car carrier shall obtain a minimum of \$10 million all risk insurance coverage and such additional amounts as are sufficient to cover the value of each valuable cargo consigned in transit or while safeguarded in such carrier's vaults. In addition, each such carrier shall obtain comprehensive general liability insurance coverage for death, personal injury and property damage in the minimum amount of \$500,000 per occurrence and \$1 million in the aggregate.

2. A written certificate or certificates of insurance shall be provided to the secretary by each armored car carrier as part of its application for a license pursuant to the provisions of §89-ddd of this article, or for renewal of such license in accordance with the provisions of subdivision 89-fff(5) of this article.

3. Failure by an armored car carrier to keep such all risk insurance or comprehensive general liability insurance coverage in full force and effect, shall be a ground for the secretary to refuse to issue or renew a license, or to suspend or revoke such license, in accordance with the provisions of §89-ggg of this article.

4. All such insurance required by this section shall be issued by an insurance company licensed to do business in the state or shall otherwise

be procured by a duly licensed excess line broker pursuant to §2118 of the Insurance Law.

§89-jjj. Violations and penalties

1. Any armored car carrier and the several members, principals, officers, directors, agents or employees thereof, who shall knowingly and willfully make material misstatements in the application for a license, or renewal thereof, under the provisions of this article, or which permits or authorizes the employment of an individual as an armored car guard in violation of the provisions of article 8-C of this chapter, shall be guilty of a misdemeanor, which, upon conviction, shall be punishable by a term of imprisonment not to exceed six months, or by a fine of not more than \$1,000, or by both such fine and imprisonment, upon the first conviction, and by a term of imprisonment not to exceed one year, or by a fine of not less than \$1,000 and not to exceed \$2,500, or by both such fine and imprisonment, upon a subsequent conviction.

2. Upon the motion of the secretary or upon his or her own motion, the attorney general shall investigate alleged provision of unlicensed armored car services. In the event that the attorney general determines that unlicensed armored car services are being or have been provided, he or she shall commence a civil action against those responsible persons, and an application shall be made in the name of the people of the state to a court of competent jurisdiction to issue an injunction, and upon notice to the defendant of not less than five days, to enjoin and restrain the continuance of the provision of unlicensed armored car services; and, if it shall appear to the satisfaction of the court that the defendant has engaged in the business of providing unlicensed armored car services, an injunction may be issued by such court or justice, enjoining and restraining any such unlicensed services, without requiring proof that any person has, in fact, been injured or damaged thereby. Whenever the court shall determine that the defendant has violated the provisions of this article by providing unlicensed armored car services, the court may fine such defendant not less than \$1,000 for each violation, but in no event shall the total amount of such fine exceed the sum of \$25,000.

3. Each violation of this article shall be deemed a separate offense.

4. Unless otherwise provided under this article, all fees, fines and penalties collected under this article shall be deposited by the state comptroller to the credit of the licensing examinations services account within the miscellaneous special revenue fund established pursuant to the provisions of §97-aa of the State Finance Law.

§89-kkk. Preemption

1. The provisions of this article shall exclusively govern all armored car carriers notwithstanding the provisions of any other law to the contrary and further, no local law shall be enacted which shall attempt to regulate or require any fee or license for the licensure or registration of armored car carriers. Unless otherwise provided under this article, all such carriers are specifically exempt and excluded from the provisions of articles 7 and 7-A of this chapter or any other law purporting to regulate watch, guard or patrol agencies or security guard companies or agents and employees thereof.

2. The provisions of this article shall not apply to any subsidiary of an entity organized and operating pursuant to the federal "bank holding company act of 1956" (12 U.S.C.A.S. 1841 et seq.).

§89-lll. Regulations

The secretary is hereby authorized and empowered to promulgate rules and regulations necessary for the proper conduct of the business authorized under this article, and not inconsistent herewith.

§89-nnn. Separability

In the event it is determined by a court of competent jurisdiction that any phrase, clause, part, subdivision, paragraph or section, or any of the provisions of this article, is unconstitutional or otherwise invalid or inoperative, such determination shall not affect the validity or effect of the remaining provisions of this article.

§89-ooo. Short title

This article shall be known and may be cited as the "armored car guard act."

§89-ppp. Definitions

When used in this article, the following terms shall have the following meanings:

1. "Commissioner" means the commissioner of the division of criminal justice services.

