

2539--A

2015-2016 Regular Sessions

I N   S E N A T E

January 26, 2015

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Introduced by Sens. GIANARIS, ADDABBO, AVELLA, BRESLIN, HOYLMAN, KRUEGER, LATIMER, PARKER, STAVISKY -- read twice and ordered printed, and when printed to be committed 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.