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

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:

Section 1. The vehicle and traffic law is amended by adding a new section 403-c to read as follows:

S 403-C. SURRENDER OF REGISTRATION AND NUMBER PLATES. 1. (A) ANY PERSON WHO HAS HAD THEIR LICENSE SUSPENDED OR REVOKED PURSUANT TO SECTION FIVE HUNDRED TEN OR FIVE HUNDRED TEN-A OF THIS CHAPTER, FOR CONDUCT RELATING TO THE OPERATION OF A MOTOR VEHICLE WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, SHALL SURRENDER TO THE DEPARTMENT THE NUMBER PLATES OF ALL MOTOR VEHICLES WHICH SUCH PERSON HAS REGISTERED PURSUANT TO THIS ARTICLE, AND SHALL HAVE ANY MOTOR VEHICLE REGISTRATIONS WHICH BELONG TO SUCH PERSON SUSPENDED. SUCH SURRENDER OF NUMBER PLATES AND VEHICLE SUSPENSION OR SUSPENSIONS SHALL REMAIN IN EFFECT AS LONG AS THE SUSPENSION OR REVOCATION OF SUCH DRIVER'S LICENSE.

(B) WHEN A LICENSE IS SUSPENDED OR REVOKED PURSUANT TO ANY SUBDIVISION OF SECTION FIVE HUNDRED TEN OR FIVE HUNDRED TEN-A OF THIS CHAPTER, WHICH 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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PROVISIONS OF THIS SECTION SHALL ONLY APPLY IF THE FINAL SUCH OFFENSE, INFRACTION OR VIOLATION OCCURS WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE.

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

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

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

5. A. THE COMMISSIONER OR HIS OR HER DULY AUTHORIZED AGENT SHALL NOTIFY EACH PERSON WHOSE LICENSE HAS BEEN SUSPENDED OR REVOKED OF HIS OR HER OBLIGATION TO SURRENDER THE NUMBER PLATES OF ANY MOTOR VEHICLES WHICH SUCH PERSON HAS REGISTERED PURSUANT TO THIS ARTICLE, AND OF THE SUSPENSION OF ANY VEHICLE REGISTRATIONS IN HIS OR HER NAME.

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

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

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

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

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

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

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