

3508--B

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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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 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 TO THE
6 DEPARTMENT THE NUMBER PLATES OF ALL MOTOR VEHICLES WHICH SUCH PERSON HAS
7 REGISTERED PURSUANT TO THIS ARTICLE, AND SHALL HAVE ANY MOTOR VEHICLE
8 REGISTRATIONS WHICH BELONG TO SUCH PERSON SUSPENDED. SUCH SURRENDER OF
9 NUMBER PLATES AND VEHICLE SUSPENSION OR SUSPENSIONS SHALL REMAIN IN
10 EFFECT AS LONG AS THE SUSPENSION OR REVOCATION OF SUCH DRIVER'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 SUSPENSION 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 NUMBER PLATES OF ANY MOTOR VEHICLES WHICH
4 SUCH PERSON HAS REGISTERED PURSUANT TO THIS ARTICLE, AND OF THE SUSPEN-
5 SION OF ANY VEHICLE REGISTRATIONS IN HIS OR HER NAME.

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

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

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

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