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

7080

2009-2010 Regular Sessions

I N A S S E M B L Y

March 19, 2009

Introduced by M. of A. TOWNS, COOK, McDONOUGH -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to proof of notice of suspension and denial of registration in certain cases

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

Section 1. Section 214 of the vehicle and traffic law, as amended by chapter 568 of the laws of 1994, is amended to read as follows:

S 214. Proof of mailing of notice or order. The production of a copy of a notice or order issued by the department, together with an electronically-generated record of entry of such order or notice upon the appropriate driver's license or registration file of the department and an affidavit by an employee designated by the commissioner as having responsibility for the issuance of such order or notice issued by the department setting forth the procedure for the issuance and the mailing of such notice or order shall be presumptive evidence that such notice of suspension, revocation or order was produced and mailed in accordance with such procedures. The foregoing procedure shall not preclude the use of an affidavit of service by mail, a certificate of mailing or proof of certified or registered mail as proof of mailing of any such order or notice. IN THE CASE OF AN ORDER OF SUSPENSION ISSUED FOR A FAILURE TO APPEAR, ANSWER OR PAY A FINE ISSUED UNDER SECTION TWO HUNDRED TWENTY-SIX OR SUBDIVISION FOUR-A OF SECTION FIVE HUNDRED TEN OF THIS CHAPTER, THE PRODUCTION OF A COPY OF ANY RECORD WHICH CONTAINS THE NATURE AND DATE OF THE CHARGE, THE NAME OF THE MOTORIST, AND THE ADDRESS TO WHICH THE ORDER OF SUSPENSION WAS MAILED SHALL HAVE THE SAME FORCE AND EFFECT AS WOULD A COPY OF SUCH ORDER UNDER THIS SECTION.

S 2. Section 401 of the vehicle and traffic law is amended by adding a new subdivision 5-b to read as follows:

5-B. DENIAL OF REGISTRATION BASED ON SUSPENDED OR REVOKED DRIVER'S LICENSE OR PRIVILEGE. IF AT THE TIME OF APPLICATION FOR A REGISTRATION,

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

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THE RECORDS OF THE DEPARTMENT INDICATE THAT THE REGISTRANT'S LICENSE OR PRIVILEGE OF OPERATING A MOTOR VEHICLE IN THIS STATE OR PRIVILEGE OF OBTAINING A LICENSE TO OPERATE SUCH MOTOR VEHICLE ISSUED BY THE COMMISSIONER IS SUSPENDED, REVOKED OR OTHERWISE WITHDRAWN BY THE COMMISSIONER, THE COMMISSIONER MAY, PURSUANT TO REGULATION, DENY SUCH REGISTRATION. SUCH DENIAL SHALL ONLY REMAIN IN EFFECT AS LONG AS THE SUSPENSION, REVOCATION OR WITHDRAWAL HAS NOT BEEN TERMINATED.

S 3. Subdivision 3 of section 420-a of the vehicle and traffic law, as added by chapter 695 of the laws of 1983, is amended to read as follows:

3. A qualified dealer may issue a temporary registration under this section only to a person to whom he OR SHE has sold or transferred a vehicle. Such a temporary registration may not be issued for a vehicle which is eligible for issuance of a temporary certificate of registration pursuant to subdivision seven of section four hundred twenty of this article. The commissioner may, by regulation, exclude specific classes or types of vehicles from the provisions of this section. THE COMMISSIONER SHALL DISSEMINATE ANY REGULATIONS PROMULGATED PURSUANT TO SUBDIVISION FIVE-B OF SECTION FOUR HUNDRED ONE OF THIS TITLE TO ALL QUALIFIED DEALERS. A QUALIFIED DEALER MAY NOT ISSUE A TEMPORARY REGISTRATION WHERE SUCH ISSUANCE WOULD BE PROHIBITED PURSUANT TO SUCH REGULATIONS.

S 4. This act shall take effect immediately provided that sections two and three of this act shall take effect on the first of December next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of the foregoing sections of this act on their effective date are authorized and directed to be made and completed on or before such effective date.