

6953

I N S E N A T E

April 7, 2014

Introduced by Sen. CARLUCCI -- 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 liability of vehicle owners for toll collection violations

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

1 Section 1. Subdivision 4-d of section 510 of the vehicle and traffic
2 law, as added by chapter 379 of the laws of 1992, is amended to read as
3 follows:
4 4-d. Suspension of registration for failure to answer or pay penalties
5 with respect to certain violations. Upon the receipt of a notification,
6 IN THE MANNER AND FORM PRESCRIBED BY THE COMMISSIONER, from a court
7 [or], an administrative tribunal, A PUBLIC AUTHORITY, OR ANY OTHER
8 PUBLIC ENTITY IMPOSING VIOLATIONS, that an owner of a motor vehicle
9 failed to appear on the return date or dates or a new subsequent
10 adjourned date or dates or failed to pay any penalty imposed by a court
11 or failed to comply with the rules and regulations of an administrative
12 tribunal following entry of a final decision or decisions, in response
13 to five or more notices of liability or other process, issued within an
14 eighteen month period FROM ANY AND ALL JURISDICTIONS charging such owner
15 with a violation of toll collection regulations in accordance with the
16 provisions of section two thousand nine hundred eighty-five of the
17 public authorities law or sections sixteen-a, sixteen-b and sixteen-c of
18 chapter seven hundred seventy-four of the laws of nineteen hundred
19 fifty, OR OTHER COMPARABLE LAW, the commissioner or his OR HER agent
20 shall suspend the registration of the vehicle or vehicles involved in
21 the violation or the privilege of operation of any motor vehicle owned
22 by the registrant. Such suspension shall take effect no less than thirty
23 days from the date on which notice thereof is sent by the commissioner
24 to the person whose registration or privilege is suspended and shall
25 remain in effect until such registrant has appeared in response to such
26 notices of liability or has paid such penalty or in the case of an
27 administrative tribunal, the registrant has complied with the rules and
28 regulations following the entry of a final decision or decisions.

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

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1 S 2. Subparagraph (i) of paragraph a of subdivision 5-a of section 401
2 of the vehicle and traffic law, as amended by section 9 of chapter 189
3 of the laws of 2013, is amended to read as follows:

4 (i) If at the time of application for a registration or renewal there-
5 of there is a certification from a court, parking violations bureau,
6 traffic and parking violations agency or administrative tribunal of
7 appropriate jurisdiction [or administrative tribunal of appropriate
8 jurisdiction] that the registrant or his or her representative failed to
9 appear on the return date or any subsequent adjourned date or failed to
10 comply with the rules and regulations of an administrative tribunal
11 following entry of a final decision in response to a total of three or
12 more summonses or other process in the aggregate, issued within an eigh-
13 teen month period, charging either that: (i) such motor vehicle was
14 parked, stopped or standing, or that such motor vehicle was operated for
15 hire by the registrant or his or her agent without being licensed as a
16 motor vehicle for hire by the appropriate local authority, in violation
17 of any of the provisions of this chapter or of any law, ordinance, rule
18 or regulation made by a local authority; or (ii) the registrant was
19 liable in accordance with section eleven hundred eleven-a of this chap-
20 ter or section eleven hundred eleven-b of this chapter for a violation
21 of subdivision (d) of section eleven hundred eleven of this chapter; or
22 (iii) the registrant was liable in accordance with section eleven
23 hundred eleven-c of this chapter for a violation of a bus lane
24 restriction as defined in such section, or (iv) the registrant was
25 liable in accordance with section eleven hundred eighty-b of this chap-
26 ter for a violation of subdivision (c) or (d) of section eleven hundred
27 eighty of this chapter; OR (V) THE REGISTRANT WAS LIABLE IN ACCORDANCE
28 WITH SECTION TWENTY-NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHORITIES
29 LAW OR SECTION SIXTEEN-A, SIXTEEN-B OR SIXTEEN-C OF CHAPTER SEVEN
30 HUNDRED SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED FIFTY, the commis-
31 sioner or his or her agent shall deny the registration or renewal appli-
32 cation until the applicant provides proof from the court, traffic and
33 parking violations agency or administrative tribunal wherein the charges
34 are pending that an appearance or answer has been made or in the case of
35 an administrative tribunal that he or she has complied with the rules
36 and regulations of said tribunal following entry of a final decision.
37 Where an application is denied pursuant to this section, the commis-
38 sioner may, in his or her discretion, deny a registration or renewal appli-
39 cation to any other person for the same vehicle and may deny a registra-
40 tion or renewal application for any other motor vehicle registered in
41 the name of the applicant where the commissioner has determined that
42 such registrant's intent has been to evade the purposes of this subdivi-
43 sion and where the commissioner has reasonable grounds to believe that
44 such registration or renewal will have the effect of defeating the
45 purposes of this subdivision. Such denial shall only remain in effect as
46 long as the summonses remain unanswered, or in the case of an adminis-
47 trative tribunal, the registrant fails to comply with the rules and
48 regulations following entry of a final decision.