2. "Division" means the division of criminal justice services.

3. "Secretary" means the secretary of state.

4. "Department" means the department of state.

5. [Repealed]

6. "Armored car carrier" has the meaning ascribed to that term by subdivision 89-bbb(6) of this chapter.

7. "Armored car services" has the meaning ascribed to that term by subdivision 7 or §89-bbb of this chapter.

8. "Armored car guard" means 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 pursuant to the provisions of this article.

9. "Applicant" means an individual who has filed an application with the department for a registration card.

10. "Holder" means an individual who has been issued a conditional letter of authority or a registration card by the department.

11. "Registration card" means a photographic identification card issued by the department signifying that the holder has been certified by the department to perform armored car services in the employ of an armored car carrier and to carry firearms in connection therewith. Nothing herein contained shall relieve such holder from any provision of law which requires that he or she be licensed to carry such firearm.

12. "Qualified firearms instructor" means an individual who holds a certificate as a firearms instructor from an association or organization recognized by the division.

13. "Qualified firearms training course" means a minimum 47-hour firearms training course for armored car guards that is specific and germane to the armored car carrier industry, recognized by the division in consultation with the board.

14. "Peace officer" has the meaning ascribed to that term by subdivision 1.20(33) of the Criminal Procedure Law, who is employed full-time as a peace officer and who has successfully completed the training requirements as set forth in subdivision 2.30(1) of such law.

15. "Police officer" has the meaning ascribed to that term by subdivision 1.20(34) of the Criminal Procedure Law.

16. "Valuable cargo" has the meaning ascribed to that term by subdivision 89-bbb(9) of this chapter.

17. "Serious offense" has the meaning ascribed to that term by subdivision 89-f(13) of this chapter.

§89-qqq. Qualifications for an armored car guard registration card

No applicant shall have been convicted of a serious offense, or of a misdemeanor which, in the discretion of the secretary, bears such a relationship to the performance of the duties of an armored car guard, as to constitute a bar to employment.

§89-rrr. Application for registration card

An application for an armored car guard registration card shall be verified and subscribed by the applicant and shall contain the following information:

1. Full name;
2. Aliases or maiden name;
3. Current residence and telephone number;
4. Any conviction of a crime, as that term is defined in §10.00 of the Penal Law;
5. A complete set of two fingerprint cards on a standard fingerprint card approved by the division. Before approving such application the secretary, or his or her designee, shall transmit to the division one copy of such fingerprint card and the fee required pursuant to subdivision (7) of this section and cause to be conducted a search of state files to ascertain whether the applicant has a previous criminal history. Upon the written request of an armored car carrier, the secretary shall require each applicant to submit to an additional fingerprint check by the federal bureau of investigation, and to remit the appropriate fee therefor. The secretary may cause an investigation to be conducted to verify the information contained in the application provided. The department, in consultation with the division, may waive such background checks, investigations and fees if, in its opinion, the applicant has been subject to previous background checks and investigation requirements which meet or exceed the requirements of this section or the federal "armored car industry reciprocity act of 1993," pub. l. 103-55 (15 U.S.C. § 5901 et seq.), and amendments thereto. The department, in consultation with the division, may not be required to conduct background checks or investigations for applicants who are also employed as peace officers. If additional copies of fingerprints are required the applicant shall furnish them upon request;
6. Two photographs of such applicant taken within 30 days prior to the filing of the application of a size prescribed by the department; and
7. An application processing fee of \$50 and a fee pursuant to subdivision 837(8-a) of the Executive Law, and amendments thereto, for the cost of the division's full search and retain procedures, which fee shall be remitted by the department to the division for deposit by the comptroller into the general fund.

§89-sss. Training requirements; waiver or exemption

1. Every armored car guard, other than a police officer, employed by an armored car carrier shall be required to satisfactorily complete a qualified firearms training course. Such course shall include appropriate range instruction by a qualified firearms instructor, and range qualification with each type and caliber of firearm he or she will have access to while on duty.
2. Such course shall be given and administered by armored car carriers or their designees. Every armored car carrier shall maintain a record of and certify to the secretary, in writing, the satisfactory completion of such course by any armored car guard.

3. Nothing herein shall be construed to prohibit an armored car carrier from voluntarily providing training programs and courses which exceed the minimum requirements provided by this section.

