S T A T E O F N E W Y O R K

2688

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to certain motor vehicle requirements for the registration of motor vehicle title

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision (a) of section 2102 of the vehicle and traffic law, as amended by chapter 262 of the laws of 1978, paragraph 2 as amended by chapter 169 of the laws of 1996, paragraph 3 as amended by chapter 160 of the laws of 1989, paragraph 8 as amended by chapter 602 of the laws of 1986, paragraph 11 as amended by chapter 905 of the laws of 1983, paragraph 12 as amended and paragraph 13 as added by chapter 484 of the laws of 1985, paragraphs 14 and 15 as amended and paragraph 16 as added by chapter 142 of the laws of 1986, paragraph 17 as amended and paragraph 18 as added by chapter 135 of the laws of 1991, and paragraph 19 as added by chapter 322 of the laws of 1993, is amended to read as follows:

(a) The following are excluded from the provisions of this title:

(1) A vehicle owned by the United States unless it is registered in this state;

(2) A vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration; or a vehicle used by a manufacturer solely for testing other than: (i) a vehicle registered by a dealer or manufacturer, or (ii) a vehicle for which a physical examination is required under section four hundred thirty of this chapter before a certificate of title may be issued, or (iii) a vehicle held for sale by a dealer which was purchased by the dealer as a result of sale upon repossession or a sale by a sheriff or marshall to satisfy a judgment, or (iv) a vehicle held for sale by a dealer for which a certificate of title containing an error attributable to processing by the department has been issued, or

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

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(v) a vehicle held for sale by a dealer for which ordinarily acceptable proof of ownership cannot be obtained by the dealer with reasonable diligence but for which a certificate of title would ordinarily be issued upon the filing of a bond with the commissioner as prescribed in subdivision (d) of section twenty-one hundred five of this article, or (vi) a vehicle for which a manufacturer or dealer has submitted a notice of repurchase as required by subdivision two of section four hundred seventeen-a of this chapter and regulations of the commissioner, or (vii) a vehicle held for sale by a dealer which was purchased by a dealer as the result of a sale by a police department, or (viii) a vehicle held for sale by a dealer which was purchased by a dealer as the result of a sale by the United States government;

(3) A vehicle owned by a non-resident of this state and not required by law to be registered in this state provided, however, that a certificate of title may be issued to such a non-resident for a vehicle purchased by or transferred to such non-resident as a result of a sale after repossession, or a sale by a sheriff or marshall to satisfy a [judgement] JUDGMENT, or a sale to foreclose a garageman's lien, provided such sale was held in this state, or a result of the settlement of an estate of a deceased if such settlement is pursuant to the estates, powers and trusts law of this state or a sale by a police department, provided such sale was held in this state;

(4) A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;

(5) A vehicle moved solely by animal power;

(6) An implement of husbandry;

(7) Special mobile equipment;

(8) A self-propelled wheel chair or an adapted tricycle operated or driven by a person with a disability;

(9) A pole trailer or a trailer with an unladen weight of less than one thousand pounds;

[(10) A vehicle manufactured prior to July first, nineteen hundred seventy-two and designated by the manufacturer as being a nineteen hundred seventy-two or earlier model year vehicle, and any vehicle manufactured or assembled prior to January first, nineteen hundred seventy-three for which the manufacturer or assembler has not designated a model year;

(11)] (10) Snowmobiles, off-highway motorcycles and limited use motorcycles;

[(12)] (11) A motor vehicle set off to a surviving spouse or surviving minor child pursuant to section 5-3.1 of the estates, powers and trusts law until an application for registration is made by such survivor or until after the survivor transfers the vehicle, in which case the transferee must apply for a certificate of title;

[(13)] (12) A vessel not required to be registered in this state and which is not registered in this state;

[(14)] (13) A vessel designated by the manufacturer as being a nineteen hundred eighty-six or earlier model year vessel and any vessel manufactured or assembled prior to August first, nineteen hundred eighty-six for which the manufacturer or assembler has not designated a model year;

[(15)] (14) Any vessel having a valid marine document issued by the United States or a foreign government;

[(16)] (15) Any vessel under fourteen feet in length;

[(17)] (16) A vehicle owned or leased by the state of New York and regularly utilized or intended to be utilized for undisclosed or undercover law enforcement purposes;

[(18)] (17) A vehicle owned by a non-resident of this state for which a currently effective certificate of title has been issued in another state and which is leased to a resident of, and registered in, this state.

[(19)] (18) A mobile home or a manufactured home, manufactured prior to July first, nineteen hundred ninety-four and designated by the manufacturer as being a nineteen hundred ninety-four or earlier model year mobile home or manufactured home, and any mobile home or manufactured home manufactured or assembled prior to January first, nineteen hundred ninety-four for which the manufacturer has not designated a model year.

S 2. The commissioner of motor vehicles, as part of the motor vehicle registration renewal process, shall notify affected motor vehicle owners about such new title requirements.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to motor vehicle registration renewals occurring on or after such date.