49 S 2-a. Paragraph a of subdivision 5-a of section 401 of the vehicle
50 and traffic law, as amended by section 9-a of chapter 189 of the laws of
51 2013, is amended to read as follows:

52 a. If at the time of application for a registration or renewal thereof
53 there is a certification from a court or administrative tribunal of
54 appropriate jurisdiction that the registrant or his or her represen-
55 tative failed to appear on the return date or any subsequent adjourned
56 date or failed to comply with the rules and regulations of an adminis-

1 trative tribunal following entry of a final decision in response to a
2 total of three or more summonses or other process in the aggregate,
3 issued within an eighteen month period, charging either that: (i) such
4 motor vehicle was parked, stopped or standing, or that such motor vehi-
5 cle was operated for hire by the registrant or his or her agent without
6 being licensed as a motor vehicle for hire by the appropriate local
7 authority, in violation of any of the provisions of this chapter or of
8 any law, ordinance, rule or regulation made by a local authority; or
9 (ii) the registrant was liable in accordance with section eleven hundred
10 eleven-b of this chapter for a violation of subdivision (d) of section
11 eleven hundred eleven of this chapter; or (iii) the registrant was
12 liable in accordance with section eleven hundred eleven-c of this chap-
13 ter for a violation of a bus lane restriction as defined in such
14 section; or (iv) the registrant was liable in accordance with section
15 eleven hundred eighty-b of this chapter for a violation of subdivision
16 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
17 ter; OR (V) THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION TWEN-
18 TY-NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR SECTION
19 SIXTEEN-A, SIXTEEN-B OR SIXTEEN-C OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR
20 OF THE LAWS OF NINETEEN HUNDRED FIFTY, the commissioner or his or her
21 agent shall deny the registration or renewal application until the
22 applicant provides proof from the court or administrative tribunal wher-
23 ein the charges are pending that an appearance or answer has been made
24 or in the case of an administrative tribunal that he or she has complied
25 with the rules and regulations of said tribunal following entry of a
26 final decision. Where an application is denied pursuant to this section,
27 the commissioner may, in his or her discretion, deny a registration or
28 renewal application to any other person for the same vehicle and may
29 deny a registration or renewal application for any other motor vehicle
30 registered in the name of the applicant where the commissioner has
31 determined that such registrant's intent has been to evade the purposes
32 of this subdivision and where the commissioner has reasonable grounds to
33 believe that such registration or renewal will have the effect of
34 defeating the purposes of this subdivision. Such denial shall only
35 remain in effect as long as the summonses remain unanswered, or in the
36 case of an administrative tribunal, the registrant fails to comply with
37 the rules and regulations following entry of a final decision.

