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

1617

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

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

AN ACT to amend the vehicle and traffic law, in relation to allowing installment payments upon conviction of aggravated unlicensed operation of a motor vehicle

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

Section 1. Section 511 of the vehicle and traffic law is amended by adding a new subdivision 8 to read as follows:

8. SUSPENSION WAIVED UPON PAYMENT OF JUDGMENT IN INSTALLMENTS. (A) THE COMMISSIONER SHALL NOT SUSPEND A LICENSE OR REGISTRATION OF A MOTOR VEHICLE UNDER THIS SECTION, AND SHALL RESTORE ANY LICENSE OR REGISTRATION SUSPENDED FOLLOWING NON-PAYMENT OF A JUDGMENT, WHEN THE JUDGMENT DEBTOR GIVES PROOF OF HIS FINANCIAL RESPONSIBILITY IN THE FUTURE AS HEREINAFTER PROVIDED, AND WHEN THE JUDGMENT DEBTOR OBTAINS AN ORDER FROM THE COURT IN WHICH SUCH JUDGMENT WAS RENDERED, PERMITTING THE PAYMENT OF SUCH JUDGMENT IN INSTALLMENTS, AND WHILE THE PAYMENT OF ANY SAID INSTALLMENT IS NOT IN DEFAULT.

(B) A JUDGMENT DEBTOR UPON FIVE DAYS' NOTICE TO THE JUDGMENT CREDITOR MAY APPLY TO THE COURT IN WHICH SUCH JUDGMENT WAS OBTAINED FOR THE PRIVILEGE OF PAYING SUCH JUDGMENT IN INSTALLMENTS AND THE COURT, IN ITS DISCRETION AND WITHOUT PREJUDICE TO ANY OTHER LEGAL REMEDIES WHICH THE JUDGMENT CREDITOR MAY HAVE, MAY SO ORDER, FIXING THE AMOUNTS AND TIMES OF PAYMENT OF THE INSTALLMENTS.

(C) IN THE EVENT THE JUDGMENT DEBTOR FAILS TO PAY ANY INSTALLMENT AS PERMITTED BY THE ORDER OF THE COURT, THEN UPON NOTICE OF SUCH DEFAULT THE COMMISSIONER SHALL FORTHWITH SUSPEND THE LICENSE AND REGISTRATION CERTIFICATES AND REGISTRATION PLATES OF THE JUDGMENT DEBTOR UNTIL SUCH JUDGMENT IS SATISFIED AS PROVIDED IN THIS ARTICLE.

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

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(D) PROVIDED, HOWEVER, IF THE JUDGMENT CREDITOR CONSENTS IN WRITING, IN SUCH FORM AS THE COMMISSIONER MAY PRESCRIBE, THAT THE JUDGMENT DEBTOR BE ALLOWED LICENSE AND REGISTRATION THE SAME MAY BE ALLOWED BY THE COMMISSIONER, IN HIS DISCRETION, NOTWITHSTANDING DEFAULT IN THE PAYMENT OF SUCH JUDGMENT OR OF ANY INSTALLMENTS THEREOF, FOR SIX MONTHS FROM THE DATE OF SUCH CONSENT AND THEREAFTER UNTIL SUCH CONSENT IS REVOKED IN WRITING, IF THE JUDGMENT DEBTOR FURNISHES PROOF OF HIS FINANCIAL RESPONSIBILITY IN THE FUTURE AS HEREINAFTER PROVIDED.

S 2. This act shall take effect immediately.