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TO: All Magistrates

SUBJECT: Procedures for Corporate Substitution on Uniform Traffic Ticket

This article clarifies the procedures a court should use if the court chooses to permit a corporate substitution disposition on a uniform traffic ticket (UTT).

The purpose of the corporate substitution is to place the responsibility for a traffic summons on the vehicle registrant due to the nature of the violation. It is only fair, for example, for an employer to bear the responsibility for violations related to vehicle weight and equipment, registration and inspection. The operator, on the other hand, is always responsible for the safe operation of the vehicle.

Two sections of the Vehicle and Traffic Law (VTL) specifically grant law enforcement officers the option of issuing a ticket in the name of the vehicle registrant, with service of the ticket upon the vehicle operator, who is deemed the agent of the registrant. VTL §§385(20-a) and 401(19-a) provide that a ticket may be issued in the name of the registrant, and served on the vehicle operator, for overweight and registration violations, respectively. The public policy behind these provisions is that it is the registrant's responsibility to insure that the vehicle is not overweight and that it is properly registered. If an officer does not issue the ticket in the registrant's name in the case of an overweight or registration violation, a court may permit a corporate substitution and substitute the registrant for the operator. This is consistent with the above-stated public policy.

There are no other VTL sections that specifically authorize law enforcement officers to issue tickets in the name of the registrant, with service upon the operator. Again, however, consistent with the above-referenced public policy, courts often choose to permit a corporate substitution when the alleged violation goes to the nature of the vehicle itself, such as equipment or inspection violations. **It is not appropriate** to permit a corporate substitution for a violation related to the **operation of the motor**

vehicle, such as a speed, improper lane change, unlicensed operation, DWI, red light, seat belt or cell phone violation. These violations are all attributable to the vehicle operator, and not only should the ticket be written in the operator's name, but the disposition should be in his or her name. This accords with the public policy that the vehicle operator is responsible for the safe operation of the motor vehicle.

To insure that we properly account for the traffic ticket issued and to record the disposition, the following procedures should be followed.

Any court that is substituting the corporation for the driver upon conviction should:

- A. Prepare a UT-20 Duplicate Disposition.
 1. Enter the same ticket number as that issued to driver.
 2. Complete name and address of corporation.
 3. Indicate charge convicted of.
 4. Complete justice code, court code, disposition, and sentence information.
 5. Complete and sign form where required.
 6. Attach to front of original ticket issued to driver.
 7. Do not complete the bottom portion of original ticket issued to driver.

The Traffic Safety Law Enforcement & Disposition (TSLE&D) program will make minor modifications to the arrest file so that the conviction will not go to the driver's license record, or be chargeable to that driver.

I hope that this article has clarified the use of the corporate substitution. Thank you.

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