STATE OF NEW YORK
DEPARTMENT OF STATE

DETERMINATION

In the matter of a request that "repossession agent" be designated as an eligible profession for the purchase, sale, and use of body armor.

Date of determination: August 12, 2026

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 created a process whereby individuals and entities may request that the profession in which they are engaged be added to the Department's list of eligible professions.[2] The Department has received a request that "repossession agent" be designated as an eligible profession. Prior to adding a profession to the list of eligible professions, the Department must first determine whether 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, or whether the duties of the profession are necessary to facilitate the lawful purchase, sale, or use of body armor.

Brief Statement of Determination

Based on the discussion and analysis that follows, the profession of motor vehicle repossession agent is designated as an eligible profession for the purchase, sale, and use of body armor and the list of eligible professions shall be revised, filed in the Office of the Secretary of State, State Records Unit, and published and maintained on the website of the Department of State in accordance with 19 NYCRR 905.2(c).

Request

After receiving the request that "repossession agent" be designated as an eligible profession, the Department published notice of this eligible profession request on its website on October 29, 2025, providing the public thirty days to submit additional requests relating to this profession. The Department received no other requests relating to this request within the applicable time period.[3]

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[1] New York Penal Law § 270.21.
[2] *See generally* 19 NYCRR Chapter XIX, Part 905.
[3] By separate request submitted to the Department, the requestor is also seeking designation of tow truck operator as an eligible profession. The Department's determination as to the tow truck operator is issued separately.

The official job title of the requestor is "operations manager/repossession agent" at a towing, asset recovery and repossession company operating in New York State ("Company"). The Company provides 24-hour police rotational towing, heavy duty recovery and impound services. With respect to the allocation of work time between the requestor's role as manager and repossession agent, the requestor explains that he continuously engages in the fieldwork of locating, securing and towing vehicles from individuals who have defaulted on loans. The requestor specifically indicates that "[t]his dual role (operations + field repossession) ensures that I remain active and directly involved in the profession [repossession agent] for which the eligible-profession status is requested." The requestor estimates he spends about 45% of his work time personally performing repossession work.

In the application, the requestor explains the specific duties of repossession agents as follows:

> Repossession Agents are responsible for locating, securing, and recovering vehicles or other assets on behalf of lienholders, banks, credit unions, or finance companies after a borrower has defaulted on a loan. Their duties include investigating asset locations, performing skip-tracing, and conducting recoveries in compliance with state and federal laws. Agents must safely operate tow trucks and recovery equipment, often in unsecured or hostile environments, to recover collateral without breaching the peace.
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> In the performance of these duties, agents frequently encounter volatile situations with vehicle owners or occupants who may resist, confront, or threaten them. Repossession Agents must document the condition of the recovered property, transport it to secure storage facilities, and complete required legal paperwork and reports. The position involves working overnight or early morning hours, often alone and without law enforcement presence, increasing exposure to serious physical risk.

In response to a request for additional information made by the Department regarding the role of law enforcement in the repossession process, requestor explained that the repossession agent generally does not request law enforcement assistance prior to conducting a vehicle recovery because law enforcement considers repossession a civil matter. The requestor asserts that a law enforcement officer cannot directly assist with the repossession, but when available an officer may only ensure that there is no breach of the peace by either party. The requestor also indicates that given the volume of repossession work, law enforcement is generally not present during a repossession, and that law enforcement is present prior to the start of the recovery only if the repossession is court ordered. The law relating to these assertions is that a secured party[4] may take possession of collateral without judicial process if it proceeds without a breach of the peace, and a repossession agent must give notice to the police immediately following such repossession.[5]

[4] Under the New York State Uniform Commercial Code, § 9-102(a)(73), "secured party" includes a lender holding a security interest that provides the basis for a repossession.
[5] *See* Uniform Commercial Code § 9-609; Vehicle and Traffic Law § 425(1).

The requestor indicates that repossession agents are not restricted to conducting vehicle recovery during any specific time of day, but agents tend to work from 9pm to 5am because, even though nighttime recovery can be riskier, it is more likely that they can recover a vehicle during this time without contact with the debtor.

