

3508--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 23, 2015

Introduced by M. of A. MARKEY, LENTOL -- Multi-Sponsored by -- M. of A. SOLAGES -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

- 1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 403-c to read as follows:
3 S 403-C. SURRENDER OF REGISTRATION AND NUMBER PLATES. 1. ANY PERSON
4 WHO HAS HAD THEIR LICENSE SUSPENDED OR REVOKED PURSUANT TO SECTION FIVE
5 HUNDRED TEN OR FIVE HUNDRED TEN-A OF THIS CHAPTER SHALL SURRENDER THE
6 CERTIFICATES OF REGISTRATION AND NUMBER PLATES OF ALL MOTOR VEHICLES
7 WHICH SUCH PERSON HAS REGISTERED PURSUANT TO THIS ARTICLE, TO THE
8 DEPARTMENT. SUCH SURRENDER OF REGISTRATION AND NUMBER PLATES SHALL
9 REMAIN IN EFFECT AS LONG AS THE SUSPENSION OR REVOCATION OF SUCH DRIV-
10 ER'S LICENSE.
11 2. ALL MOTOR VEHICLES REGISTERED TO SUCH PERSON SHALL NOT BE REGIS-
12 TERED OR REREGISTERED IN THE NAME OF SUCH PERSON, OR IN ANY OTHER NAME
13 WHERE THE COMMISSIONER HAS REASONABLE GROUNDS TO BELIEVE THAT SUCH
14 REGISTRATION OR REREGISTRATION WILL HAVE THE EFFECT OF DEFEATING THE
15 PURPOSES OF THIS SECTION, AND NO OTHER MOTOR VEHICLE SHALL BE REGISTERED
16 IN THE NAME OF SUCH PERSON DURING THE PERIOD OF SUCH SUSPENSION.
17 3. EXCEPT AS PROVIDED IN SUBDIVISION FIVE OF SECTION FOUR HUNDRED
18 TWENTY-EIGHT OF THIS TITLE, REFUNDS OF FEES ASSESSED PURSUANT TO THIS
19 ARTICLE AND ARTICLE FOURTEEN-A OF THIS TITLE SHALL NOT BE PROVIDED WHEN
20 SURRENDER IS MANDATED PURSUANT TO SUBDIVISION ONE OF THIS SECTION.

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

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1 4. A. THE COMMISSIONER OR HIS OR HER DULY AUTHORIZED AGENT SHALL NOTI-
2 FY EACH PERSON WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED OF HIS OR HER
3 OBLIGATION TO SURRENDER THE CERTIFICATE OF REGISTRATION AND NUMBER
4 PLATES OF ANY MOTOR VEHICLES WHICH SUCH PERSON HAS REGISTERED PURSUANT
5 TO THIS ARTICLE.

6 B. SUCH NOTICE SHALL INCLUDE THE NAME AND ADDRESS OF THE PERSON WHOSE
7 LICENSE HAS BEEN SUSPENDED OR REVOKED, THE REGISTRATION NUMBER AND
8 NUMBER PLATES OF THE VEHICLE OR VEHICLES WHICH MUST BE SURRENDERED, THE
9 INFRACTION, INFRACTIONS, OFFENSE AND/OR OFFENSES FOR WHICH THE REGISTRA-
10 TION AND NUMBER PLATES MUST BE SURRENDERED, AND THE DATES AND TIMES OF
11 THE CONVICTIONS OF SUCH INFRACTIONS AND/OR OFFENSES.

12 C. THE NOTICE SHALL ALSO CONTAIN A WARNING ADVISING THE PERSON OF THE
13 CONSEQUENCES OF FAILURE TO SURRENDER CERTIFICATE OF REGISTRATION AND
14 NUMBER PLATES.

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

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

26 5. A WAIVER OF THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL
27 APPLY TO MOTOR VEHICLES WHICH ARE JOINTLY USED BY SPOUSES OR OTHER IMME-
28 DIATE FAMILY MEMBERS IF THE IMPLEMENTATION OF SUCH SUBDIVISION WOULD
29 RESULT IN AN EXTREME HARDSHIP FOR THE SPOUSE OR FAMILY MEMBER WHOSE
30 LICENSE HAS NOT BEEN SUSPENDED OR REVOKED. TO BE ELIGIBLE FOR AN
31 EXTREME HARDSHIP EXCEPTION, A DULY LICENSED SPOUSE OR IMMEDIATE FAMILY
32 MEMBER MUST FURNISH PROOF ACCEPTABLE TO THE COMMISSIONER OR HIS OR HER
33 DULY AUTHORIZED AGENT THAT HE OR SHE JOINTLY USES A MOTOR VEHICLE WHOSE
34 REGISTRATION AND NUMBER PLATES WOULD OTHERWISE BE SUBJECT TO SURRENDER
35 PURSUANT TO SUBDIVISION ONE OF THIS SECTION. ACCEPTABLE PROOF SHALL
36 INCLUDE WITHOUT LIMITATION THE SPOUSE OR IMMEDIATE FAMILY MEMBER BEING
37 NAMED IN A POLICY OF LIABILITY INSURANCE FOR THE MOTOR VEHICLE PURSUANT
38 TO ARTICLE SEVEN OF THIS CHAPTER BEFORE THE DATE OF CONVICTION, AND ANY
39 ADDITIONAL FACTORS THAT THE COMMISSIONER OR HIS OR HER DULY AUTHORIZED
40 AGENT DEEMS NECESSARY TO ESTABLISH JOINT USE. THE COMMISSIONER OR HIS OR
41 HER DULY AUTHORIZED AGENT SHALL DETERMINE WHETHER AN INDIVIDUAL QUALI-
42 FIES AS AN IMMEDIATE FAMILY MEMBER, PROVIDED THAT SUCH DEFINITION OF
43 IMMEDIATE FAMILY MEMBERS SHALL INCLUDE WITHOUT LIMITATION DOMESTIC PART-
44 NERS AS DEFINED IN SECTION FOUR OF THE WORKERS' COMPENSATION LAW AND ANY
45 CHILDREN OF THE REGISTRANT.

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