38 S 2-b. Paragraph a of subdivision 5-a of section 401 of the vehicle
39 and traffic law, as amended by section 9-b of chapter 189 of the laws of
40 2013, is amended to read as follows:

41 a. If at the time of application for a registration or renewal thereof
42 there is a certification from a court or administrative tribunal of
43 appropriate jurisdiction that the registrant or his or her represen-
44 tative failed to appear on the return date or any subsequent adjourned
45 date or failed to comply with the rules and regulations of an adminis-
46 trative tribunal following entry of a final decision in response to
47 three or more summonses or other process, issued within an eighteen
48 month period, charging that such motor vehicle was parked, stopped or
49 standing, or that such motor vehicle was operated for hire by the regis-
50 trant or his or her agent without being licensed as a motor vehicle for
51 hire by the appropriate local authority, in violation of any of the
52 provisions of this chapter or of any law, ordinance, rule or regulation
53 made by a local authority or the registrant was liable in accordance
54 with section eleven hundred eleven-c of this chapter for a violation of
55 a bus lane restriction as defined in such section, or the registrant was
56 liable in accordance with section eleven hundred eighty-b of this chap-

1 ter for a violation of subdivision (b), (c), (d), (f) or (g) of section
2 eleven hundred eighty of this chapter, OR THE REGISTRANT WAS LIABLE IN
3 ACCORDANCE WITH SECTION TWENTY-NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC
4 AUTHORITIES LAW OR SECTION SIXTEEN-A, SIXTEEN-B OR SIXTEEN-C OF CHAPTER
5 SEVEN HUNDRED SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED FIFTY, the
6 commissioner or his or her agent shall deny the registration or renewal
7 application until the applicant provides proof from the court or admin-
8 istrative tribunal wherein the charges are pending that an appearance or
9 answer has been made or in the case of an administrative tribunal that
10 he or she has complied with the rules and regulations of said tribunal
11 following entry of a final decision. Where an application is denied
12 pursuant to this section, the commissioner may, in his or her
13 discretion, deny a registration or renewal application to any other
14 person for the same vehicle and may deny a registration or renewal
15 application for any other motor vehicle registered in the name of the
16 applicant where the commissioner has determined that such registrant's
17 intent has been to evade the purposes of this subdivision and where the
18 commissioner has reasonable grounds to believe that such registration or
19 renewal will have the effect of defeating the purposes of this subdivi-
20 sion. Such denial shall only remain in effect as long as the summonses
21 remain unanswered, or in the case of an administrative tribunal, the
22 registrant fails to comply with the rules and regulations following
23 entry of a final decision.

24 S 2-c. Paragraph a of subdivision 5-a of section 401 of the vehicle
25 and traffic law, as amended by section 9-c of chapter 189 of the laws of
26 2013, is amended to read as follows:

27 a. If at the time of application for a registration or renewal thereof
28 there is a certification from a court or administrative tribunal of
29 appropriate jurisdiction that the registrant or his representative
30 failed to appear on the return date or any subsequent adjourned date or
31 failed to comply with the rules and regulations of an administrative
32 tribunal following entry of a final decision in response to three or
33 more summonses or other process, issued within an eighteen month period,
34 charging that such motor vehicle was parked, stopped or standing, or
35 that such motor vehicle was operated for hire by the registrant or his
36 agent without being licensed as a motor vehicle for hire by the appro-
37 priate local authority, in violation of any of the provisions of this
38 chapter or of any law, ordinance, rule or regulation made by a local
39 authority, or the registrant was liable in accordance with section elev-
40 en hundred eighty-b of this chapter for violations of subdivision (b),
41 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter,
42 OR THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION TWENTY-NINE
43 HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR SECTION SIXTEEN-A,
44 SIXTEEN-B OR SIXTEEN-C OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR OF THE LAWS
45 OF NINETEEN HUNDRED FIFTY, the commissioner or his agent shall deny the
46 registration or renewal application until the applicant provides proof
47 from the court or administrative tribunal wherein the charges are pend-
48 ing that an appearance or answer has been made or in the case of an
49 administrative tribunal that he has complied with the rules and regu-
50 lations of said tribunal following entry of a final decision. Where an
51 application is denied pursuant to this section, the commissioner may, in
52 his discretion, deny a registration or renewal application to any other
53 person for the same vehicle and may deny a registration or renewal
54 application for any other motor vehicle registered in the name of the
55 applicant where the commissioner has determined that such registrant's
56 intent has been to evade the purposes of this subdivision and where the

1 commissioner has reasonable grounds to believe that such registration or
2 renewal will have the effect of defeating the purposes of this subdivi-
3 sion. Such denial shall only remain in effect as long as the summonses
4 remain unanswered, or in the case of an administrative tribunal, the
5 registrant fails to comply with the rules and regulations following
6 entry of a final decision.

