STATE OF NEW YORK

3332

2023-2024 Regular Sessions

IN SENATE

January 30, 2023

Introduced by Sen. MAYER -- 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 making certain exceptions for violations pertaining to certain mufflers and exhaust systems

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

Section 1. Subdivisions 3 and 4 of section 376-a of the vehicle and traffic law, subdivision 3 as amended by chapter 856 of the laws of 1990 and subdivision 4 as amended by chapter 302 of the laws of 2013, are amended to read as follows:

3. If the vehicle is being driven or operated in violation of any provisions of section three hundred seventy-five, three hundred seventy-six or three hundred eighty-one of this article relating to required equipment, except a violation described in subdivision two of this section, subdivision **thirty-one, thirty-one-a, thirty-one-b, or** forty-seven of section three hundred seventy-five of this article, and except a violation relating to service brakes, such officer shall issue a summons, provided, however, that a summons shall not be issued if, in the discretion and at the request of such officer, the defect is corrected in the presence of such officer. The refusal of a police officer to permit the repair of any defect in his presence shall not be reviewable, and shall not be a defense to any violation charged in a summons issued pursuant to the provisions of this subdivision.

4. Any complaint issued for any violation of section three hundred seventy-five, three hundred seventy-six or three hundred eighty-one of this article relative to required equipment, except a violation described in subdivision two of this section, subdivision **thirty-one, thirty-one-a, thirty-one-b, or** forty-seven of section three hundred seventy-five of this article, and except for a violation relating to service brakes, shall be dismissed by the court before which the summons

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

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is returnable if the violation as set forth in the summons is corrected not later than one-half hour after sunset on the first full business day after the issuance of the summons and proof of such correction as set forth in subdivision five of this section is submitted to the court. For the purposes of this subdivision, "business day" shall mean any calendar day except Saturday and Sunday, or the following business holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day.

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