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

10164

I N A S S E M B L Y

May 13, 2016

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

AN ACT to amend the vehicle and traffic law, in relation to the surrender of number plates of all motor vehicles which a person has registered where such person has a revoked license arising out of the operation of a motor vehicle

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

Section 1. The vehicle and traffic law is amended by adding a new section 403-c to read as follows:

S 403-C. SURRENDER OF REGISTRATION AND NUMBER PLATES. 1. ANY PERSON WHO HAS HAD THEIR LICENSE REVOKED PURSUANT TO SECTION FIVE HUNDRED TEN OR FIVE HUNDRED TEN-A OF THIS CHAPTER, FOR CONDUCT RELATING TO THE OPERATION OF A MOTOR VEHICLE, SHALL SURRENDER TO THE DEPARTMENT THE NUMBER PLATES OF ALL MOTOR VEHICLES WHICH SUCH PERSON HAS REGISTERED PURSUANT TO THIS ARTICLE, AND SHALL HAVE ANY MOTOR VEHICLE REGISTRATIONS WHICH BELONG TO SUCH PERSON SUSPENDED. SUCH SURRENDER OF NUMBER PLATES SHALL REMAIN IN EFFECT AS LONG AS THE REVOCATION OF SUCH DRIVER'S LICENSE.

2. A. THE COMMISSIONER OR HIS OR HER DULY AUTHORIZED AGENT SHALL NOTIFY EACH PERSON WHOSE LICENSE HAS BEEN REVOKED OF HIS OR HER OBLIGATION TO SURRENDER THE NUMBER PLATES OF ANY MOTOR VEHICLES WHICH SUCH PERSON HAS REGISTERED PURSUANT TO THIS ARTICLE, AND OF THE SUSPENSION OF ANY VEHICLE REGISTRATIONS IN HIS OR HER NAME.

B. SUCH NOTICE SHALL INCLUDE THE NAME AND ADDRESS OF THE PERSON WHOSE LICENSE HAS BEEN REVOKED, THE VEHICLE REGISTRATION NUMBER OR NUMBERS WHICH ARE SUSPENDED, THE NUMBER PLATES OF THE VEHICLE OR VEHICLES WHICH MUST BE SURRENDERED, THE INFRACTION, INFRACTIONS, OFFENSE AND/OR OFFENSES FOR WHICH THE REGISTRATION IS SUSPENDED AND NUMBER PLATES MUST BE SURRENDERED, AND THE DATES AND TIMES OF THE CONVICTIONS FOR SUCH INFRACTIONS AND/OR OFFENSES.

C. THE NOTICE SHALL ALSO CONTAIN A WARNING ADVISING THE PERSON OF THE CONSEQUENCES OF FAILURE TO SURRENDER NUMBER PLATES.

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

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D. THE NOTICE REQUIRED BY THIS SUBDIVISION SHALL BE PROVIDED BY FIRST CLASS MAIL TO THE REGISTRANT OF THE MOTOR VEHICLE WITHIN THIRTY DAYS OF THE LICENSE REVOCATION.

E. SUCH PERSON SHALL SURRENDER ANY NUMBER PLATES FOR ANY VEHICLE FOR WHICH THE PERSON IS THE REGISTRANT WITHIN FOURTEEN DAYS OF RECEIVING NOTICE FROM THE DEPARTMENT. FAILURE TO SURRENDER NUMBER PLATES UPON NOTICE SHALL CONSTITUTE AN INFRACTION, PUNISHABLE UPON CONVICTION BY A FINE NOT LESS THAN ONE HUNDRED FIFTY DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS OR IMPRISONMENT FOR NOT MORE THAT FIFTEEN DAYS OR BOTH SUCH FINE AND IMPRISONMENT.

3. A WAIVER OF SUBDIVISION ONE OF THIS SECTION SHALL BE AVAILABLE FOR MOTOR VEHICLES WHICH ARE JOINTLY USED BY SPOUSES OR OTHER IMMEDIATE FAMILY MEMBERS IF THE IMPLEMENTATION OF SUCH SUBDIVISION WOULD RESULT IN AN EXTREME HARDSHIP FOR THE SPOUSE OR FAMILY MEMBER WHOSE LICENCE HAS NOT BEEN SUSPENDED OR REVOKED. TO BE ELIGIBLE FOR AN EXTREME HARDSHIP EXCEPTION, A DULY LICENSED SPOUSE OR IMMEDIATE FAMILY MEMBER MUST FURNISH PROOF ACCEPTABLE TO THE COMMISSIONER OR HIS OR HER DULY AUTHORIZED AGENT THAT HE OR SHE JOINTLY USES A MOTOR VEHICLE WHOSE REGISTRATION AND NUMBER PLATES WOULD OTHERWISE BE SUBJECT TO SUSPENSION OR SURRENDER PURSUANT TO SUBDIVISION ONE OF THIS SECTION. ACCEPTABLE PROOF SHALL INCLUDE WITHOUT LIMITATION THE SPOUSE OR IMMEDIATE FAMILY MEMBER BEING NAMED IN A POLICY OF LIABILITY INSURANCE FOR THE MOTOR VEHICLE PURSUANT TO ARTICLE SEVEN OF THIS CHAPTER BEFORE THE DATE OF CONVICTION, AND ANY ADDITIONAL FACTORS THAT THE COMMISSIONER OR HIS OR HER DULY AUTHORIZED AGENT DEEMS NECESSARY TO ESTABLISH JOINT USE. THE COMMISSIONER OR HIS OR HER DULY AUTHORIZED AGENT SHALL DETERMINE WHETHER AN INDIVIDUAL QUALIFIES AS AN IMMEDIATE FAMILY MEMBER, PROVIDED THAT SUCH DEFINITION OF IMMEDIATE FAMILY MEMBERS SHALL INCLUDE WITHOUT LIMITATION DOMESTIC PARTNERS AS DEFINED IN SECTION FOUR OF THE WORKERS' COMPENSATION LAW AND ANY CHILDREN OF THE REGISTRANT.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.