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

6203

2009-2010 Regular Sessions

I N  A S S E M B L Y

February 26, 2009

Introduced by M. of A. BARRA -- Multi-Sponsored by -- M. of A. TOWNSEND -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to authorizing the commissioner of motor vehicles to refuse to register a motor vehicle or motorcycle of a person in default in making child support payments

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

Section 1. Subdivision 5-a of section 401 of the vehicle and traffic law is amended by adding a new paragraph d to read as follows:

D. IF AT THE TIME OF APPLICATION FOR A REGISTRATION OR RENEWAL THEREOF THERE IS ON FILE WITH THE COMMISSIONER PROOF SATISFACTORY TO THE COMMISSIONER THAT (1) THE REGISTRANT IS IN DEFAULT IN PAYMENT OF CHILD SUPPORT OBLIGATIONS AS REQUIRED BY A SEPARATION AGREEMENT OR ORDER OR DECREE OF A COURT OF COMPETENT JURISDICTION OR (2) THAT A JUDGMENT AGAINST THE REGISTRANT FOR ARREARAGES IN CHILD SUPPORT PAYMENTS HAS NOT BEEN SATISFIED, THE COMMISSIONER OR HIS AGENT SHALL DENY THE REGISTRATION OR RENEWAL APPLICATION UNTIL THE APPLICANT PROVIDES PROOF SATISFACTORY TO THE COMMISSIONER THAT SUCH PAYMENTS HAVE BEEN MADE IN AN AMOUNT SUFFICIENT TO CURE SUCH DEFAULT OR SATISFY SUCH JUDGMENT. WHERE AN APPLICATION IS DENIED PURSUANT TO THIS PARAGRAPH, THE COMMISSIONER MAY, IN HIS DISCRETION, DENY A REGISTRATION OR RENEWAL APPLICATION TO ANY OTHER PERSON FOR THE SAME VEHICLE AND MAY DENY A REGISTRATION OR RENEWAL APPLICATION FOR ANY OTHER MOTOR VEHICLE REGISTERED IN THE NAME OF THE APPLICANT WHERE THE COMMISSIONER HAS DETERMINED THAT SUCH REGISTRANT'S INTENT HAS BEEN TO EVADE THE PURPOSES OF THIS PARAGRAPH AND WHERE THE COMMISSIONER HAS REASONABLE GROUNDS TO BELIEVE THAT SUCH REGISTRATION OR RENEWAL WILL HAVE THE EFFECT OF DEFEATING THE PURPOSES OF THIS PARAGRAPH. SUCH DENIAL SHALL ONLY REMAIN IN EFFECT AS LONG AS THE APPLICANT REMAINS IN DEFAULT IN PAYMENT PURSUANT TO THE AGREEMENT, ORDER, OR DECREE OR THE JUDGMENT REMAINS UNSATISFIED.

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

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S 2. Section 410 of the vehicle and traffic law is amended by adding a new subdivision 8 to read as follows:

8. PAYMENT OF CHILD SUPPORT. IF AT THE TIME OF APPLICATION FOR A REGISTRATION OR RENEWAL THEREOF THERE IS ON FILE WITH THE COMMISSIONER PROOF SATISFACTORY TO THE COMMISSIONER THAT THE REGISTRANT IS IN DEFAULT IN PAYMENT OF CHILD SUPPORT OBLIGATIONS AS REQUIRED BY A SEPARATION AGREEMENT OR ORDER OR DECREE OF A COURT OF COMPETENT JURISDICTION, OR THAT A JUDGMENT AGAINST THE REGISTRANT FOR ARREARAGES IN CHILD SUPPORT PAYMENTS HAS NOT BEEN SATISFIED, THE COMMISSIONER OR HIS AGENT SHALL DENY THE REGISTRATION OR RENEWAL APPLICATION UNTIL THE APPLICANT PROVIDES PROOF SATISFACTORY TO THE COMMISSIONER THAT SUCH PAYMENTS HAVE BEEN MADE IN AN AMOUNT SUFFICIENT TO CURE SUCH DEFAULT OR SATISFY SUCH JUDGMENT. WHERE AN APPLICATION IS DENIED PURSUANT TO THIS SUBDIVISION, THE COMMISSIONER MAY, IN HIS DISCRETION, DENY A REGISTRATION OR RENEWAL APPLICATION TO ANY OTHER PERSON FOR THE SAME MOTORCYCLE AND MAY DENY A REGISTRATION OR RENEWAL APPLICATION FOR ANY OTHER MOTORCYCLE REGISTERED IN THE NAME OF THE APPLICANT WHERE THE COMMISSIONER HAS DETERMINED THAT SUCH REGISTRANT'S INTENT HAS BEEN TO EVADE THE PURPOSES OF THIS SUBDIVISION AND WHERE THE COMMISSIONER HAS REASONABLE GROUNDS TO BELIEVE THAT SUCH REGISTRATION OR RENEWAL WILL HAVE THE EFFECT OF DEFEATING THE PURPOSES OF THIS SUBDIVISION. SUCH DENIAL SHALL ONLY REMAIN IN EFFECT AS LONG AS THE APPLICANT REMAINS IN DEFAULT IN PAYMENT PURSUANT TO THE AGREEMENT, ORDER, OR DECREE OR THE JUDGMENT REMAINS UNSATISFIED.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided that the commissioner of motor vehicles is authorized, effective immediately, to promulgate any and all rules and regulations necessary to its implementation on its effective date.