§ 402-b. Obscured and obstructed license plates. 1. If any vehicle is driven or operated on a public highway in violation of subparagraph (ii), (ii-a), or (iii) of paragraph (b) of subdivision one of section four hundred two of this article and is committed in their presence, a police officer, as defined in section one hundred thirty-two of this chapter, shall be authorized to take such actions as may be required or permitted by the provisions of this section.

2. If the vehicle is being driven or operated in violation of subparagraph (ii), (ii-a) or (iii) of paragraph (b) of subdivision one of section four hundred two of this article, 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 their 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 section.

3. Any complaint issued for any violation of subparagraph (ii), (ii-a) or (iii) of paragraph (b) of subdivision one of section four hundred two of this article may 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 is submitted to the court or administrative tribunal. 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.