STATE OF NEW YORK

3874--A

2019-2020 Regular Sessions

IN SENATE

February 20, 2019

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:

Section 1. Subdivision 4 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:

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

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

to another, a vehicle used to transport passengers for hire, a vehicle commonly called a "tow truck" or "wrecker" and used by the dealer for such purposes, a vehicle equipped for the purpose of towing or pushing disabled or nonoperated vehicles or a commercial or suburban type vehicle used by the dealer for commercial purposes other than directly affecting the sale or demonstration of that particular vehicle. In addition, dealer**, manufacturer,** or transporter number plates may be used for any non-self-propelled device used for the transport of modular homes. **Except as provided in section four hundred sixteen of this article, manufacturer 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 demonstration, except a vehicle rented to another, a vehicle used to transport passengers for hire, a vehicle commonly called a "tow truck" or "wrecker" and used by the manufacturer for such purposes, a vehicle equipped for the purpose of towing or pushing disabled or nonoperated vehicles or a commercial or suburban type vehicle used by the manufacturer for commercial purposes other than directly affecting the demonstration of that particular vehicle.**

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

§ 5. Subdivision 11 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:

11. Following the suspension or revocation of the certificate of registration of a dealer**, manufacturer,** or transporter or number plates, pursuant to this section, the failure of the holder or any other person possessing the certificate of registration, number plates or certificates of sale issued to a dealer pursuant to the regulations of the commissioner, to deliver the same to the suspending or revoking officer, peace officer acting pursuant to his **or her** special duties, police officer directed by the commissioner to secure possession thereof, or agent of the commissioner, displaying authorization to act in such capacity along with a certified copy of the order revoking or suspending such registration or number plates, shall be a misdemeanor.

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

§ 6. Subdivision 15 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:

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

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

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

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

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

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

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

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

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

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

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

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