

STATE OF NEW YORK

3874

2019-2020 Regular Sessions

IN SENATE

February 20, 2019

Introduced by Sen. MAYER -- 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 authorizing the issuance of number plates to manufacturers of motor vehicles

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

1 Section 1. Subdivision 4 of section 415 of the vehicle and traffic
2 law, as amended by chapter 7 of the laws of 2000, is amended to read as
3 follows:

4 4. Number plates. A dealer, manufacturer, or other person, qualifying
5 for limited use of motor vehicles, motorcycles or trailers under subdivi-
6 sions two and three of this section, shall be entitled to receive one
7 or more sets of number plates for display thereon as the commissioner
8 may determine, upon payment of the required fee for each set. Number
9 plates issued to dealers or manufacturers under this section shall bear
10 distinctive marks to distinguish them from transporter plates to be
11 issued to other persons qualifying under this section. A set of number
12 plates shall consist of two plates in the case of a motor vehicle and
13 one plate in the case of a motorcycle or trailer; provided, however,
14 that the commissioner, in his or her discretion, may issue, for any
15 registration year, only one number as a set for a motor vehicle, in
16 which event a set of number plates for a motor vehicle shall consist of
17 one plate.

18 § 2. Subdivision 6 of section 415 of the vehicle and traffic law, as
19 amended by section 5 of chapter 28 of the laws of 2018, is amended to
20 read as follows:

21 6. Fees. Every original application for registration as a dealer,
22 automobile broker or transporter shall be accompanied by an application
23 fee of thirty-seven dollars and fifty cents, which shall in no event be
24 refunded. The annual fee for registration as a dealer, automobile broker
25 or transporter or for renewal thereof shall be two hundred twenty-five

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

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1 dollars. The annual fee for any other registration under this section
2 shall be fifty dollars. However, the commissioner may, in his or her
3 discretion, issue a renewal of either registration for a period of two
4 years. The fee for a two-year renewal shall be twice the annual fee. The
5 annual fee for dealer, manufacturer, or transporter number plates shall
6 be twenty dollars for each set. If the commissioner issues to dealers a
7 document which is required to be used by a dealer to sell or transfer a
8 vehicle, the fee for the issuance of each such document shall be five
9 dollars. There shall be no refund of registration fee or fees for
10 number plates in the event of suspension, revocation or voluntary
11 cancellation of registration. The fee for any such transfer document
12 issued by the commissioner shall be refunded only upon the surrender of
13 such document upon voluntary cancellation of registration.

14 § 3. Subdivision 6 of section 415 of the vehicle and traffic law, as
15 amended by section 6 of chapter 28 of the laws of 2018, is amended to
16 read as follows:

17 6. Fees. Every original application for registration as a dealer,
18 automobile broker or transporter shall be accompanied by an application
19 fee of twenty-five dollars, which shall in no event be refunded. The
20 annual fee for registration as a dealer, automobile broker or transporter
21 or for renewal thereof shall be one hundred fifty dollars. The
22 annual fee for any other registration under this section shall be fifty
23 dollars. However, the commissioner may, in his or her discretion, issue
24 a renewal of either registration for a period of two years. The fee for
25 a two-year renewal shall be twice the annual fee. The annual fee for
26 dealer, manufacturer, or transporter number plates shall be twenty
27 dollars for each set. If the commissioner issues to dealers a document
28 which is required to be used by a dealer to sell or transfer a vehicle,
29 the fee for the issuance of each such document shall be one dollar.
30 There shall be no refund of registration fee or fees for number plates
31 in the event of suspension, revocation or voluntary cancellation of
32 registration. The fee for any such transfer document issued by the
33 commissioner shall be refunded only upon the surrender of such document
34 upon voluntary cancellation of registration.

35 § 4. Subdivision 8 of section 415 of the vehicle and traffic law, as
36 amended by chapter 7 of the laws of 2000, is amended to read as follows:

37 8. Use. Transporter number plates issued under this section shall be
38 used only for the limited operation of vehicles owned or controlled by
39 the registrant for the purpose of weighing, testing, dismantling, transporting
40 or delivering the same, or for the purpose of moving such vehicles in connection
41 with making installations thereon or improvements thereto, or the repossession
42 or foreclosure thereof, or for the operation, for demonstration purposes, of any
43 vehicle owned by a manufacturer, or for transporting or delivering the vehicle upon
44 which the plates are displayed and additional vehicles carried in whole or in part
45 upon such vehicle.

47 Except as provided in section four hundred sixteen of this article,
48 dealer or manufacturer number plates issued under this section may be
49 used for all purposes for which transporter plates may be used and, in
50 addition, may be used for the operation of any vehicle owned or
51 controlled by the registrant and held for sale or demonstration, except
52 a vehicle rented to another, a vehicle used to transport passengers for
53 hire, a vehicle commonly called a "tow truck" or "wrecker" and used by
54 the dealer or manufacturer for such purposes, a vehicle equipped for the
55 purpose of towing or pushing disabled or nonoperated vehicles or a
56 commercial or suburban type vehicle used by the dealer or manufacturer

1 for commercial purposes other than directly affecting the sale or demon-
2 stration of that particular vehicle. In addition, dealer, manufacturer,
3 or transporter number plates may be used for any non-self-propelled
4 device used for the transport of modular homes.

5 Dealer, manufacturer, or transporter number plates issued upon renewal
6 of a dealer, manufacturer, or transporter registration may be used
7 during the thirty day period immediately preceding the expiration date
8 of such registration, including such expiration date.

