

2539--C

2015-2016 Regular Sessions

I N S E N A T E

January 26, 2015

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 -- reported favorably from said committee and committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 number plates of all motor vehicles which a person has registered where such person has a suspended or revoked license arising out of the operation of a motor vehicle within a city having a population of one million or more

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. (A) ANY
4 PERSON WHO HAS HAD THEIR LICENSE SUSPENDED OR REVOKED PURSUANT TO
5 SECTION FIVE HUNDRED TEN OR FIVE HUNDRED TEN-A OF THIS CHAPTER, FOR
6 CONDUCT RELATING TO THE OPERATION OF A MOTOR VEHICLE WITHIN A CITY
7 HAVING A POPULATION OF ONE MILLION OR MORE, SHALL SURRENDER TO THE
8 DEPARTMENT THE NUMBER PLATES OF ALL MOTOR VEHICLES WHICH SUCH PERSON HAS
9 REGISTERED PURSUANT TO THIS ARTICLE, AND SHALL HAVE ANY MOTOR VEHICLE
10 REGISTRATIONS WHICH BELONG TO SUCH PERSON SUSPENDED. SUCH SURRENDER OF
11 NUMBER PLATES AND VEHICLE SUSPENSION OR SUSPENSIONS SHALL REMAIN IN
12 EFFECT AS LONG AS THE SUSPENSION OR REVOCATION OF SUCH DRIVER'S LICENSE.
13 (B) WHEN A LICENSE IS SUSPENDED OR REVOKED PURSUANT TO ANY SUBDIVISION
14 OF SECTION FIVE HUNDRED TEN OR FIVE HUNDRED TEN-A OF THIS CHAPTER, WHICH
15 REQUIRES CONVICTION OF MULTIPLE OFFENSES, INFRACTIONS OR VIOLATIONS, THE

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

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1 PROVISIONS OF THIS SECTION SHALL ONLY APPLY IF THE FINAL SUCH OFFENSE,
2 INFRACTION OR VIOLATION OCCURS WITHIN A CITY HAVING A POPULATION OF ONE
3 MILLION OR MORE.

4 2. ALL MOTOR VEHICLES REGISTERED TO SUCH PERSON SHALL NOT BE REGIS-
5 TERED OR REREGISTERED IN THE NAME OF SUCH PERSON, OR IN ANY OTHER NAME
6 WHERE THE COMMISSIONER HAS REASONABLE GROUNDS TO BELIEVE THAT SUCH
7 REGISTRATION OR REREGISTRATION WILL HAVE THE EFFECT OF DEFEATING THE
8 PURPOSES OF THIS SECTION, AND NO OTHER MOTOR VEHICLE SHALL BE REGISTERED
9 IN THE NAME OF SUCH PERSON DURING THE PERIOD OF SUCH SUSPENSION.

10 3. EXCEPT AS PROVIDED IN SUBDIVISION FIVE OF SECTION FOUR HUNDRED
11 TWENTY-EIGHT OF THIS TITLE, REFUNDS OF FEES ASSESSED PURSUANT TO THIS
12 ARTICLE AND ARTICLE FOURTEEN-A OF THIS TITLE SHALL NOT BE PROVIDED WHEN
13 SUSPENSION IS MANDATED PURSUANT TO SUBDIVISION ONE OF THIS SECTION.

14 4. THE COMMISSIONER SHALL DETERMINE THAT AN OFFENSE, INFRACTION OR
15 VIOLATION OCCURRED WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR
16 MORE, IF THE ACCUSATORY INSTRUMENT THEREFOR, AS DEFINED IN SUBDIVISION
17 ONE OF SECTION 1.20 OF THE CRIMINAL PROCEDURE LAW, WAS COMPLETED BY A
18 POLICE OFFICER OF THE POLICE DEPARTMENT OF ANY SUCH CITY.

19 5. A. THE COMMISSIONER OR HIS OR HER DULY AUTHORIZED AGENT SHALL NOTI-
20 FY EACH PERSON WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED OF HIS OR HER
21 OBLIGATION TO SURRENDER THE NUMBER PLATES OF ANY MOTOR VEHICLES WHICH
22 SUCH PERSON HAS REGISTERED PURSUANT TO THIS ARTICLE, AND OF THE SUSPEN-
23 SION OF ANY VEHICLE REGISTRATIONS IN HIS OR HER NAME.

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

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

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

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

43 6. A WAIVER OF THE PROVISIONS OF SUBDIVISIONS ONE AND TWO OF THIS
44 SECTION SHALL BE AVAILABLE FOR MOTOR VEHICLES WHICH ARE JOINTLY USED BY
45 SPOUSES OR OTHER IMMEDIATE FAMILY MEMBERS IF THE IMPLEMENTATION OF SUCH
46 SUBDIVISION WOULD RESULT IN AN EXTREME HARDSHIP FOR THE SPOUSE OR FAMILY
47 MEMBER WHOSE LICENSE HAS NOT BEEN SUSPENDED OR REVOKED. TO BE ELIGIBLE
48 FOR AN EXTREME HARDSHIP EXCEPTION, A DULY LICENSED SPOUSE OR IMMEDIATE
49 FAMILY MEMBER MUST FURNISH PROOF ACCEPTABLE TO THE COMMISSIONER OR HIS
50 OR HER DULY AUTHORIZED AGENT THAT HE OR SHE JOINTLY USES A MOTOR VEHICLE
51 WHOSE REGISTRATION AND NUMBER PLATES WOULD OTHERWISE BE SUBJECT TO
52 SUSPENSION OR SURRENDER PURSUANT TO SUBDIVISION ONE OR TWO OF THIS
53 SECTION. ACCEPTABLE PROOF SHALL INCLUDE WITHOUT LIMITATION THE SPOUSE OR
54 IMMEDIATE FAMILY MEMBER BEING NAMED IN A POLICY OF LIABILITY INSURANCE
55 FOR THE MOTOR VEHICLE PURSUANT TO ARTICLE SEVEN OF THIS CHAPTER BEFORE
56 THE DATE OF CONVICTION, AND ANY ADDITIONAL FACTORS THAT THE COMMISSIONER

1 OR HIS OR HER DULY AUTHORIZED AGENT DEEMS NECESSARY TO ESTABLISH JOINT
2 USE. THE COMMISSIONER OR HIS OR HER DULY AUTHORIZED AGENT SHALL DETER-
3 MINE WHETHER AN INDIVIDUAL QUALIFIES AS AN IMMEDIATE FAMILY MEMBER,
4 PROVIDED THAT SUCH DEFINITION OF IMMEDIATE FAMILY MEMBERS SHALL INCLUDE
5 WITHOUT LIMITATION DOMESTIC PARTNERS AS DEFINED IN SECTION FOUR OF THE
6 WORKERS' COMPENSATION LAW AND ANY CHILDREN OF THE REGISTRANT.

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