

8825

I N A S S E M B L Y

(PREFILED)

January 4, 2012

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

AN ACT to amend the vehicle and traffic law, in relation to authorizing
the impoundment of for sale motor vehicles parked on a public highway
with an improper validating sticker or the absence of a proper vali-
dating sticker

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

1 Section 1. Subdivision 4 of section 401 of the vehicle and traffic
2 law, as amended by chapter 132 of the laws of 1986, is amended to read
3 as follows:
4 4. Carrying certificate of registration. Any magistrate, motor vehicle
5 inspector, peace officer, acting pursuant to his special duties, or
6 police officer may request that the operator of any motor vehicle
7 produce for inspection the certificate of registration for such vehicle
8 and such operator shall furnish to such magistrate, inspector, peace
9 officer or police officer any information necessary for the identifica-
10 tion of such vehicle and its owner, and all information required
11 concerning his license to operate, if he is required by law to have such
12 a license, and shall, if required, sign his name in the presence of such
13 magistrate, inspector, peace officer or police officer as a further
14 means of identification. The production of a license to a magistrate,
15 inspector, peace officer or police officer shall be prima facie evidence
16 in a prosecution for a violation of any provision of this chapter, other
17 than section three hundred ninety-two of this chapter, that the person
18 who so produced the license is the person identified on such license.
19 Provided, however, that a photostatic copy of the certificate of regis-
20 tration may be produced in lieu of the original certificate. If a vehi-
21 cle does not have affixed a validating sticker which indicates the plate
22 number, the vehicle identification number and the expiration date of the
23 registration, the failure to produce the certificate of registration, or
24 a photostatic copy of such certificate, shall be presumptive evidence of
25 operating a motor vehicle or trailer which is not registered as required

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

LBD13685-01-1

1 by this article PROVIDED, FURTHER HOWEVER, IF SUCH VEHICLE IS MARKED BY
2 THE OWNER AS BEING OFFERED FOR SALE, AND SUCH CAR IS PARKED ON A PUBLIC
3 HIGHWAY, WITH AN IMPROPER VALIDATING STICKER OR WITHOUT A PROPER VALI-
4 DATING STICKER, SHALL RENDER SUCH VEHICLE SUBJECT TO IMPOUNDMENT BY THE
5 MAGISTRATE, MOTOR VEHICLE INSPECTOR, PEACE OFFICER, ACTING PURSUANT TO
6 HIS SPECIAL DUTIES, OR POLICE OFFICER, INSPECTING SUCH VEHICLE.
7 S 2. This act shall take effect on the first of November next succeed-
8 ing the date on which it shall have become a law.