

# STATE OF NEW YORK

1242--A

2023-2024 Regular Sessions

## IN SENATE

January 10, 2023

Introduced by Sen. FELDER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommended to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- 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:

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

4 (a) The commissioner shall suspend or prohibit the renewal of the  
5 registration of any motor vehicle for which a certificate or certifi-  
6 cates of inspection has or have not been obtained as required by this  
7 article, or the regulations promulgated thereunder, or which is not  
8 repaired within the period designated under subdivision (b) of  
9 three hundred four of this article [~~(b)~~]; provided however, the commis-  
10 sioner shall waive the requirement for any repairs to an emissions  
11 system beyond the expenditure amount permitted by federal law and regu-  
12 lations once the amount has been expended, and provided further that the  
13 commissioner shall provide for suitable notice of an impending  
14 inspection expiration in accordance with subdivision (g) of this  
15 section. The commissioner shall provide for an appeal from a determi-  
16 nation related to a request that the repair requirement be waived. No  
17 such notice or waiver shall apply to classes of vehicles for which such  
18 waiver would be prohibited pursuant to a final decree of a federal  
19 court.

20 (b) No motor vehicle shall be operated or parked on the public high-  
21 ways of this state unless a certificate or certificates of inspection,

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

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1 as required by this article, is or are displayed upon the vehicle or  
2 affixed to the registration certificate for the vehicle as may be deter-  
3 mined by the commissioner. The commissioner may, by regulation, provide  
4 for a temporary indicia of inspection to be placed on a motor vehicle  
5 which shall be valid as a certificate of inspection for a period not to  
6 exceed fifteen days upon the loss, theft, mutilation or destruction of a  
7 certificate of inspection. Any violation of this section that occurs  
8 while a motor vehicle is parked on the public highways of this state  
9 shall constitute a parking violation. Every agreement for the lease or  
10 rental of a motor vehicle for a period of not more than thirty days  
11 shall be deemed to provide that the lessor of such vehicle shall, in all  
12 respects, be substituted for the lessee or any person operating the  
13 vehicle in conformity with the lease or rental agreement in connection  
14 with any charge of violating this section, provided that any summons  
15 issued to the operator for violation of this section is turned over to  
16 the lessor. A violation of this subdivision shall be punishable by a  
17 fine of not less than fifty nor more than one hundred dollars for a  
18 first offense, and by a fine of not less than fifty nor more than two  
19 hundred dollars or by imprisonment for not more than fifteen days, or by  
20 both such fine and imprisonment, for each subsequent offense; provided  
21 however, that if the vehicle bears a certificate or certificates of  
22 inspection which was or were valid within sixty days, such violations  
23 shall be punishable by a fine of not less than twenty-five nor more than  
24 fifty dollars; and provided further, that if a personal use passenger  
25 motor vehicle bears a certificate or certificates of inspection which  
26 was or were valid within the past five days it shall be an affirmative  
27 defense to such violation and no violation shall have occurred; and  
28 provided further that if [~~the~~] such vehicle bears a certificate or  
29 certificates of inspection which was or were valid within [~~the last~~] no  
30 fewer than six days and no more than sixty days, such violation shall be  
31 punishable by a fine of not less than twenty-five nor more than fifty  
32 dollars.

33 (g) (1) The commissioner shall notify every owner of a personal use  
34 passenger motor vehicle registered in this state that their vehicle  
35 inspection is subject to expiration thirty days before such expiration.  
36 Such notice may be provided electronically to an owner of such motor  
37 vehicle who has affirmatively consented or requested to be contacted by  
38 electronic means of communication in a form prescribed by the commis-  
39 sioner, or upon determination that sufficient appropriations are avail-  
40 able, by mailing of such notice to the address of an owner of such motor  
41 vehicle who has not affirmatively consented to communication by elec-  
42 tronic means.

43 (2) The renewal notification shall include without limitation the  
44 following details: (i) a brief description of the motor vehicle that has  
45 an inspection that needs to be renewed, including the vehicle owner's  
46 name and residence, together with the plate designation and the plate  
47 type as shown by the registration plates of such vehicle and the expira-  
48 tion date; the make or model, and body type of such vehicle; the name  
49 and factory number of such vehicle, and such other facts as the commis-  
50 sioner shall require;

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

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

55 (3) The commissioner shall register the notifications sent regarding  
56 such motor vehicles and shall maintain a record of such notifications

1 and the addresses to which such notifications were sent. The production  
2 of a copy of a notice issued by the department, together with an elec-  
3 tronically-generated record of entry of such notice upon the appropriate  
4 owner's registration file of the department and an affidavit by an  
5 employee designated by the commissioner as having responsibility for the  
6 issuance of such notice issued by the department setting forth the  
7 procedure for the issuance and the mailing of such notice at the address  
8 of such person on file with the department, including electronic address  
9 or telephone number for owners who have affirmatively consented to  
10 communication by electronic means, shall be presumptive evidence that  
11 such notice of inspection expiration was produced and mailed in accord-  
12 ance with such procedures.

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

15 § 2. This act shall take effect on the first of April next succeeding  
16 the date on which it shall have become a law. Effective immediately, the  
17 addition, amendment and/or repeal of any rule or regulation necessary  
18 for the implementation of this act on its effective date are authorized  
19 to be made and completed on or before such effective date.