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

6033

2015-2016 Regular Sessions

I N A S S E M B L Y

March 11, 2015

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

AN ACT to amend the vehicle and traffic law, in relation to title requirements for certain vehicle transfers

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

Section 1. Paragraph (a) of subdivision 5 of section 415-a of the vehicle and traffic law, as amended by chapter 180 of the laws of 2006, is amended to read as follows:

(a) Any records required by this section shall apply only to vehicles or parts of vehicles for which a certificate of title has been issued by the commissioner or which would be eligible to have such a certificate of title issued. Every person required to be registered pursuant to this section shall maintain a record of all motor vehicles, trailers, and major component parts thereof, coming into his possession together with a record of the disposition of any such motor vehicle, trailer or part thereof and the date such motor vehicle, trailer or part thereof is received and shall maintain proof of ownership for any motor vehicle, trailer or major component part thereof while in his possession. For the purposes of this article an inflatable restraint system shall be a major component part. Such records shall be maintained in a manner and form prescribed by the commissioner. [The commissioner may, by regulation, exempt vehicles or major component parts of vehicles from all or a portion of the record keeping requirements based upon the age of the vehicle if the commissioner deems that such record keeping requirements would not further the purposes of the motor vehicle theft prevention program established by section two hundred twenty-three of this chapter.] Upon request of an agent of the commissioner or of any police officer and during his regular and usual business hours, a vehicle dismantler shall produce such records and permit said agent or police officer to examine them and any vehicles or parts of vehicles which are

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

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subject to the record keeping requirements of this section and which are on the premises. Upon request of any agent of the commissioner and during his regular and usual business hours, a salvage pool, mobile car crusher or itinerant vehicle collector shall produce such records and permit said agent or police officer to examine them and any vehicles or parts of vehicles which are subject to the record keeping requirements of this section and which are on the premises. The failure to produce such records or to permit such inspection on the part of any person required to be registered pursuant to this section as required by this paragraph shall be a class A misdemeanor.

S 2. Paragraphs (b) and (c) of subdivision 1 of section 429 of the vehicle and traffic law, as amended by chapter 691 of the laws of 1979, are amended to read as follows:

(b) By a vehicle dismantler. Whenever a person who is engaged in a business requiring him to be registered as a vehicle dismantler or an itinerant vehicle collector acquires a motor vehicle which has been sold or otherwise disposed of as junk or for salvage, such person shall deliver a statement concerning such acquisition to the commissioner as provided in this section. Such person shall deliver the certificate of title or any other ownership documents relating to such motor vehicle properly executed to transfer title by the transferor to the vehicle dismantler or itinerant vehicle collector and notices of release of security interest from any lienholder whose lien has been satisfied to the commissioner with the required statement of acquisition. [However, the provisions of this subdivision shall not apply to a vehicle which has been transferred to a vehicle dismantler registered under section four hundred fifteen-a of this chapter by means of a document issued pursuant to this section.]

(c) By other persons. Whenever a person other than a person described in paragraph (a) or (b) of this subdivision acquires ownership of a motor vehicle which has been sold or otherwise disposed of as junk or salvage or which is to be dismantled for use other than as a motor vehicle, such person shall deliver a statement concerning such acquisition to the commissioner as provided in this section. Such person shall deliver the certificate of title and any other ownership documents relating to such motor vehicle properly executed to transfer title by the transferor to such person and notices of release of security interest from any lienholder whose lien has been satisfied to the commissioner with the required statement of acquisition. [However, the provisions of this subdivision shall not apply to a vehicle which has been transferred to any such person by means of a document issued pursuant to this section or to a scrap processor by a person registered or certified pursuant to section four hundred fifteen-a of this chapter.]

S 3. Subdivision 4 of section 429 of the vehicle and traffic law, as amended by chapter 691 of the laws of 1979, is amended to read as follows:

4. Forms and documents. (A) Any forms or documents used in conjunction with this section shall be in a form prescribed by the commissioner and shall set forth a complete description of the motor vehicle, the name and address of the person to whom such motor vehicle was sold or transferred or from whom such motor vehicle was acquired together with any other information deemed necessary or desirable by the commissioner to effectuate the provisions and purposes of this section. Any such statement, document or item required to be delivered to the commissioner by any provision of this section shall be deemed to have been so delivered when it has been either personally delivered or sent by mail to the

office of the commissioner at the address designated by him. NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, THE MV-35 FORM PRESCRIBED BY THE COMMISSIONER SHALL NOT CONSTITUTE PROOF OF OWNERSHIP FOR THE PURPOSES OF TRANSFER OF A VEHICLE UNDER THIS ARTICLE OR ARTICLE SIXTEEN OF THIS CHAPTER.

(B) IN LIEU OF A CERTIFICATE OF TITLE, THE COMMISSIONER MAY ISSUE A REPLACEMENT TITLE UPON APPLICATION ON A FORM TO BE PRESCRIBED BY THE COMMISSIONER FOR A FEE IN THE AMOUNT OF FIFTY DOLLARS. TRANSFER OF A VEHICLE TO A VEHICLE DISMANTLER, ITINERANT VEHICLE COLLECTOR OR SCRAP PROCESSOR WITHOUT EITHER A CERTIFICATE OF TITLE OR REPLACEMENT TITLE SHALL CONSTITUTE A VIOLATION OF THIS SECTION.

S 4. This act shall take effect on the thirtieth day after it shall have become a law.