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

8569

2009-2010 Regular Sessions

I N A S S E M B L Y

May 28, 2009

Introduced by M. of A. GANTT -- (at request of the Department of Motor Vehicles) -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the retention of motor vehicle records

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

Section 1. Subparagraph (i) of paragraph (i) of subdivision 1 of section 201 of the vehicle and traffic law, as amended by section 2 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

(i) any accident reports filed with the commissioner, conviction certificates, police reports, complaints, satisfied judgment records, closed suspension and revocation orders, hearing records, other than audio tape recordings of hearings, AND significant correspondence relating to any of the same[, and any other record on file] after remaining on file for four years except that if the commissioner shall receive, during the last year of such period of four years, written notice to retain one or more of such papers or documents, the same shall be retained for another four years in addition to said period of four years. The provisions of this paragraph shall not apply to certificates of conviction filed with respect to convictions which affect sentencing or administrative action required by law beyond such four year period. Such certificates may be destroyed after they have no legal effect on sentencing or administrative action;

S 2. Subdivision 1 of section 201 of the vehicle and traffic law is amended by adding a new paragraph (l) to read as follows:

(L) FOR ANY OTHER RECORD NOT SPECIFIED IN THIS SECTION, THE COMMISSIONER OR HIS OR HER DESIGNEE SHALL ESTABLISH A RETENTION SCHEDULE IN CONSULTATION WITH THE STATE ARCHIVES PURSUANT TO SECTION 57.05 OF THE ARTS AND CULTURAL AFFAIRS LAW.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.

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

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