STATE OF NEW YORK

2737

2019-2020 Regular Sessions

IN SENATE

January 29, 2019

Introduced by Sen. KAPLAN -- 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 prohibiting certain entities from engaging in the business of securing motor vehicle registrations or giving instructions as to procuring motor vehicle registrations

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

Section 1. Section 395 of the vehicle and traffic law, as amended by chapter 124 of the laws of 1974, is amended to read as follows:

§ 395. Certain private service bureaus to be licensed. Except as otherwise provided herein, no person, firm, association or corporation shall, engage in the business of assisting for hire in securing licenses to drive motor vehicles or registrations or titles of motor vehicles, nor shall any person, firm, association or corporation for compensation give instructions as to procuring licenses to drive motor vehicles or registrations or titles of motor vehicles, without being the holder of a license for such purpose issued by the commissioner of motor vehicles. An applicant for a license shall furnish the commissioner with such information and such references as to moral character as he may reasonably require. Every application shall be accompanied by a fee of twenty-five dollars, which shall be regarded as an application fee and shall in no event be refunded. If an application be approved by the commissioner, the applicant upon the payment of an additional fee of twenty-five dollars shall be granted a license which shall expire on the thirtieth day of June following the date of its issuance. The commissioner shall issue a license certificate to each licensee which certificate shall be conspicuously displayed in the place of business of the licensee, or, if the licensee has no place of business, such certificates shall be exhibited at the request of any person. In case of the loss, mutilation or destruction of a certificate, the commissioner shall issue

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

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a duplicate upon proof of the facts and the payment of a fee of one dollar. The refusal to issue a license may be reviewed by a proceeding under article seventy-eight of the civil practice law and rules. Such license shall be renewed annually upon the payment of a fee of twenty-five dollars, such renewal to take effect on the first day of July in each year. Upon renewal, the commissioner may, in his discretion, issue a license which shall be valid for a two year period. The fee for any such two year renewal shall be fifty dollars.

No license shall be issued under this section nor shall any renewal of a license issued under this section be made for conducting business in a city having a population of fifty thousand or more, according to the latest federal census if the place of business of the licensee, or branch thereof, is within fifteen hundred feet of a building, owned or leased by the state, a county or a city, in which motor vehicle registrations or licenses to drive motor vehicles are issued to the public. The said distance of fifteen hundred feet shall be measured along the public streets by the nearest route from such place of business, or branch thereof, to such building. The provisions of this paragraph shall not apply to a holder of a certificate of registration issued pursuant to section four hundred fifteen of this chapter.

No license shall be issued under this section nor shall any renewal of a license issued under this section be made for a person, firm, association or corporation who engages in the business of assisting for hire in securing motor vehicle registrations or who, for compensation, give instructions as to procuring motor vehicle registrations. The provisions of this paragraph shall not apply to a holder of a license issued pursuant to section three hundred ninety-four of this article or the holder of a certificate of registration issued pursuant to section four hundred fifteen of this chapter.

A licensee shall be subject to such reasonable regulations concerning the business conducted under his license as the commissioner may prescribe and he shall permit the commissioner, or his representatives, to inspect his place of business on any business day and shall furnish to the commissioner, or his representative, such information concerning the conduct of the business as may be reasonably required.

The provisions of subdivisions five and six of section three hundred ninety-four of this [~~chapter~~] **article** shall be applicable with respect to this section.

The holder of a license issued pursuant to section three hundred ninety-four of this [~~chapter~~] **article** or the holder of a certificate of registration issued pursuant to section four hundred fifteen of this chapter shall not be required to secure a license under this section in order to conduct a business for which a license is required by this section but any such licensee, or registrant, who shall conduct such business, shall be subject to the same visitation and regulation by the commissioner with reference to such business as provided in this section with respect to a licensee under this section.

As used in this section the phrase "licenses to drive motor vehicles" includes the term "learners' permits".

A violation of any of the provisions of this section shall constitute a misdemeanor.

§ 2. This act shall take effect immediately.