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:

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

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

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

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

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

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

(b) Each municipality in this state shall create a program in which a bystander may report to the local enforcement authority a number plate 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.

LBD03569-01-3

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

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

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

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

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

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

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

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

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

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

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

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

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