4. The commissioner shall waive the training requirements specified in subdivision one of this section, with respect to applicants employed by armored car carriers, if the applicant provides appropriate documentation to demonstrate that he or she was or is subject to training requirements which meet or exceed the requirements established pursuant to such subdivision.

5. An armored car guard who has been or was previously employed as a peace officer for 18 months or more who exhibits a valid certificate awarded pursuant to subdivision 2.30(6) of the Criminal Procedure Law attesting to his or her satisfactory completion of the training requirements imposed by §2.30 of the Criminal Procedure Law, shall be exempt from the requirements of subdivision (1) of this section, provided that such peace officer has completed a course of firearms training recognized by the division. Nothing in this subdivision shall be deemed to authorize such guard to carry, possess, repair or dispose of a firearm unless the appropriate license therefor has been issued pursuant to §400.00 of the Penal Law.

§89-ttt. Annual training; background checks

1. a. In addition to the minimum firearms training required by §89-sss of this article, each armored car guard, other than a police officer, shall satisfactorily complete an 8-hour in-service firearms training course, recognized by the division, at least annually. Such course shall be administered by armored car carriers, or their designees, and shall include requalification with the firearms he or she will have access to while on duty, under the supervision of a qualified firearms instructor. Every armored car carrier shall maintain a record of and certify to the secretary, in writing, the satisfactory completion of such course by any armored car guard.
- b. An armored car guard who is also employed as a peace officer for 18 months or more shall be exempt from the requirements of paragraph (a) of this subdivision as long as he or she is currently employed as a peace officer and provides to his or her employer proof of such annual in-service firearms training required under such paragraph.
2. The secretary or his or her designee shall annually ensure that each armored car guard holding a valid registration card is subject to the division's ongoing criminal history search and retain procedures.
3. Notwithstanding the provisions of this article, an armored car guard and his or her employer shall comply with the provisions of the federal "armored car industry reciprocity act of 1993," pub. l. 103-55 (15 U.S.C. § 5901 et seq.), and amendments thereto.
4. Every armored car carrier shall permit the department to inspect, review or copy training records to ensure compliance with the provisions of this article.

§89-uuu. Interim employment

For each armored car guard employed by an armored car carrier, as of the effective date of this section, such carrier shall, at a time assigned by the secretary pursuant to a staggered schedule, comply with the provisions of this article with respect to registration. Until the assigned filing date, such armored car carrier may continue to employ such guard to provide armored car services. No armored car carrier may employ any such guard after the assigned filing date who has not complied with the registration requirements as set forth in this article.

§89-vvv. Conditional letter of authority; issuance of registration card; suspension or revocation; renewal

1. Upon review of the completed application required by §89-rrr of this article and after the applicant has met the qualifications of §89-qqq of this article, the department shall issue a conditional letter of authority, in a form prescribed by the secretary, to such applicant within five business days after receipt of the completed application. Any such applicant may be employed by an armored car carrier, pending his or her satisfaction of the requirements of §89-sss of this article not later than 180 days after the date of submission of the completed application.

2. Upon review of the completed application required by §89-rrr of this article and after the applicant has met the qualifications of §89-qqq of this article and satisfied the requirements of §89-sss of this article, the department shall issue a registration card, in a form prescribed by the secretary, which shall include the guard's name, photograph, card number, expiration date, and any other information the department deems necessary. The department shall issue or deny issuance of such registration card within 90 days after receipt of a completed application therefor. Denial of a registration card hereunder shall be reviewable by an administrative hearing as set forth in subdivisions (2)-(6) of §79 of this chapter.

3. The secretary may suspend, for a period not to exceed 18 months, revoke, or refuse to reissue, as the case may be, a conditional letter of authority or registration card issued pursuant to this section, after a hearing pursuant to subdivisions (2)-(6) of §79 of this chapter, for one or more of the following causes:

- a. the holder is convicted of a serious offense or a misdemeanor which, in the discretion of the secretary, bears such a relationship to the performance of the duties of an armored car guard, as to constitute a bar to employment;
- b. the holder has practiced fraud, deceit or misrepresentation;
- c. the holder is in violation of any provisions of this article or the rules and regulations promulgated hereunder; or
- d. the possession of a license as an armored car guard would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

4. Pending the hearing and adjudication on suspension or revocation of a conditional letter of authority or registration card pursuant to the provisions of subdivision (3) of this section, such conditional letter of authority or registration card may be temporarily suspended, in accordance with the provisions of subdivision 89-1(4) of this chapter, provided that such subdivision shall be read in such a manner as to apply to armored car carriers or armored car guards as the context requires. The secretary shall revoke a conditional letter of authority or registration card issued to any holder pursuant to this section, after a hearing pursuant to subdivisions (2)-(6) of §79 of this chapter, upon proof that, on or after the date such holder applied for such conditional letter of authority or registration card, the holder was convicted of one or more serious offenses.

