§ 2257-a. Suspension, revocation or refusal to issue dealer registration; suspension or revocation of dealer demonstrator number or trailer plate; suspension of authority to issue temporary registration; civil penalty. 1. Suspension, revocation and refusal to renew a registration, demonstrator number or number plate. The commissioner may deny the application of any person for registration under section twenty-two hundred fifty-seven of this article or suspend or revoke a certificate of registration, demonstrator number or number plate issued under such section or refuse to issue a renewal thereof if he determines that such applicant or registrant or any other person directly or indirectly interested in the business:

(a) has made a material false statement or concealed a material fact in connection with his application;

(b) has used or permitted the use of demonstrator numbers or number plates contrary to law;

(c) has been guilty of fraud or fraudulent or deceptive practices, or has practiced dishonest or misleading advertising;

(d) does not have a place of business as defined by regulation of the commissioner;

(e) was the former holder, or was an officer, director, stockholder, or partner, in a corporation or partnership which was the former holder of a dealer's registration, which was suspended or revoked by the commissioner; or

(f) has failed to comply with any of the rules and regulations of the commissioner for the enforcement of this article or with any provision of this chapter applicable thereto.

2. In lieu of suspending or revoking the certificate of registration of a dealer, the commissioner may, for any of the grounds specified in subdivision one of this section, suspend the authority of a dealer to issue temporary registrations pursuant to section twenty-two hundred fifty-five of this article.

3. Civil penalty. The commissioner, or any person deputized by him, in addition to or in lieu of revoking or suspending the certificate of registration, or in addition to suspending the authority to issue temporary registrations, may in any one proceeding by order require the

registrant to pay to the people of this state a penalty in a sum not exceeding one thousand dollars for each violation and upon the failure of such registrant to pay such penalty within twenty days after the mailing of such order, postage prepaid, registered, and addressed to the last known place of business of such registrant, unless such order is stayed by an order of a court of competent jurisdiction, the commissioner may suspend the certificate of registration of such registrant until such penalty is paid. Civil penalties assessed under this subdivision shall be paid to the commissioner for deposit into the state treasury, and unpaid civil penalties may be recovered by the commissioner in a civil action in the name of the commissioner. In addition, as an alternative to such civil action and provided that no proceeding for judicial review shall then be pending and the time for initiation of such proceeding shall have expired, the commissioner may file with the county clerk of the county in which the registrant is located a final order of the commissioner containing the amount of the penalty assessed. The filing of such final order shall have the full force and effect of a judgment duly docketed in the office of such clerk and may be enforced in the same manner and with the same effect as that provided by law in respect to executions issued against property upon judgment of a court of record.

4. No certificate of registration, demonstrator number or number plate shall be suspended or revoked, civil penalty imposed or authority to issue temporary registrations suspended until such registrant shall have been given the opportunity to be heard, upon written notice to the registrant, before an officer or employee of the department designated for such purpose by the commissioner. However, the commissioner may temporarily suspend a registration, demonstrator numbers or number plates and/or the authority to issue temporary registrations pending a hearing.

Upon the denial of an application for a certificate of registration, the applicant shall, upon written request made within ten days after the applicant is notified of such denial, be entitled to a hearing before an officer or employee of the department designated for such purpose by the commissioner.

5. Following the suspension or revocation of the certificate of registration of a dealer, demonstrator numbers or number plates, or the suspension of the authority to issue temporary registrations, pursuant to this section, the failure of the holder or any other person possessing the certificate of registration, demonstrator numbers, number plates or temporary registrations, issued to a dealer pursuant to the regulations of the commissioner, to deliver the same to the suspending or revoking officer is a misdemeanor. Failure of the holder or any person possessing the certificate of registration to deliver the same to any peace officer acting pursuant to his special duties, directed by the commissioner to secure possession thereof shall be a misdemeanor.