

STATE OF NEW YORK

9617--A

IN ASSEMBLY

January 26, 2018

Introduced by M. of A. WOERNER, WALSH, WRIGHT, NIOU, HYNDMAN, MOSLEY, WALLACE, PICHARDO, JEAN-PIERRE, HUNTER, DICKENS, GOTTFRIED, PELLEGRINO, MAGEE, GIGLIO, McDONOUGH, BRABENEC, MORINELLO, RAIA, CASTORINA, OAKS -- Multi-Sponsored by -- M. of A. GALEF, PALMESANO, RA, STEC -- 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 repossession of motor vehicle or motorcycle

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 425 of the vehicle and traffic
2 law, as amended by chapter 81 of the laws of 1968, is amended to read as
3 follows:
4 1. Any person, firm or corporation, or agent, employee or represen-
5 tative thereof, repossessing or retaking a motor vehicle or motorcycle
6 pursuant to the provisions of article nine of the uniform commercial
7 code, or other authority of law, or any contract or agreement, shall,
8 immediately following such repossession or retaking, personally appear
9 at a station house or other office of the police department, or agency
10 or officer performing like functions, in the locality wherein such
11 repossession or retaking occurred, give notice to such department, agen-
12 cy or officer of such repossession or retaking and thereafter and within
13 twenty-four hours of the tenth day after such repossession or retaking
14 personally deliver or mail by [~~special-delivery~~] first class mail to the
15 nearest motor vehicle [~~district~~] office of the state or county acting as
16 an agent of the commissioner pursuant to section two hundred five of
17 this chapter, (a) notice of such repossession or retaking in such form
18 as the commissioner may require and (b) the number plates of such motor
19 vehicle or motorcycle. Notice of such repossession or retaking, includ-
20 ing the name and address of the person, firm or corporation repossessing
21 or retaking the same, shall also be given within twenty-four hours ther-
22 eof to the owner of such motor vehicle or motorcycle, either personally
23 or by registered or certified mail, or by first class mail, with a

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

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1 certificate of mailing properly endorsed by the postal service to be
2 obtained, directed to such owner at his or her last-known address.
3 Unless the motor vehicle or motorcycle can be repossessed or retaken
4 without breach of the peace, it shall be repossessed or retaken by legal
5 process, but nothing herein contained shall be construed to authorize a
6 violation of the criminal law.
7 § 2. This act shall take effect on the thirtieth day after it shall
8 have become a law.