

4069

2011-2012 Regular Sessions

I N S E N A T E

March 16, 2011

Introduced by Sen. FUSCHILLO -- (at request of the Department of Motor Vehicles) -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to allowing the commissioner to require an electronic transfer of vehicles and to establish separate fees for paper and electronic transfers

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

1 Section 1. Subdivision 6 of section 415 of the vehicle and traffic
2 law, as amended by section 1-b of part A of chapter 63 of the laws of
3 2005, is amended to read as follows:
4 6. Fees. Every original application for registration as a dealer or
5 transporter shall be accompanied by an application fee of thirty-seven
6 dollars and fifty cents, which shall in no event be refunded. The annual
7 fee for registration as a dealer or transporter or for renewal thereof
8 shall be two hundred twenty-five dollars. The annual fee for any other
9 registration under this section shall be fifty dollars. However, the
10 commissioner may, in his discretion, issue a renewal of either registra-
11 tion for a period of two years. The fee for a two-year renewal shall be
12 twice the annual fee. The annual fee for dealer or transporter number
13 plates shall be twenty dollars for each set. If the commissioner issues
14 to dealers a document which is required to be used by a dealer to sell
15 or transfer a vehicle, the fee for the issuance of each such document
16 shall be five dollars. IN LIEU OF ISSUING SUCH DOCUMENT, THE COMMIS-
17 SIONER MAY, BY REGULATION, REQUIRE THAT THE INFORMATION CONTAINED ON
18 SUCH DOCUMENT BE TRANSMITTED TO THE COMMISSIONER ELECTRONICALLY AND
19 STORED ELECTRONICALLY BY THE COMMISSIONER. THE FEE FOR TRANSMITTING SUCH
20 INFORMATION ELECTRONICALLY SHALL BE FIVE DOLLARS. THE COMMISSIONER SHALL
21 PROVIDE THAT SUCH ELECTRONIC TRANSMISSION BE WAIVED WHEN A DEALER SHOWS
22 GOOD CAUSE THAT THE DEALER CANNOT TRANSMIT THE INFORMATION ELECTRON-
23 ICALLY. There shall be no refund of registration fee or fees for number
24 plates in the event of suspension, revocation or voluntary cancellation
25 of registration. The fee for any such transfer document issued by the

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

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1 commissioner shall be refunded only upon the surrender of such document
2 upon voluntary cancellation of registration.

3 S 2. Subdivision 6 of section 415 of the vehicle and traffic law, as
4 amended by chapter 7 of the laws of 2000, is amended to read as follows:

5 6. Fees. Every original application for registration as a dealer or
6 transporter shall be accompanied by an application fee of twenty-five
7 dollars, which shall in no event be refunded. The annual fee for regis-
8 tration as a dealer or transporter or for renewal thereof shall be one
9 hundred fifty dollars. The annual fee for any other registration under
10 this section shall be fifty dollars. However, the commissioner may, in
11 his discretion, issue a renewal of either registration for a period of
12 two years. The fee for a two-year renewal shall be twice the annual fee.
13 The annual fee for dealer or transporter number plates shall be twenty
14 dollars for each set. If the commissioner issues to dealers a document
15 which is required to be used by a dealer to sell or transfer a vehicle,
16 the fee for the issuance of each such document shall be one dollar. IN
17 LIEU OF ISSUING SUCH DOCUMENT, THE COMMISSIONER MAY, BY REGULATION,
18 REQUIRE THAT THE INFORMATION CONTAINED ON SUCH DOCUMENT BE TRANSMITTED
19 TO THE COMMISSIONER ELECTRONICALLY AND STORED ELECTRONICALLY BY THE
20 COMMISSIONER. THE FEE FOR TRANSMITTING SUCH INFORMATION ELECTRONICALLY
21 SHALL BE FIVE DOLLARS. THE COMMISSIONER SHALL PROVIDE THAT SUCH ELEC-
22 TRONIC TRANSMISSION BE WAIVED WHEN A DEALER SHOWS GOOD CAUSE THAT THE
23 DEALER CANNOT TRANSMIT THE INFORMATION ELECTRONICALLY. There shall be no
24 refund of registration fee or fees for number plates in the event of
25 suspension, revocation or voluntary cancellation of registration. The
26 fee for any such transfer document issued by the commissioner shall be
27 refunded only upon the surrender of such document upon voluntary cancel-
28 lation of registration.

29 S 3. Paragraph (b) of subdivision 1 of section 429 of the vehicle and
30 traffic law, as amended by chapter 691 of the laws of 1979, is amended
31 to read as follows:

32 (b) By a vehicle dismantler. Whenever a person who is engaged in a
33 business requiring him to be registered as a vehicle dismantler or an
34 itinerant vehicle collector acquires a motor vehicle which has been sold
35 or otherwise disposed of as junk or for salvage, such person shall
36 deliver a statement concerning such acquisition to the commissioner as
37 provided in this section. Such person shall deliver the certificate of
38 title or any other ownership documents relating to such motor vehicle
39 properly executed to transfer title by the transferor to the vehicle
40 dismantler or itinerant vehicle collector and notices of release of
41 security interest from any lienholder whose lien has been satisfied to
42 the commissioner with the required statement of acquisition. However,
43 the provisions of this subdivision shall not apply to a vehicle which
44 has been transferred to a vehicle dismantler registered under section
45 four hundred fifteen-a of this chapter by means of a document issued
46 pursuant to this section. THE COMMISSIONER MAY, BY REGULATION, WAIVE THE
47 REQUIREMENTS OF THIS SUBDIVISION WITH RESPECT TO THE DELIVERY OF DOCU-
48 MENTS OR, IN THE ALTERNATIVE, ALLOW SUCH REQUIREMENTS TO BE SATISFIED BY
49 AN ELECTRONIC FILING OF THE NECESSARY INFORMATION BY OR ON BEHALF OF THE
50 PERSON TO WHOM SUCH REQUIREMENTS APPLY.

51 S 4. This act shall take effect immediately provided that the amend-
52 ments to subdivision 6 of section 415 of the vehicle and traffic law
53 made by section one of this act shall be subject to the expiration and
54 reversion of such subdivision pursuant to section 13 of part U-1 of
55 chapter 62 of the laws of 2003, as amended, when upon such date the
56 provisions of section two of this act shall take effect.