

# STATE OF NEW YORK

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3874--A

2019-2020 Regular Sessions

## IN SENATE

February 20, 2019

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Introduced by Sens. MAYER, HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 under this section shall bear distinctive marks  
10 to distinguish them from manufacturer and transporter plates to be  
11 issued to other persons qualifying under this section. Number plates  
12 issued to manufacturers under this section shall bear distinctive marks  
13 to distinguish them from dealer and transporter plates to be issued to  
14 other persons qualifying under this section. A set of number plates  
15 shall consist of two plates in the case of a motor vehicle and one plate  
16 in the case of a motorcycle or trailer; provided, however, that the  
17 commissioner, in his or her discretion, may issue, for any registration  
18 year, only one number as a set for a motor vehicle, in which event a set  
19 of number plates for a motor vehicle shall consist of one plate.

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

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

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6. Fees. Every original application for registration as a dealer, automobile broker or transporter shall be accompanied by an application fee of thirty-seven dollars and fifty cents, which shall in no event be refunded. The annual fee for registration as a dealer, automobile broker or transporter or for renewal thereof shall be two hundred twenty-five dollars. The annual fee for any other registration under this section shall be fifty dollars. However, the commissioner may, in his or her discretion, issue a renewal of either registration for a period of two years. The fee for a two-year renewal shall be twice the annual fee. The annual fee for dealer, manufacturer, or transporter number plates shall be twenty dollars for each set. If the commissioner issues to dealers a document which is required to be used by a dealer to sell or transfer a vehicle, the fee for the issuance of each such document shall be five dollars. There shall be no refund of registration fee or fees for number plates in the event of suspension, revocation or voluntary cancellation of registration. The fee for any such transfer document issued by the commissioner shall be refunded only upon the surrender of such document upon voluntary cancellation of registration.

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

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

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

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

Except as provided in section four hundred sixteen of this article, dealer number plates issued under this section may be used for all purposes for which transporter plates may be used and, in addition, may be used for the operation of any vehicle owned or controlled by the registrant and held for sale or demonstration, except a vehicle rented

1 to another, a vehicle used to transport passengers for hire, a vehicle  
2 commonly called a "tow truck" or "wrecker" and used by the dealer for  
3 such purposes, a vehicle equipped for the purpose of towing or pushing  
4 disabled or nonoperated vehicles or a commercial or suburban type vehi-  
5 cle used by the dealer for commercial purposes other than directly  
6 affecting the sale or demonstration of that particular vehicle. In addi-  
7 tion, dealer, manufacturer, or transporter number plates may be used for  
8 any non-self-propelled device used for the transport of modular homes.

9 Except as provided in section four hundred sixteen of this article,  
10 manufacturer number plates issued under this section may be used for all  
11 purposes for which transporter plates may be used and, in addition, may  
12 be used for the operation of any vehicle owned or controlled by the  
13 registrant and held for demonstration, except a vehicle rented to anothe-  
14 er, a vehicle used to transport passengers for hire, a vehicle commonly  
15 called a "tow truck" or "wrecker" and used by the manufacturer for such  
16 purposes, a vehicle equipped for the purpose of towing or pushing disa-  
17 bled or nonoperated vehicles or a commercial or suburban type vehicle  
18 used by the manufacturer for commercial purposes other than directly  
19 affecting the demonstration of that particular vehicle.

20 Dealer, manufacturer, or transporter number plates issued upon renewal  
21 of a dealer, manufacturer, or transporter registration may be used  
22 during the thirty day period immediately preceding the expiration date  
23 of such registration, including such expiration date.

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

26 11. Following the suspension or revocation of the certificate of  
27 registration of a dealer, manufacturer, or transporter or number plates,  
28 pursuant to this section, the failure of the holder or any other person  
29 possessing the certificate of registration, number plates or certifi-  
30 cates of sale issued to a dealer pursuant to the regulations of the  
31 commissioner, to deliver the same to the suspending or revoking officer,  
32 peace officer acting pursuant to his or her special duties, police offi-  
33 cer directed by the commissioner to secure possession thereof, or agent  
34 of the commissioner, displaying authorization to act in such capacity  
35 along with a certified copy of the order revoking or suspending such  
36 registration or number plates, shall be a misdemeanor.

