

STATE OF NEW YORK

4441

2019-2020 Regular Sessions

IN SENATE

March 11, 2019

Introduced by Sens. GIANARIS, ADDABBO, BRESLIN, HOYLMAN, KRUEGER, 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

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. Any person
4 who has had their license suspended or revoked pursuant to section five
5 hundred ten or five hundred ten-a of this chapter shall surrender to the
6 department the number plates of all motor vehicles which such person has
7 registered pursuant to this article, and shall have any motor vehicle
8 registrations which belong to such person suspended. Such surrender of
9 number plates and vehicle suspension or suspensions shall remain in
10 effect as long as the suspension or revocation of such driver's license.

11 2. All motor vehicles registered to such person shall not be regis-
12 tered or reregistered in the name of such person, or in any other name
13 where the commissioner has reasonable grounds to believe that such
14 registration or reregistration will have the effect of defeating the
15 purposes of this section, and no other motor vehicle shall be registered
16 in the name of such person during the period of such suspension.

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

21 4. a. The commissioner or his or her duly authorized agent shall noti-
22 fy each person whose license has been suspended or revoked of his or her
23 obligation to surrender the number plates of any motor vehicles which

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

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1 such person has registered pursuant to this article, and of the suspen-
2 sion of any vehicle registrations in his or her name.

3 b. Such notice shall include the name and address of the person whose
4 license has been suspended or revoked, the vehicle registration number
5 or numbers which are suspended, the number plates of the vehicle or
6 vehicles which must be surrendered, the infraction, infractions, offense
7 and/or offenses for which the registration is suspended and number
8 plates must be surrendered, and the dates and times of the convictions
9 for such infractions and/or offenses.

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

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

15 e. Such person shall surrender any number plates for any vehicle for
16 which the person is the registrant within fourteen days of receiving
17 notice from the department. Failure to surrender number plates upon
18 notice shall constitute an infraction, punishable upon conviction by a
19 fine not less than one hundred fifty dollars nor more than five hundred
20 dollars or imprisonment for not more than fifteen days or both such fine
21 and imprisonment.

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

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