

STATE OF NEW YORK

1045

2019-2020 Regular Sessions

IN ASSEMBLY

January 14, 2019

Introduced by M. of A. SIMOTAS, LENTOL, MOSLEY, COOK, MAGNARELLI, GALEF, RIVERA -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT, SIMON, SOLAGES -- read once and referred 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:

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

3 § 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
16 provisions of this section shall only apply if the final such offense,
17 infraction or violation occurs within a city having a population of one
18 million or more.

19 2. All motor vehicles registered to such person shall not be regis-
20 tered or reregistered in the name of such person, or in any other name
21 where the commissioner has reasonable grounds to believe that such
22 registration or reregistration will have the effect of defeating the
23 purposes of this section, and no other motor vehicle shall be registered
24 in the name of such person during the period of such suspension.

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

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

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

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

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

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

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

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

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

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