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

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

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

50 In the event of the loss or theft of any dealer, manufacturer, or  
51 transporter number plate or set of such number plates whether with or  
52 without a date tag or tags, or any date tag or set of date tags, the  
53 dealer or manufacturer must immediately notify the police of such fact  
54 and in the event of loss, theft, mutilation or destruction of any such  
55 items the dealer or manufacturer must immediately file a statement and  
56 proof of the facts as the commissioner shall require. The provisions of

1 section four hundred two and four hundred eleven of this [~~chapter~~] title  
2 with respect to the care and display of number plates shall apply to  
3 number plates issued under this section. Registration under this  
4 section shall be upon the condition that the registrant shall conform to  
5 such reasonable requirements as shall be prescribed by the commissioner.

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

12 If registration under this section shall be issued in the names of two  
13 or more persons as partners and a change occurs in the membership of  
14 such partnership, the registration shall not expire so long as any one  
15 of the persons named in such registration is a member of the partnership  
16 or carries on the business of the partnership as surviving member of the  
17 partnership. However, when any such change occurs and the registration  
18 does not expire, the partners or surviving member after such change  
19 shall forthwith file with the commissioner a statement regarding such  
20 partnership in such form and giving such information as the commissioner  
21 shall require, and the commissioner shall issue a new certificate of  
22 registration.

23 § 7. Section 416 of the vehicle and traffic law, as amended by chapter  
24 36 of the laws of 1973, is amended to read as follows:

25 § 416. Limited use of dealer's, manufacturer's, and transporter's  
26 number plates by vendee or lessee. Upon the sale or lease of a motor  
27 vehicle or motorcycle the vendee or lessee shall be allowed to operate  
28 the same upon the public highways for the period of five days after  
29 taking possession thereof, without carrying number plates issued upon a  
30 registration under section four hundred one, if a motor vehicle, or  
31 under section four hundred ten, if a motorcycle, provided the motor  
32 vehicle or motorcycle shall have attached thereto and displayed thereon,  
33 in the manner therein provided, a set of dealer's, manufacturer's, or  
34 transporter's number plates issued to the vendor or lessor under section  
35 four hundred fifteen, and if a proper application for registration and  
36 number plates for such vehicle, under the provisions of section four  
37 hundred one or four hundred ten of this title, as the case may be, shall  
38 have been mailed or presented to the commissioner, or agent, accompanied  
39 with the payment of the required fee within twenty-four hours after he  
40 or she has taken possession thereof. If the motor vehicle or motorcycle  
41 is to be registered in a jurisdiction other than the state of New York,  
42 the requirement for filing or presenting such application shall not  
43 apply.

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

49 A vendee or lessee to whom number plates are delivered or by whom they  
50 are held under the provisions of this section shall return the same, and  
51 the accompanying registration certificate, to the dealer or lessor  
52 before the expiration of six days after he or she took possession of the  
53 motor vehicle or motorcycle purchased or leased. If number plates so  
54 delivered or held, or such certificate, are not returned within the time  
55 above limited, the dealer or lessor shall immediately notify the commis-

1 sioner of that fact by mail, describing the plates according to the  
2 general and distinctive numbers and characters thereon.

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

8 § 8. This act shall take effect on the one hundred eightieth day after  
9 it shall have become a law; provided, however, that the amendments to  
10 subdivision 6 of section 415 of the vehicle and traffic law made by  
11 section two of this act shall be subject to the expiration and reversion  
12 of such subdivision pursuant to section 13 of part U1 of chapter 62 of  
13 the laws of 2003, as amended, when upon such date the provisions of  
14 section three of this act shall take effect. Effective immediately, the  
15 addition, amendment and/or repeal of any rule or regulation necessary  
16 for the implementation of this act on its effective date are authorized  
17 to be made and completed on or before such effective date.