

STATE OF NEW YORK

7890

2017-2018 Regular Sessions

IN ASSEMBLY

May 18, 2017

Introduced by M. of A. HOOPER -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the use of first class mail to notify defendants and registrants

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (b) of subdivision 4 of section 514 of the vehicle and traffic law, as amended by chapter 163 of the laws of 2008, is amended to read as follows:

2
3 (b) Upon such certification, the trial court, the clerk thereof, or the administrative tribunal shall notify the registrant by [~~certified or registered mail, return receipt requested~~] first class mail, that the commissioner shall deny the registration or renewal application until proof from the court wherein the charges were pending is provided to the commissioner by such court, administrative tribunal, or registrant that such registrant has answered or appeared, or in the case of an administrative tribunal provides proof that such registrant has complied with the rules and regulations of said tribunal following entry of a final decision. Thereafter and upon the appearance or answer of any such person in response to such summonses the trial court or clerk thereof shall forthwith certify that fact to the registrant, and to the commissioner in a manner and form prescribed by the commissioner. In the case of an administrative tribunal such certification shall be made to the registrant and to the commissioner upon compliance with the rules and regulations of such tribunal. Provided, however, that proof provided to the commissioner by a registrant in the form of a certification provided to such registrant pursuant to this paragraph shall have the same effect as proof provided to the commissioner by such court or administrative tribunal.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [~~-~~] is old law to be omitted.

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1 § 2. Section 1806 of the vehicle and traffic law, as amended by
2 section 1 of part C of chapter 55 of the laws of 2012, is amended to
3 read as follows:

4 § 1806. Plea of not guilty by a defendant charged with a traffic
5 infraction. In addition to appearing personally to enter a plea of not
6 guilty to a violation of any provision of the tax law or the transporta-
7 tion law regulating traffic, or to a traffic infraction for the
8 violation of any of the provisions of the vehicle and traffic law or of
9 any local law, ordinance, order, rule or regulation relating to the
10 operation of motor vehicles or motorcycles, a defendant may enter a plea
11 of not guilty by mailing to the court of appropriate jurisdiction the
12 ticket making the charge and a signed statement indicating such plea.
13 Such plea must be sent: (a) by registered or certified mail, return
14 receipt requested or by first class mail; and (b) within forty-eight
15 hours after receiving such ticket. Upon receipt of such ticket and
16 statement, the court shall advise the violator, by first class mail, of
17 an appearance at which no testimony shall be taken. If the motorist
18 requests a trial, the court shall set a trial date on a date subsequent
19 to the date of the initial appearance and shall notify the defendant of
20 the date by first class mail but no warrant of arrest for failure to
21 appear can be issued until the violator is notified of a new court
22 appearance date by [~~registered or certified mail, return receipt~~
23 ~~requested~~] first class mail, and fails to appear.

24 § 3. This act shall take effect immediately.