

STATE OF NEW YORK

3302

2017-2018 Regular Sessions

IN SENATE

January 20, 2017

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

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:

§ 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 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

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

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1 registration or reregistration will have the effect of defeating the
2 purposes of this section, and no other motor vehicle shall be registered
3 in the name of such person during the period of such suspension.

4 3. Except as provided in subdivision five of section four hundred
5 twenty-eight of this title, refunds of fees assessed pursuant to this
6 article and article fourteen-A of this title shall not be provided when
7 suspension is mandated pursuant to subdivision one of this section.

8 4. The commissioner shall determine that an offense, infraction or
9 violation occurred within a city having a population of one million or
10 more, if the accusatory instrument therefor, as defined in subdivision
11 one of section 1.20 of the criminal procedure law, was completed by a
12 police officer of the police department of any such city.

13 5. a. The commissioner or his or her duly authorized agent shall noti-
14 fy each person whose license has been suspended or revoked of his or her
15 obligation to surrender the number plates of any motor vehicles which
16 such person has registered pursuant to this article, and of the suspen-
17 sion of any vehicle registrations in his or her name.

18 b. Such notice shall include the name and address of the person whose
19 license has been suspended or revoked, the vehicle registration number
20 or numbers which are suspended, the number plates of the vehicle or
21 vehicles which must be surrendered, the infraction, infractions, offense
22 and/or offenses for which the registration is suspended and number
23 plates must be surrendered, and the dates and times of the convictions
24 for such infractions and/or offenses.

25 c. The notice shall also contain a warning advising the person of the
26 consequences of failure to surrender number plates.

27 d. The notice required by this subdivision shall be provided by first
28 class mail to the registrant of the motor vehicle within thirty days of
29 the license suspension or revocation.

30 e. Such person shall surrender any number plates for any vehicle for
31 which the person is the registrant within fourteen days of receiving
32 notice from the department. Failure to surrender number plates upon
33 notice shall constitute an infraction, punishable upon conviction by a
34 fine not less than one hundred fifty dollars nor more than five hundred
35 dollars or imprisonment for not more than fifteen days or both such fine
36 and imprisonment.

37 6. A waiver of the provisions of subdivisions one and two of this
38 section shall be available for motor vehicles which are jointly used by
39 spouses or other immediate family members if the implementation of such
40 subdivision would result in an extreme hardship for the spouse or family
41 member whose license has not been suspended or revoked. To be eligible
42 for an extreme hardship exception, a duly licensed spouse or immediate
43 family member must furnish proof acceptable to the commissioner or his
44 or her duly authorized agent that he or she jointly uses a motor vehicle
45 whose registration and number plates would otherwise be subject to
46 suspension or surrender pursuant to subdivision one or two of this
47 section. Acceptable proof shall include without limitation the spouse or
48 immediate family member being named in a policy of liability insurance
49 for the motor vehicle pursuant to article seven of this chapter before
50 the date of conviction, and any additional factors that the commissioner
51 or his or her duly authorized agent deems necessary to establish joint
52 use. The commissioner or his or her duly authorized agent shall deter-
53 mine whether an individual qualifies as an immediate family member,
54 provided that such definition of immediate family members shall include
55 without limitation domestic partners as defined in section four of the
56 workers' compensation law and any children of the registrant.

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