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

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6203

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 26, 2009
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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 vehi-
   cle or motorcycle of a person in default in making child support
   payments

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

 1   Section 1. Subdivision 5-a of section 401 of the vehicle and traffic
 2 law is amended by adding a new paragraph d to read as follows:
 3   D. IF AT THE TIME OF APPLICATION FOR A REGISTRATION OR RENEWAL THEREOF
 4 THERE IS ON FILE WITH THE COMMISSIONER PROOF SATISFACTORY TO THE COMMIS-
 5 SIONER THAT (1) THE REGISTRANT IS IN DEFAULT IN PAYMENT OF CHILD SUPPORT
 6 OBLIGATIONS AS REQUIRED BY A SEPARATION AGREEMENT OR ORDER OR DECREE OF
 7 A COURT OF COMPETENT JURISDICTION OR (2) THAT A JUDGMENT AGAINST THE
 8 REGISTRANT FOR ARREARAGES IN CHILD SUPPORT PAYMENTS HAS NOT BEEN SATIS-
 9 FIED, THE COMMISSIONER OR HIS AGENT SHALL DENY THE REGISTRATION OR
10 RENEWAL APPLICATION UNTIL THE APPLICANT PROVIDES PROOF SATISFACTORY TO
11 THE COMMISSIONER THAT SUCH PAYMENTS HAVE BEEN MADE IN AN AMOUNT SUFFI-
12 CIENT TO CURE SUCH DEFAULT OR SATISFY SUCH JUDGMENT. WHERE AN APPLICA-
13 TION IS DENIED PURSUANT TO THIS PARAGRAPH, THE COMMISSIONER MAY, IN HIS
14 DISCRETION, DENY A REGISTRATION OR RENEWAL APPLICATION TO ANY OTHER
15 PERSON FOR THE SAME VEHICLE AND MAY DENY A REGISTRATION OR RENEWAL
16 APPLICATION FOR ANY OTHER MOTOR VEHICLE REGISTERED IN THE NAME OF THE
17 APPLICANT WHERE THE COMMISSIONER HAS DETERMINED THAT SUCH REGISTRANT'S
18 INTENT HAS BEEN TO EVADE THE PURPOSES OF THIS PARAGRAPH AND WHERE THE
19 COMMISSIONER HAS REASONABLE GROUNDS TO BELIEVE THAT SUCH REGISTRATION OR
20 RENEWAL WILL HAVE THE EFFECT OF DEFEATING THE PURPOSES OF THIS PARA-
21 GRAPH. SUCH DENIAL SHALL ONLY REMAIN IN EFFECT AS LONG AS THE APPLICANT
22 REMAINS IN DEFAULT IN PAYMENT PURSUANT TO THE AGREEMENT, ORDER, OR
23 DECREE OR THE JUDGMENT REMAINS UNSATISFIED.

1   S 2. Section 410 of the vehicle and traffic law is amended by adding a
2 new subdivision 8 to read as follows:
3   8. PAYMENT OF CHILD SUPPORT.   IF AT THE TIME OF APPLICATION FOR A
4 REGISTRATION OR RENEWAL THEREOF THERE IS ON FILE WITH THE COMMISSIONER
5 PROOF SATISFACTORY TO THE COMMISSIONER THAT THE REGISTRANT IS IN DEFAULT
6 IN PAYMENT OF CHILD SUPPORT OBLIGATIONS AS REQUIRED BY A SEPARATION
7 AGREEMENT OR ORDER OR DECREE OF A COURT OF COMPETENT JURISDICTION, OR
8 THAT A JUDGMENT AGAINST THE REGISTRANT FOR ARREARAGES IN CHILD SUPPORT
9 PAYMENTS HAS NOT BEEN SATISFIED, THE COMMISSIONER OR HIS AGENT SHALL
10 DENY THE REGISTRATION OR RENEWAL APPLICATION UNTIL THE APPLICANT
11 PROVIDES PROOF SATISFACTORY TO THE COMMISSIONER THAT SUCH PAYMENTS HAVE
12 BEEN MADE IN AN AMOUNT SUFFICIENT TO CURE SUCH DEFAULT OR SATISFY SUCH
13 JUDGMENT. WHERE AN APPLICATION IS DENIED PURSUANT TO THIS SUBDIVISION,
14 THE COMMISSIONER MAY, IN HIS DISCRETION, DENY A REGISTRATION OR RENEWAL
15 APPLICATION TO ANY OTHER PERSON FOR THE SAME MOTORCYCLE AND MAY DENY A
16 REGISTRATION OR RENEWAL APPLICATION FOR ANY OTHER MOTORCYCLE REGISTERED
17 IN THE NAME OF THE APPLICANT WHERE THE COMMISSIONER HAS DETERMINED THAT
18 SUCH REGISTRANT'S INTENT HAS BEEN TO EVADE THE PURPOSES OF THIS SUBDIVI-
19 SION AND WHERE THE COMMISSIONER HAS REASONABLE GROUNDS TO BELIEVE THAT
20 SUCH REGISTRATION OR RENEWAL WILL HAVE THE EFFECT OF DEFEATING THE
21 PURPOSES OF THIS SUBDIVISION. SUCH DENIAL SHALL ONLY REMAIN IN EFFECT AS
22 LONG AS THE APPLICANT REMAINS IN DEFAULT IN PAYMENT PURSUANT TO THE
23 AGREEMENT, ORDER, OR DECREE OR THE JUDGMENT REMAINS UNSATISFIED.
24   S 3. This act shall take effect on the one hundred twentieth day after
25 it shall have become a law; provided that the commissioner of motor
26 vehicles is authorized, effective immediately, to promulgate any and all
27 rules and regulations necessary to its implementation on its effective
28 date.