7 S 2-d. Paragraph a of subdivision 5-a of section 401 of the vehicle
8 and traffic law, as separately amended by chapters 339 and 592 of the
9 laws of 1987, is amended to read as follows:

10 a. If at the time of application for a registration or renewal thereof
11 there is a certification from a court or administrative tribunal of
12 appropriate jurisdiction that the registrant or his representative
13 failed to appear on the return date or any subsequent adjourned date or
14 failed to comply with the rules and regulations of an administrative
15 tribunal following entry of a final decision in response to three or
16 more summonses or other process, issued within an eighteen month period,
17 charging that such motor vehicle was parked, stopped or standing, or
18 that such motor vehicle was operated for hire by the registrant or his
19 agent without being licensed as a motor vehicle for hire by the appro-
20 priate local authority, in violation of any of the provisions of this
21 chapter or of any law, ordinance, rule or regulation made by a local
22 authority, OR THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION TWEN-
23 TY-NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR SECTION
24 SIXTEEN-A, SIXTEEN-B OR SIXTEEN-C OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR
25 OF THE LAWS OF NINETEEN HUNDRED FIFTY, the commissioner or his agent
26 shall deny the registration or renewal application until the applicant
27 provides proof from the court or administrative tribunal wherein the
28 charges are pending that an appearance or answer has been made or in the
29 case of an administrative tribunal that he has complied with the rules
30 and regulations of said tribunal following entry of a final decision.
31 Where an application is denied pursuant to this section, the commission-
32 er may, in his discretion, deny a registration or renewal application to
33 any other person for the same vehicle and may deny a registration or
34 renewal application for any other motor vehicle registered in the name
35 of the applicant where the commissioner has determined that such regis-
36 trant's intent has been to evade the purposes of this subdivision and
37 where the commissioner has reasonable grounds to believe that such
38 registration or renewal will have the effect of defeating the purposes
39 of this subdivision. Such denial shall only remain in effect as long as
40 the summonses remain unanswered, or in the case of an administrative
41 tribunal, the registrant fails to comply with the rules and regulations
42 following entry of a final decision.

43 S 3. The vehicle and traffic law is amended by adding a new section
44 518 to read as follows:

45 S 518. RECIPROCAL AGREEMENTS CONCERNING SUSPENSION OR DENIAL OF REGIS-
46 TRATION OF A MOTOR VEHICLE FOR VIOLATIONS OF TOLL COLLECTION REGU-
47 LATIONS. 1. THE COMMISSIONER MAY EXECUTE A RECIPROCAL COMPACT OR AGREE-
48 MENT REGARDING THE TOLL COLLECTION VIOLATIONS WITH THE MOTOR VEHICLE
49 ADMINISTRATOR OR OTHER AUTHORIZED OFFICIAL OF ANOTHER STATE NOT INCON-
50 SISTENT WITH THE PROVISIONS OF THIS CHAPTER. SUCH COMPACT OR AGREEMENT
51 SHALL PROVIDE THAT IF A REGISTRATION OF A MOTOR VEHICLE WOULD BE
52 SUSPENDED PURSUANT TO SUBDIVISION FIVE-A OF SECTION FOUR HUNDRED ONE OF
53 THIS CHAPTER, OR PURSUANT TO A COMPARABLE LAW OR REGULATION OF ANOTHER
54 STATE, OR IF THE REGISTRATION OR RENEWAL OF A MOTOR VEHICLE WOULD BE
55 DENIED PURSUANT TO SUBDIVISION FOUR-D OF SECTION FIVE HUNDRED TEN OF
56 THIS ARTICLE, OR PURSUANT TO A COMPARABLE LAW OR REGULATION OF ANOTHER

