STATE OF NEW YORK

3687--A

2021-2022 Regular Sessions

IN SENATE

January 30, 2021

Introduced by Sen. FELDER -- 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 requiring vehicle inspection renewal notification thirty days prior to expiration

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

Section 1. Subdivisions (a) and (b) of section 306 of the vehicle and traffic law, as amended by chapter 608 of the laws of 1993, are amended and a new subdivision (g) is added to read as follows:

(a) The commissioner shall suspend or prohibit the renewal of the registration of any motor vehicle for which a certificate or certificates of inspection has or have not been obtained as required by this article, or the regulations promulgated thereunder, or which is not repaired within the period designated under **subdivision (b) of** section three hundred four **of this article** [~~(b)~~]; provided however, the commissioner shall waive the requirement for any repairs to an emissions system beyond the expenditure amount permitted by federal law and regulations once the amount has been expended**, and provided further that the commissioner shall provide for suitable notice of an impending inspection expiration in accordance with subdivision (g) of this section**. The commissioner shall provide for an appeal from a determination related to a request that the repair requirement be waived. No such **notice or** waiver shall apply to classes of vehicles for which such waiver would be prohibited pursuant to a final decree of a federal court.

(b) No motor vehicle shall be operated or parked on the public highways of this state unless a certificate or certificates of inspection, as required by this article, is or are displayed upon the vehicle or

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

LBD02451-02-1

affixed to the registration certificate for the vehicle as may be determined by the commissioner. The commissioner may, by regulation, provide for a temporary indicia of inspection to be placed on a motor vehicle which shall be valid as a certificate of inspection for a period not to exceed fifteen days upon the loss, theft, mutilation or destruction of a certificate of inspection. Any violation of this section that occurs while a motor vehicle is parked on the public highways of this state shall constitute a parking violation. Every agreement for the lease or rental of a motor vehicle for a period of not more than thirty days shall be deemed to provide that the lessor of such vehicle shall, in all respects, be substituted for the lessee or any person operating the vehicle in conformity with the lease or rental agreement in connection with any charge of violating this section, provided that any summons issued to the operator for violation of this section is turned over to the lessor. A violation of this subdivision shall be punishable by a fine of not less than fifty nor more than one hundred dollars for a first offense, and by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not more than fifteen days, or by both such fine and imprisonment, for each subsequent offense; provided however, **that if the vehicle bears a certificate or certificates of inspection which was or were valid within the past five days it shall be an affirmative defense to such violation and no violation shall have occurred; provided, further** that if the vehicle bears a certificate or certificates of inspection which was or were valid within [~~**the last**~~] **no fewer than six days and no more than** sixty days, such violation shall be punishable by a fine of not less than twenty-five nor more than fifty dollars.

(g) (1) The commissioner shall notify every owner of a motor vehicle registered in this state that their vehicle inspection is subject to expiration thirty days before such expiration. Such notice may be provided electronically to an owner of a motor vehicle who has affirmatively consented or requested to be contacted by electronic means of communication in a form prescribed by the commissioner, or upon determination that sufficient appropriations are available, by mailing of such notice to the address of an owner of a motor vehicle who has not affirmatively consented to communication by electronic means.

(2) The renewal notification shall include without limitation the following details: (i) a brief description of the motor vehicle that has an inspection that needs to be renewed, including the vehicle owner's name and residence, together with the plate designation and the plate type as shown by the registration plates of such vehicle and the expiration date; the make or model, and body type of such vehicle; the name and factory number of such vehicle, and such other facts as the commissioner shall require;

(ii) notification that such inspection shall expire at the end of the current month; and

(iii) such additional facts or evidence as the commissioner may require in connection with the form of the notification.

(3) The commissioner shall register the notifications sent regarding such motor vehicles and shall maintain a record of such notifications and the addresses to which such notifications were sent. The production of a copy of a notice issued by the department, together with an electronically-generated record of entry of such notice upon the appropriate owner's registration file of the department and an affidavit by an employee designated by the commissioner as having responsibility for the issuance of such notice issued by the department setting forth the

procedure for the issuance and the mailing of such notice at the address of such person on file with the department, including electronic address or telephone number for owners who have affirmatively consented to communication by electronic means, shall be presumptive evidence that such notice of inspection expiration was produced and mailed in accordance with such procedures.

(4) The commissioner may promulgate such regulations and procedures as shall be necessary to effectuate the provisions of this subdivision.

§ 2. This act shall take effect on the first of April next succeeding the date on which it shall have become a law. 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.