9 § 5. Subdivision 11 of section 415 of the vehicle and traffic law, as
10 amended by chapter 7 of the laws of 2000, is amended to read as follows:

11 11. Following the suspension or revocation of the certificate of
12 registration of a dealer, manufacturer, or transporter or number plates,
13 pursuant to this section, the failure of the holder or any other person
14 possessing the certificate of registration, number plates or certif-
15 icates of sale issued to a dealer pursuant to the regulations of the
16 commissioner, to deliver the same to the suspending or revoking officer,
17 peace officer acting pursuant to his or her special duties, police offi-
18 cer directed by the commissioner to secure possession thereof, or agent
19 of the commissioner, displaying authorization to act in such capacity
20 along with a certified copy of the order revoking or suspending such
21 registration or number plates, shall be a misdemeanor.

22 If any person shall fail to deliver a certificate of registration,
23 number plates or certificates of sale as provided herein, the commis-
24 sioner shall forthwith direct any peace officer acting pursuant to his
25 or her special duties or police officer to secure possession thereof and
26 to return the same to the commissioner.

27 § 6. Subdivision 15 of section 415 of the vehicle and traffic law, as
28 amended by chapter 7 of the laws of 2000, is amended to read as follows:

29 15. Miscellaneous provisions. The commissioner may, in his or her
30 discretion, limit the number of sets of number plates which shall be
31 issued to any registrant. The provisions of subdivision three of section
32 four hundred one of this [~~chapter~~] title with respect to the fee for
33 lost, mutilated or destroyed certificates and number plates shall apply
34 to certificates and number plates issued under this section.

35 In the event of the loss or theft of any dealer, manufacturer, or
36 transporter number plate or set of such number plates whether with or
37 without a date tag or tags, or any date tag or set of date tags, the
38 dealer or manufacturer must immediately notify the police of such fact
39 and in the event of loss, theft, mutilation or destruction of any such
40 items the dealer or manufacturer must immediately file a statement and
41 proof of the facts as the commissioner shall require. The provisions of
42 section four hundred two and four hundred eleven of this [~~chapter~~] title
43 with respect to the care and display of number plates shall apply to
44 number plates issued under this section. Registration under this
45 section shall be upon the condition that the registrant shall conform to
46 such reasonable requirements as shall be prescribed by the commissioner.

47 The commissioner may, in his or her discretion, require a registrant
48 to maintain a record in a prescribed form of all vehicles received or
49 disposed of by him or her, which records shall be open at all times for
50 inspection by the commissioner, his or her representatives and any peace
51 officer, acting pursuant to his or her special duties, or police offi-
52 cer.

53 If registration under this section shall be issued in the names of two
54 or more persons as partners and a change occurs in the membership of
55 such partnership, the registration shall not expire so long as any one
56 of the persons named in such registration is a member of the partnership

1 or carries on the business of the partnership as surviving member of the
2 partnership. However, when any such change occurs and the registration
3 does not expire, the partners or surviving member after such change
4 shall forthwith file with the commissioner a statement regarding such
5 partnership in such form and giving such information as the commissioner
6 shall require, and the commissioner shall issue a new certificate of
7 registration.

8 § 7. Section 416 of the vehicle and traffic law, as amended by chapter
9 36 of the laws of 1973, is amended to read as follows:

10 § 416. Limited use of dealer's, manufacturer's, and transporter's
11 number plates by vendee or lessee. Upon the sale or lease of a motor
12 vehicle or motorcycle the vendee or lessee shall be allowed to operate
13 the same upon the public highways for the period of five days after
14 taking possession thereof, without carrying number plates issued upon a
15 registration under section four hundred one, if a motor vehicle, or
16 under section four hundred ten, if a motorcycle, provided the motor
17 vehicle or motorcycle shall have attached thereto and displayed thereon,
18 in the manner therein provided, a set of dealer's, manufacturer's, or
19 transporter's number plates issued to the vendor or lessor under section
20 four hundred fifteen, and if a proper application for registration and
21 number plates for such vehicle, under the provisions of section four
22 hundred one or four hundred ten of this title, as the case may be, shall
23 have been mailed or presented to the commissioner, or agent, accompanied
24 with the payment of the required fee within twenty-four hours after he
25 or she has taken possession thereof. If the motor vehicle or motorcycle
26 is to be registered in a jurisdiction other than the state of New York,
27 the requirement for filing or presenting such application shall not
28 apply.

29 No person shall operate or drive upon the public highways any motor
30 vehicle or motorcycle on which is fastened or displayed any such deal-
31 er's, manufacturer's, or transporter's number plates after a sale or
32 lease of such vehicle by the dealer or lessor, except in compliance with
33 the foregoing provisions.

34 A vendee or lessee to whom number plates are delivered or by whom they
35 are held under the provisions of this section shall return the same, and
36 the accompanying registration certificate, to the dealer or lessor
37 before the expiration of six days after he or she took possession of the
38 motor vehicle or motorcycle purchased or leased. If number plates so
39 delivered or held, or such certificate, are not returned within the time
40 above limited, the dealer or lessor shall immediately notify the commis-
41 sioner of that fact by mail, describing the plates according to the
42 general and distinctive numbers and characters thereon.

43 The provisions of this section shall apply also to the sale or lease
44 of a trailer and to the use by the vendee or lessee of dealer's, manufacturer's,
45 manufacturer's, or transporter's number plates on the trailer sold or
46 leased, and for the purpose of applying such provisions a trailer shall
47 be deemed to be a motor vehicle.

48 § 8. This act shall take effect immediately; provided, however, that
49 the amendments to subdivision 6 of section 415 of the vehicle and traf-
50 fic law made by section two of this act shall be subject to the expira-
51 tion and reversion of such subdivision pursuant to section 13 of part U1
52 of chapter 62 of the laws of 2003, as amended, when upon such date the
53 provisions of section three of this act shall take effect.