

1617

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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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 opera-  
tion of a motor vehicle

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

1     Section 1. Section 511 of the vehicle and traffic law is amended by  
2     adding a new subdivision 8 to read as follows:  
3     8. SUSPENSION WAIVED UPON PAYMENT OF JUDGMENT IN INSTALLMENTS.     (A)  
4     THE COMMISSIONER SHALL NOT SUSPEND A LICENSE OR REGISTRATION OF A MOTOR  
5     VEHICLE UNDER THIS SECTION, AND SHALL RESTORE ANY LICENSE OR REGISTRA-  
6     TION SUSPENDED FOLLOWING NON-PAYMENT OF A JUDGMENT, WHEN THE JUDGMENT  
7     DEBTOR GIVES PROOF OF HIS FINANCIAL RESPONSIBILITY IN THE FUTURE AS  
8     HEREINAFTER PROVIDED, AND WHEN THE JUDGMENT DEBTOR OBTAINS AN ORDER FROM  
9     THE COURT IN WHICH SUCH JUDGMENT WAS RENDERED, PERMITTING THE PAYMENT OF  
10    SUCH JUDGMENT IN INSTALLMENTS, AND WHILE THE PAYMENT OF ANY SAID  
11    INSTALLMENT IS NOT IN DEFAULT.  
12    (B) A JUDGMENT DEBTOR UPON FIVE DAYS' NOTICE TO THE JUDGMENT CREDITOR  
13    MAY APPLY TO THE COURT IN WHICH SUCH JUDGMENT WAS OBTAINED FOR THE PRIV-  
14    ILEGE OF PAYING SUCH JUDGMENT IN INSTALLMENTS AND THE COURT, IN ITS  
15    DISCRETION AND WITHOUT PREJUDICE TO ANY OTHER LEGAL REMEDIES WHICH THE  
16    JUDGMENT CREDITOR MAY HAVE, MAY SO ORDER, FIXING THE AMOUNTS AND TIMES  
17    OF PAYMENT OF THE INSTALLMENTS.  
18    (C) IN THE EVENT THE JUDGMENT DEBTOR FAILS TO PAY ANY INSTALLMENT AS  
19    PERMITTED BY THE ORDER OF THE COURT, THEN UPON NOTICE OF SUCH DEFAULT  
20    THE COMMISSIONER SHALL FORTHWITH SUSPEND THE LICENSE AND REGISTRATION  
21    CERTIFICATES AND REGISTRATION PLATES OF THE JUDGMENT DEBTOR UNTIL SUCH  
22    JUDGMENT IS SATISFIED AS PROVIDED IN THIS ARTICLE.

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

LBD05753-01-3

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

9 S 2. This act shall take effect immediately.