1 STATE, BECAUSE AN OWNER OF A MOTOR VEHICLE (A) FAILED TO APPEAR, (B)
2 FAILED TO PAY ANY PENALTY IMPOSED BY A COURT, OR (C) FAILED TO COMPLY
3 WITH THE RULES AND REGULATIONS OF AN ADMINISTRATIVE TRIBUNAL FOLLOWING
4 ENTRY OF A FINAL DECISION IN RESPONSE TO FIVE OR MORE NOTICES OF LIABIL-
5 ITY OF OTHER PROCESS ISSUED WITHIN AN EIGHTEEN-MONTH PERIOD IN ACCORD-
6 ANCE WITH THE PROVISIONS OF SECTION TWENTY-NINE HUNDRED EIGHTY-FIVE OF
7 THE PUBLIC AUTHORITIES LAW OR SECTIONS ONE THROUGH SIXTEEN, SIXTEEN-A,
8 SIXTEEN-B AND SIXTEEN-C OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR OF THE
9 LAWS OF NINETEEN HUNDRED FIFTY, OR WITH ANY COMPARABLE LAW OR REGULATION
10 OF ANOTHER STATE, THEN THE STATE ISSUING THE REGISTRATION SHALL LIKEWISE
11 SUSPEND THE REGISTRATION OR DENY THE REGISTRATION OR RENEWAL, UNTIL SUCH
12 REGISTRANT OR APPLICANT HAS APPEARED IN RESPONSE TO SUCH NOTICES OF
13 LIABILITY, OR HAS PAID SUCH PENALTY, OR, IN THE CASE OF AN ADMINISTRA-
14 TIVE TRIBUNAL, THE REGISTRANT OR APPLICANT HAS COMPLIED WITH THE RULES
15 AND REGULATIONS FOLLOWING THE ENTRY OF A FINAL DECISION OR DECISIONS.

16 2. SUCH COMPACT OR AGREEMENT SHALL ALSO PROVIDE SUCH TERMS AND PROCE-
17 DURES AS ARE NECESSARY AND PROPER TO FACILITATE ITS ADMINISTRATION. ANY
18 SUCH COMPACT OR AGREEMENT SHALL SPECIFY THE VIOLATIONS SUBJECT TO THE
19 COMPACT OR AGREEMENT, AND SHALL INCLUDE A DETERMINATION OF COMPARABLE
20 VIOLATIONS IN EACH STATE IF ANY SUCH VIOLATIONS ARE OF A SUBSTANTIALLY
21 SIMILAR NATURE BUT ARE NOT DENOMINATED OR DESCRIBED IN PRECISELY THE
22 SAME WORDS IN EACH PARTY STATE.

23 3. THE WORD "STATE" WHEN USED IN THIS SECTION SHALL MEAN ANY STATE,
24 TERRITORY, A POSSESSION OF THE UNITED STATES, DISTRICT OF COLUMBIA OR
25 ANY PROVINCE OF CANADA.

26 S 4. This act shall take effect on the one hundred twentieth day after
27 it shall have become a law; provided however that:

28 (a) the amendments to subparagraph (i) of paragraph a of subdivision
29 5-a of section 401 of the vehicle and traffic law made by section two of
30 this act shall not affect the expiration of such paragraph and shall be
31 deemed to expire therewith, when upon such date the provisions of
32 section two-a of this act shall take effect;

33 (b) the amendments to paragraph a of subdivision 5-a of section 401 of
34 the vehicle and traffic law made by section two-a of this act shall not
35 affect the expiration of such paragraph and shall be deemed to expire
36 therewith, when upon such date the provisions of section two-b of this
37 act shall take effect;

38 (c) the amendments to paragraph a of subdivision 5-a of section 401 of
39 the vehicle and traffic law made by section two-b of this act shall not
40 affect the expiration of such paragraph and shall be deemed to expire
41 therewith, when upon such date the provisions of section two-c of this
42 act shall take effect; and

43 (d) the amendments to paragraph a of subdivision 5-a of section 401 of
44 the vehicle and traffic law made by section two-c of this act shall not
45 affect the expiration of such paragraph and shall be deemed to expire
46 therewith, when upon such date the provisions of section two-d of this
47 act shall take effect.