

# STATE OF NEW YORK

4494

2023-2024 Regular Sessions

## IN SENATE

February 9, 2023

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to bystander reporting of stolen, false or fraudulent license plates

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

1 Section 1. Section 392-a of the vehicle and traffic law, as amended by  
2 chapter 307 of the laws of 1994, is amended to read as follows:

3 § 392-a. Sale or purchase of stolen, false or fraudulent license,  
4 identification card, certificate of registration, or number plate. 1. A  
5 person who knowingly sells or offers to sell or buys or offers to buy a  
6 false, fraudulent or stolen license, identification card, certificate of  
7 registration or number plate, shall be guilty of a misdemeanor as a  
8 first offense and a class E felony as a second or subsequent offense  
9 committed within ten years of the prior offense.

10 2. (a) For the purposes of this subdivision, the following definitions  
11 shall apply:

12 (i) "Bystander" shall mean any natural person, other than a police  
13 officer or other governmental employee authorized to serve summons for a  
14 violation of this section, who observes a number plate on a motor vehi-  
15 cle that he or she believes to be stolen, false, and/or fraudulent and  
16 reports such believed violation to the local enforcement authority  
17 pursuant to the provisions of this section.

18 (ii) "Local enforcement authority" shall mean any police department or  
19 other governmental entity designated by a municipality to enforce the  
20 provisions of this chapter.

21 (iii) "Municipality" shall mean a county outside the city of New York,  
22 or a city, town, or village.

23 (b) Each municipality in this state shall create a program in which a  
24 bystander may report to the local enforcement authority a number plate  
25 that he or she believes to be stolen, false, and/or fraudulent on a form

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

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1 prescribed by such municipality. The municipality shall make available  
2 and post online information describing such program and all details that  
3 the local enforcement authority deems necessary and relevant to include  
4 in a bystander report which may include, but not be limited to, time and  
5 date verification, make, model, and color of the motor vehicle, license  
6 plate number, and issuing state. Such information shall include guidance  
7 on gathering supporting documentation and shall clearly describe antic-  
8 ipated timelines for the investigation of such alleged violation and  
9 issuance of fines.

10 (c) Any bystander who has served a complaint upon a local enforcement  
11 authority, pursuant to paragraph (b) of this subdivision, shall receive  
12 twenty-five percent of the proceeds of any fine, issued under article  
13 eighty of the penal law, for disclosure of information or evidence not  
14 in the possession of such authority prior to the receipt of the  
15 bystander's complaint which leads to a conviction of the offense  
16 described in subdivision one of this section.

17 (d) A municipality may enter into a joint service agreement, consist-  
18 ent with section one hundred nineteen-o of the general municipal law,  
19 with another municipality in order to effectuate the provisions of this  
20 section.

21 § 2. Section 402 of the vehicle and traffic law is amended by adding a  
22 new subdivision 9 to read as follows:

23 9. (a) For the purposes of this subdivision, the following definitions  
24 shall apply:

25 (i) "Bystander" shall mean any natural person, other than a police  
26 officer or other governmental employee authorized to serve summons for a  
27 violation of this section, who observes a number plate on a motor vehi-  
28 cle that he or she believes to violate the provisions of paragraph (b)  
29 of subdivision one of this section.

30 (ii) "Local enforcement authority" shall mean any police department or  
31 other governmental entity designated by a municipality to enforce the  
32 provisions of this chapter.

33 (iii) "Municipality" shall mean a county outside the city of New York,  
34 or a city, town, or village.

35 (b) All municipalities in this state shall create a program in which a  
36 bystander may report to the local enforcement authority a number plate  
37 that he or she believes to violate the provisions of paragraph (b) of  
38 subdivision one of this section in a form prescribed by such munici-  
39 pality. The municipality shall make available and post online informa-  
40 tion describing such program and all details that the local enforcement  
41 authority deems necessary and relevant to include in a bystander report,  
42 which may include but not be limited to time and date verification,  
43 make, model, and color of the motor vehicle, license plate number, and  
44 issuing state. Such information shall include guidance on gathering  
45 supporting documentation and shall clearly describe anticipated time-  
46 lines for the investigation of such alleged violation and issuance of  
47 fines.

48 (c) Any bystander who has served a complaint upon a local enforcement  
49 authority, pursuant to paragraph (b) of this subdivision, shall receive  
50 twenty-five percent of the proceeds of a fine imposed pursuant to subdi-  
51 vision eight of this section for disclosure of information or evidence  
52 not in the possession of such authority prior to the receipt of the  
53 bystander's complaint which leads to a finding of a violation of the  
54 provisions of paragraph (b) of subdivision one of this section.

55 (d) A municipality may enter into a joint service agreement, consist-  
56 ent with section one hundred nineteen-o of the general municipal law,

1 with another municipality in order to effectuate the provisions of this  
2 section.

3 § 3. This act shall take effect on the one hundred eightieth day after  
4 it shall have become a law. On or before such effective date, each muni-  
5 cipality, or set of municipalities if entering into a joint service  
6 agreement pursuant to section 119-o of the general municipal law, shall  
7 publish online a description of the bystander reporting program  
8 described in this act, including information related to best practices  
9 for the filing of a report.