§ 376-a. Defective equipment. 1. If any vehicle is driven or operated on a public highway in violation of any provision of section three hundred seventy-five, three hundred seventy-six or three hundred eighty-one of this article relating to required equipment or its proper repair and adjustment, other than a provision relating to service brakes, any police officer shall be authorized to take such action as may be required or permitted by the provisions of this section.

2. If the vehicle is being operated or driven in violation of the provisions of this chapter relating to the use or proper repair or adjustment of headlamps, and there is not in operation at least one headlamp lighted and adjusted as required by law, such officer shall issue a summons for such violation and shall order the operator to remove such vehicle from the highway. In such event, such vehicle shall not again be driven or operated until such time as the vehicle can be driven or operated without being in violation of such provisions.

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 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 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 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.

5. (a) Acceptable proof of repair or adjustment shall consist of submission to the court on or before the return date of the summons either:

(i) a statement of correction from an officially designated state inspection station duly executed by the person performing or making such inspection and bearing the facility number of the state inspection station, or

(ii) a statement of correction from an automobile repair shop on the letterhead of such repair shop duly executed by the person who made the correction, or

(iii) a statement of correction from any registrant having more than twenty-five vehicles registered and having a fleet maintenance program administered by the registrant, duly executed by the person performing or making such correction and countersigned by the fleet maintenance supervisor, or

(iv) a signed statement of any police officer that the necessary corrections have been made, or

(v) evidence acceptable to the court from any person that he or she completed the repair together with proof of purchase of the equipment needed for the repair, or

(vi) in the discretion of the court, submission of the vehicle to the court for inspection not later than one-half hour after the next ensuing sunset.

(b) The statement required by this subdivision shall be directed to the court having jurisdiction of the alleged violation, shall be affirmed as true under penalty of perjury, and shall include:

(i) the name, occupation and position of the person making the

statement;

(ii) the time and date that the repairs or inspection were made; and

(iii) a statement that the defective equipment, cited in the summons or information, on the vehicle in question, is in proper working order.

6. The provisions of this section shall not be construed to affect any cause of action or the rights or liabilities of any person with respect to damages or injuries caused or suffered as a result of the operation of a motor vehicle.