In identifying the profession for which designation is requested, the requestor references Code 43-3011 ("Bill and Account Collectors") of the Standard Occupational Classification Manual, published by the federal Office of Management and Budget, ("SOC Manual"). The requestor explains that New York does not require a specific "repossession agent license" and indicates that "individuals engaged in this profession are required to hold and maintain several related qualifications and regulatory compliances to perform repossessions legally and safely." In New York, repossession agents who operate as part of towing or asset recovery companies must have a New York State Commercial Driver License (CDL) appropriate for the class of tow truck operated and must comply with US Department of Transportation ("USDOT")/Federal Motor Safety Carrier Administration ("FMSCA") regulations for commercial motor carriers, including medical certification, vehicle inspections, hours-of-service compliance, and USDOT registration where applicable. The requestor indicates that there are certain additional towing and licensing permits required by certain local municipalities. Requestor holds a valid CDL (Class AM) with an expiration date of November 2027. The requestor also advised that, prior to July 2022, repossession agents typically utilized soft body armor vests or overt reflective outer carriers rated at National Institute of Justice ("NIJ") Level II or Level IIIA, which provide protection against common handgun calibers.

The requestor describes how the duties of the profession may expose an individual engaged in such profession to serious physical inquiry that may be prevented or mitigated by the wearing of body armor as follows:

> Repossession Agents frequently conduct vehicle recoveries in unpredictable and often hostile environments. Recoveries are typically performed at night or in the early morning hours on private property, public streets, or commercial lots — often without police presence. Agents may face direct confrontation from vehicle owners or occupants who are emotionally volatile or armed. There have been multiple documented cases nationwide, including in New York, where repossession agents have been shot at, assaulted, or struck with vehicles during recovery attempts. These situations place agents at significant risk of gunfire, stabbing, blunt-force assault, or being hit by vehicles. Wearing body armor can help prevent or greatly reduce the severity of injuries from firearms or other physical attacks, allowing the agent to survive an ambush or escalation long enough to retreat and summon law enforcement. Unlike traditional tow operations, repossession encounters involve non-consensual interactions, making the risk of violence inherent to the profession.

The requestor provided a document entitled "New York State Repossession Agent Risk Profile, Incident Log, and Mitigation Practices [Report]" in support of the request. The "Incident Log"[6] section of the Report describes a prior incident in which the repossession agent was shot in the ankle while actively hooking up a vehicle for towing. The log also described two other incidents that did not involve gunfire.[7] In addition to the incidents in the log, the requestor provided two other examples of repossession agents suffering injury and death in the line of duty. These were: (i) an incident dated January 17, 2025, in Springfield Gardens, New York in which, during a repossession, the agent was shot in the leg by the owner of the vehicle;[8] and (ii) an incident in South Carolina in June 2024, in which a repossession agent was shot and killed while attempting to repossess a vehicle, in which the agent's tow truck "was riddled with bullets."[9]

The "Risk Profile (Repossession Agents in NYS)" section of the Report explains that "threat vectors include handgun gunfire at close range during hook-up, edged-weapons assaults, vehicle ramming/dragging, and crowd interference." The risk mitigation recommendations of the Report include body armor for repossession agents on elevated risk jobs.

Findings of fact and analysis

A "profession" refers to any occupation or line of work referenced or included within a category identified in the SOC Manual, or as otherwise described in a federal, state, or local statute or regulation.[10] The requestor identifies SOC code 43-3011 entitled "Bill and Account Collectors." as referring to their profession. "Repossessor" is an illustrative example of a Bill and Account Collector in the SOC Manual, which provides duties that include initiating repossession proceedings.

Neither New York State nor the federal government issue a repossession agent license. However, an individual engaging in repossession duties must follow certain legal requirements. Uniform Commercial Code ("UCC") § 9-609 permits lenders to take possession of collateral from a debtor without a court order as long as the repossession proceeds without a breach of the peace.[11] Vehicle and Traffic Law § 425(1) provides that "[u]nless the motor vehicle or motorcycle can be repossessed or retaken without breach of the peace, it shall be repossessed or

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[6] The note following the Incident Log of the Report provides that "Comprehensive NY-wide injury/fatality data specific to repossession agents are not published by the State. The above are documented, recent NY incidents illustrating shootings and near-misses during the recoveries."

[7] One concerned a confrontation between the vehicle owner and repossessor in which the owner stole the tow truck with the vehicle attached, which resulted in collisions with other cars before the owner was arrested. The other instance involved a lawful repossession of a police detective car which resulted in the arrest of the repossessor, but the charges were later dropped.

[8] This is supported by a report from the Daily News published January 17, 2025. *See* https://www.nydailynews.com/2025/01/17/car-owner-shoots-repo-man-foot-queens-he-tries-tow-nissan-bmw/

[9] This is supported by a report from WIS 10 published June 12, 2024. *See* https://www.wistv.com/2024/06/12/deputies-tow-driver-shot-killed-while-repossessing-car-richland-county/

[10] 19 NYCRR § 905.1(f).

