



New York State
DEPARTMENT OF STATE
Division of Licensing Services
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Albany, NY 12201-2001

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Proprietary Security Guard Employer

Please take the time to read the instructions in this package carefully before beginning the application form.

When would I be required to submit a Proprietary Security Guard Employer form?

Any private or public entity employing individuals, other than peace and police officers, to perform security services is regulated by the New York State Department of State.

Do Security Guards employed by proprietary entities need to register and complete training?

Yes. Although proprietary employers of security guards are exempt from the *business* licensing requirement, they are still considered to be Security Guard Companies under the law. As such, they are required to employ registered security guards and provide proof of self-insurance or liability insurance coverage. A proprietary employer must designate a Security Guard Coordinator to provide the Department of State with the necessary information.

What is a Security Guard?

A Security Guard is defined as: Any individual who is employed to principally perform any or all of the following duties, and the person is not performing the functions of a private investigator as defined in Section 71 of Article 7 of the General Business Law.

- **Prevention**, protecting persons and/or property from harm, theft, and/or unlawful activity, including response to a security system alarm; or
- **Deterrence**, such category shall include: deterring, observing, detecting and reporting unlawful or unauthorized activity; or
- **Control**, controlling, by street or other patrol service, access to property, including employee personnel, visitors, vehicles and traffic; or
- **Enforcement**, enforcing security policies, rules, regulations, and procedures; or
- **Any individual** who is employed to perform any or all of the above duties, irrespective of whether such duties constitute a principal part of such individual's employment, with the condition of such employment being that s/he is armed with a weapon.

"Security Guards" do not include doorperson, superintendent, handyperson, porter, elevator operator, private investigator, proprietary investigator, telephone operator, lifeguard, school crossing guard, receptionist, clerical person, resident advisor or assistant, parking lot attendant or assistant, fire safety director or fire inspector, fireguard, environmental safety person, or any other title which shall not require such person, to perform any or all of the above functions more than 50% of the person's regularly scheduled work hours.

Do I need to have insurance?

Yes. Section 89-g sub. 6 of Article 7A requires the filing of a certificate of insurance evidencing comprehensive general liability coverage in the minimum amount of \$100,000 per occurrence and \$300,000 in the aggregate.

What are the fees?

No fee is required to file this application. However, the appropriate fee must accompany each security guard application filed with the Department of State.

PRIVACY NOTIFICATION

Do I need to provide my Social Security and Federal ID numbers on the application?

Yes. The Department of State is required to collect the federal Social Security and Employer Identification numbers of all licensees. The authority to request and maintain such personal information is found in §5 of the Tax Law and §3-503 of the General Obligations Law. Disclosure by you is mandatory. The information is collected to enable the Department of Taxation and Finance to identify individuals, businesses and others who have been delinquent in filing tax returns or may have underestimated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. It will be used for tax administration purposes and any other purpose authorized by the Tax Law and may also be used by child support enforcement agencies or their authorized representatives of this or other states established pursuant to Title IV-D of the Social Security Act, to establish, modify or enforce an order of support, but will not be available to the public. A written explanation is required where no number is provided. This information will be maintained in the Licensing Information System by the Director of Administration and Management, at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

