

6637

I N S E N A T E

March 7, 2012

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

AN ACT to amend the civil practice law and rules, in relation to admissibility of certain certified business records of the department of motor vehicles

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

1 Section 1. Rule 4518 of the civil practice law and rules is amended by  
2 adding a new subdivision (h) to read as follows:

3 (H) 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ABSTRACTS OF OPER-  
4 ATING RECORDS FURNISHED BY THE COMMISSIONER OF MOTOR VEHICLES PURSUANT  
5 TO SECTION THREE HUNDRED FIFTY-FOUR OF THE VEHICLE AND TRAFFIC LAW,  
6 OTHER ABSTRACTS OR SUMMARIES OF RECORDS ON FILE WITH THE DEPARTMENT OF  
7 MOTOR VEHICLES AND, EXCEPT AS PROVIDED IN PARAGRAPH TWO OF THIS SUBDIVI-  
8 SION, ANY NOTICE OR ORDER ISSUED BY SUCH DEPARTMENT, ARE ADMISSIBLE IN  
9 EVIDENCE UNDER THIS RULE, PROVIDED THAT THEY INCLUDE OR ARE ACCOMPANIED  
10 BY A CERTIFICATION OF THE COMMISSIONER OR OF AN EMPLOYEE OF SUCH DEPART-  
11 MENT DESIGNATED BY THE COMMISSIONER ATTESTING THAT SUCH ABSTRACT, SUMMA-  
12 RY, NOTICE OR ORDER IS A TRUE AND COMPLETE COPY OF A RECORD ON FILE WITH  
13 SUCH DEPARTMENT. IF SO CERTIFIED, SUCH ABSTRACT, SUMMARY, NOTICE OR  
14 ORDER SHALL BE ADMITTED INTO EVIDENCE UNDER THIS RULE WITHOUT THE NEED  
15 FOR ADDITIONAL FOUNDATION TESTIMONY.

16 2. NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH ONE OF THIS SUBDIVISION  
17 OR OF ANY OTHER LAW, A COPY OF ANY NOTICE OR ORDER, ISSUED BY THE  
18 COMMISSIONER OF MOTOR VEHICLES, OF THE SUSPENSION, REVOCATION OR WITH-  
19 DRAWAL OF ANY LICENSE, NON-RESIDENT PRIVILEGE TO OPERATE A MOTOR VEHICLE  
20 IN THIS STATE, PRIVILEGE OF OBTAINING A LICENSE TO OPERATE A MOTOR VEHI-  
21 CLE OR MOTOR VEHICLE REGISTRATION, TOGETHER WITH A PROOF OF MAILING  
22 RECORD ISSUED BY THE COMMISSIONER OR AN EMPLOYEE OF THE DEPARTMENT OF  
23 MOTOR VEHICLES DESIGNATED BY THE COMMISSIONER, SHALL BE ADMITTED INTO  
24 EVIDENCE UNDER THIS RULE WITHOUT THE NEED FOR ADDITIONAL FOUNDATION  
25 TESTIMONY; PROVIDED, HOWEVER, THAT (I) THE NOTICE OR ORDER OF SUSPEN-  
26 SION, REVOCATION OR WITHDRAWAL INCLUDES OR IS ACCOMPANIED BY A CERTIF-

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

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1 ICATION OF THE COMMISSIONER OR OF AN EMPLOYEE DESIGNATED BY THE COMMIS-  
2 SIONER ATTESTING THAT THE NOTICE OR ORDER IS A TRUE AND COMPLETE COPY OF  
3 A RECORD ON FILE WITH THE DEPARTMENT; AND (II) THE PROOF OF MAILING  
4 RECORD INCLUDES A CERTIFICATION ISSUED BY THE COMMISSIONER OR AN EMPLOY-  
5 EE OF THE DEPARTMENT DESIGNATED BY THE COMMISSIONER DESCRIBING THE MAIL-  
6 ING PROCEDURES USED BY THE DEPARTMENT IN MAILING SUCH NOTICES OR ORDERS  
7 OF SUSPENSION, REVOCATION OR WITHDRAWAL, AND MAILING DATA SUPPLIED TO  
8 THE DEPARTMENT BY THE UNITED STATES POSTAL SERVICE UNDER CONTRACT TO THE  
9 DEPARTMENT.  
10 S 2. This act shall take effect immediately.