[11] The UCC does not define what conduct constitutes "breach of peace," so courts look to common law to determine whether a breach of peace has occurred during a repossession action. *See Garcia v. Dezba Asset Recovery, Inc.,* 665 F. Supp. 3d 390, 406-09 (S.D.N.Y. 2023). Generally, courts have found breach of peace where repossession agents use force, threats, intimidation and trespass in order to take possession of the collateral. *Id.* at 408-09.

retaken by legal process, but nothing herein contained shall be construed to authorize a violation of the criminal law." The USDOT/FMSCA provides training in repossession procedures, recovery techniques, and legal compliance through industry-recognized programs (*e.g.*, Recovery Specialist Certification Program or equivalent training recognized by lenders and insurance carriers). The requestor referenced compliance with US DOT/FMCSA regulations for commercial motor carriers in response to a question requesting identification of any training or formal qualification associated with the profession at issue but did not provide any documentation that he had completed such training or received any training certificates.

In light of the analysis above and because it is an occupation referenced by SOC Manual Code 43-3011, a "repossession agent" is a profession within the meaning of 19 NYCRR 905.1(f). While the duties associated with a "repossession agent" can involve collection activity that includes property other than motor vehicles, the requestor presents facts that assert it is the duties of a repossession agent engaging in the repossession of motor vehicles that involve exposure to serious physical injury that may be prevented or mitigated by the wearing of body armor. The request indicates it is the duties solely associated with motor vehicle recoveries, which is activity described in UCC § 9-609 and VTL § 425, that create such exposure to serious physical injury. Accordingly, for purposes of this determination the profession is described as a motor vehicle repossession agent. The request supports a finding that the requestor is engaged in the profession of a motor vehicle repossession agent.

To deem a profession eligible, the requestor must establish that the duties of the profession sometimes require individuals engaged or employed in that profession to be exposed to serious physical injury that may be prevented or mitigated by the wearing of body armor.[12] Prior approved requests have discussed duties specific to that profession that may expose an individual to gunfire, such as the handling of live firearms, guarding valuable items or sensitive locations, or in-person enforcement activities. These are duties that inherently involve a likelihood of exposure to gunfire. In addition to such duties inherently exposing an individual to gunfire, some approved requests also offered verifiable, documented evidence of instances of injury that may have been prevented or mitigated by the wearing of body armor. Taken together, the evidence provided by a requestor is vital to identifying a profession and its duties and making an informed determination about whether a profession is eligible pursuant to Executive Law § 144-a.

The instant request provides sufficient evidence establishing a connection between the duties of the profession of a motor vehicle repossession agent and exposure to serious physical injury that may be mitigated or prevented by the wearing of body armor. The types of potential dangers that the requestor describes are the result of the motor vehicle repossession agent encountering, oftentimes late at night, usually without police presence, hostile or non-cooperative individuals while repossessing a motor vehicle. Such encounters, which are essential to the duties of a motor vehicle repossession agent, expose such agents to potentially dangerous situations where firearms may be used to prevent the repossession.

[12] Because the profession of repossession agent does not involve facilitation of the lawful purchase, sale, or use of body armor, the relevant inquiry for this request does not require analysis of this portion of the inquiry.

Of particular significance here is that the essential duty of a motor vehicle repossession agent profession is to seize a motor vehicle from a debtor, frequently without consent or court order. The requestor provided evidence that, such encounters can expose the motor vehicle repossession agent to gunfire. The requestor explained that "[u]nlike traditional tow operations, repossession encounters involve non-consensual interactions, making the risk of violence inherent to the profession." The request includes examples of instances in which, upon encounter with the motor vehicle repossession agent during the performance of the agent's duties, gunfire was directed at the repossession agent to prevent seizure of the vehicle.

Determination

For purposes of this determination, a motor vehicle repossession agent is defined as a bill and account collector referenced by SOC code 43-3011engaged in motor vehicle recoveries that are subject to New York Uniform Commercial Code § 9-609 and New York Vehicle and Traffic Law § 425. Based on the foregoing facts and the requirements of Executive Law § 144-a and 19 NYCRR Part 905, the profession of motor vehicle repossession agent is designated as an eligible profession for the purchase, sale, and use of body armor and the list of eligible professions shall be revised, filed in the Office of the Secretary of State, State Records Unit, and published and maintained on the website of the Department of State in accordance with 19 NYCRR 905.2(c).