5. No conditional letter of authority or registration card may be suspended or temporarily suspended pursuant to this section based upon the fact that a holder is charged with one or more serious offenses, or charged with or convicted of a misdemeanor which, in the discretion of the secretary, bears such a relationship to the performance of the duties of an armored car guard, as to constitute a bar to employment unless:

- a. there is a direct relationship between one or more such serious offenses and the conditional letter, registration card or employment of the holder as an armored car guard; or
- b. the possession of a conditional letter or registration card by the holder or the employment of the holder as an armored car guard

would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

6. The secretary, or the officer designated by the secretary to preside over the hearing pursuant to this section, shall forthwith give written notice of the suspension, revocation or nonrenewal of a conditional letter of authority or registration card, to the holder and the armored car carrier by which the holder was employed at the time of such suspension, revocation or nonrenewal. Any such order may be reviewed in the manner provided by article seventy-eight of the civil practice law and rules.

7. A registration card issued pursuant to subdivision (2) of this section shall be reissued biennially by the secretary upon timely application therefor and submission of a renewal processing fee of \$50.

§89-www. Violations and penalties

1. Any individual who is employed as an armored car guard or who acts as an armored car guard in violation of the provisions of this article or who knowingly and willfully makes material misstatements in the application for or renewal of his or her conditional letter of authority or registration card, as the case may be, or who permits or authorizes the employment of an individual as an armored car guard in violation of the provisions of this article, shall be guilty of a misdemeanor, which, upon conviction, shall be punishable by a term of imprisonment not to exceed six months, or by a fine of not more than \$1,000, or by both such fine and imprisonment, upon the first conviction, and by a term of imprisonment not to exceed one year, or by a fine of not less than \$1,000 and not to exceed \$2,500, or by both such fine and imprisonment, upon a subsequent conviction.

2. a. Any holder who shall knowingly and willfully fail to surrender his or her conditional letter of authority or registration card within five days of receipt of notice of suspension, revocation, or nonrenewal thereof by the secretary, or the officer designated by the secretary to preside over the hearing, pursuant to the provisions of §89-vvv of this article, shall be guilty of a violation, punishable by a fine not to exceed \$250, in addition to any other penalty prescribed by law.

b. Notwithstanding the provisions of paragraph a of this subdivision, where it is determined after a hearing that the holder has violated one or more provisions of this article pursuant to §89-vvv(c) of this article, the secretary may, in lieu of revocation or suspension of the conditional letter of authority or registration card of such holder, impose a fine not to exceed \$1,000 for each violation, payable to the department.

3. Each violation of this article shall be deemed a separate offense.

4. Unless otherwise provided under this article, all fees, fines and penalties collected under this article shall be deposited to the credit of the licensing examinations services account established pursuant to the provisions of §97-aa of the State Finance Law.

§89-xxx. Preemption

1. The provisions of this article shall exclusively govern all armored car guards notwithstanding the provisions of any other law to the contrary and further, no local law shall be enacted which shall regulate or require any fee or license for the licensure or registration of armored car guards. Unless otherwise provided under this article, all such guards are specifically exempt and excluded from the provisions of articles 7 and 7-A of this chapter or any other law purporting to regulate watch, guard or patrol agencies or security guard companies or agents and employees thereof.

2. The provisions of this article shall not apply to any subsidiary of an entity organized and operating pursuant to the federal "bank holding company act of 1956" (12 U.S.C.A.S. 1841 et seq.).

§89-yyy. Regulations

The secretary and commissioner, in consultation with the armored car carrier industry, are hereby authorized and empowered to promulgate rules and regulations necessary for the proper conduct of the business authorized under this article, and not inconsistent herewith.

