STATE OF NEW YORK

7891

2023-2024 Regular Sessions

IN ASSEMBLY

July 19, 2023

Introduced by M. of A. DURSO -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to establishing a penalty for interfering with the repossession of certain vehicles

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

Section 1. Section 425 of the vehicle and traffic law, the section heading and subdivision 2 as amended by chapter 183 of the laws of 1973 and subdivision 1 as amended by chapter 473 of the laws of 2018, is amended to read as follows:

§ 425. Repossession of motor vehicle or motorcycle; garageman's lien; notice to police. 1. [~~Any person, firm or corporation, or agent, employee or representative thereof, repossessing or retaking a motor vehicle or motorcycle pursuant to the provisions of article nine of the uniform commercial code, or other authority of law, or any contract or agreement,~~] **For the purposes of this section:**

(a) "Collateral" shall mean a motor vehicle or motorcycle being repossessed pursuant to the provisions of article nine of the uniform commercial code, or other authority of law.

(b) "Repossessor" shall mean any person, firm or corporation, or agent, employee or representative thereof, repossessing or retaking collateral pursuant to the provisions of article nine of the uniform commercial code, or other authority of law, or any contract or agreement.

(c) "Repossession is complete" shall mean:

(i) the repossessor gaining entry to the collateral;

(ii) the collateral becoming connected to the tow truck or the repossessor's tow vehicle;

(iii) the repossessor moving the entire collateral present; or

(iv) the repossessor gaining control of the collateral.

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

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2. A repossessor shall, immediately following such repossession or retaking, personally appear at a station house or other office of the police department, or agency or officer performing like functions, in the locality wherein such repossession or retaking occurred, give notice to such department, agency or officer of such repossession or retaking and thereafter and within twenty-four hours of the tenth day after such repossession or retaking personally deliver or mail by first class mail to the nearest motor vehicle office of the state or county acting as an agent of the commissioner pursuant to section two hundred five of this chapter[~~,~~]**:** (a) notice of such repossession or retaking in such form as the commissioner may require**;** and (b) the number plates of such motor vehicle or motorcycle. Notice of such repossession or retaking, including the name and address of the [~~person, firm or corporation repossessing or retaking the same~~] **repossessor**, shall also be given within twenty-four hours thereof to the owner of [~~such motor vehicle or motorcycle~~] **the collateral**, either personally or by registered or certified mail, or by first class mail, with a certificate of mailing properly endorsed by the postal service to be obtained, directed to such owner at his or her last-known address. Unless the [~~motor vehicle or motorcycle~~] **collateral** can be repossessed or retaken without breach of the peace, it shall be repossessed or retaken by legal process, but nothing herein contained shall be construed to authorize a violation of the criminal law.

[~~2.~~] **3.** Any [~~person, firm or corporation, or agent, employee or representative thereof~~] **repossessor** holding [~~a motor vehicle or motorcycle~~] **collateral** under a lien for repairs or storage pursuant to any authority of law, or any contract or agreement shall return any registration plates for such [~~vehicle~~] **collateral** which are in his possession to the registrant upon the registrant's request, or if not so returned shall, within twenty-four hours after such request, personally deliver or mail by special delivery first class mail to the nearest motor vehicle office (a) notice of such holding in such form as the commissioner may require and (b) the number plates of such [~~motor vehicle or motorcycle~~] **collateral**.

4. No person shall interfere with the transport of collateral to a storage facility, auction, or dealer by any repossessor once repossession is complete. A violation of this paragraph shall be punishable by a fine not to exceed two hundred fifty dollars.

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