§89-zzz. Separability

In the event it is determined by a court of competent jurisdiction that any phrase, clause, part, subdivision, paragraph or section, or any of the provisions of this article, is unconstitutional or otherwise invalid or inoperative, such determination shall not affect the validity or effect of the remaining provisions of this article.

RULES AND REGULATIONS

19 NYCRR, PART 185

Armored Car Carriers

§185.1 Armored car carrier: definition

(a) An armored car carrier is any individual, partnership, association, limited liability company, corporation or any other entity which engages in the business of providing secured transportation, protection and safeguarding of valuable cargo from one place or point to another (including the provision of cash services for automated teller machines) by means of specially designed and constructed bullet-resistant armored vehicles and armored car guards.

(b) The term "armored car carrier" does not include any subsidiary of an entity organized and operating pursuant to the Federal Bank Holding Company Act of 1956 (12 USCA 1841, et seq.). Such entity must be registered with the Board of Governors of the Federal Reserve as required by 12 USCA §1844.

§185.2 Fingerprinting: principals and officers

(a) Applicants for licensure as armored car carriers must be fingerprinted, and the fingerprints must be taken by one of the following:

- (1) an employee of the Department of State, Division of Licensing Services at designated locations and at appointed times;
- (2) a local police officer, a State police officer, a sheriff or deputy sheriff;
- (3) the qualifier of any private investigator or watch, guard and patrol agency or his/her designee who has been previously fingerprinted;
- (4) a principal or officer of a licensed armored car carrier; or
- (5) a previously fingerprinted employee of security guard training school approved by the Division of Criminal Justice Services.

(b) Each fingerprint card shall be signed and authenticated by the individual who took the fingerprints and shall state the individual's name along with his/her title of office or employment status.

(c) All fingerprints shall be taken on a form and in a manner approved by the Division of Criminal Justice Services.

§185.3 Business records

Each licensee shall retain and maintain for a period of three years records of the following transactions related to the armored car carrier business: employee hiring and termination records, records of all training, and contracts for the provision of armored car services and related documents.

§185.4 Change of name

(a) A licensed armored car carrier shall not conduct business under any name other than the name under which the carrier is licensed.

(b) If a licensed armored car carrier changes the name under which it does business, the licensed carrier must file a change-of-name notification with the Department of State prior to conducting business under the new name.

(c) The change-of-name notification form shall be prescribed by the Secretary of State. There shall be no fee for filing a change-of-name notification. The carrier's license must be attached to the notification when it is submitted to the Department of State, and the Department of State shall issue a new license with the new name.

§185.5 Notification of employment

(a) All armored car carriers shall provide information on the employment of armored car guards to the Department of State on a notice of employment form.

(b) If an armored car carrier employs registered armored car guards at the time of application, notice of employment forms must be filed with the original license application of the armored car carrier.

(c) Notice of employment forms filed subsequent to the original license application shall be mailed or delivered to the Department of State, at the address indicated on the form, by the next business day following the employment of an armored car guard.

§185.6 Notification of termination of employment

Every licensed armored car carrier shall file with the Department of State, on a form prescribed by the Department of State, a notice of termination identifying any armored car guard in their employ who has retired, resigned, died, been terminated, or has otherwise been removed from active duty. All armored car carriers shall provide information on the termination of their armored guard cars from employment to the Department of State on a notice of termination form. Such form must be completed and mailed or delivered to the Department of State at the address indicated on the form within 30 days of the guard's termination.

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Armored Car Guards

§186.1 Armored car guard: definition

An armored car guard is 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. An armored car guard must be registered pursuant to article 8-C of the General Business Law and these regulations.

§186.2 Fingerprinting: armored car guards

Applicants for registration as armored car guards shall be fingerprinted in the manner prescribed in section 185.2 of this Part.

§186.3 Armored car guard registration: staggered schedule

(a) All individuals hired on or after September 10, 1998 as armored car guards in New York State shall be registered in accordance with the provisions of article 8-C of the General Business Law.

(b) All individuals hired prior to September 10, 1998 as armored car guards in New York State shall be registered in accordance with the provision of article 8-C of the General Business Law as follows:

(1) those individuals hired prior to September 10, 1998 in an even year shall be registered by March 10, 1999; and

(2) those individuals hired prior to September 10, 1998 in an odd year shall be registered by September 10, 1999.

§186.4 State issued identification card

An armored car guard shall prominently display the State issued registration card on his or her outer garment.