

Part 77 of the Commissioner's Rules and Regulations (Private Service Bureaus)



NEW YORK
STATE OF
OPPORTUNITY.

**Department of
Motor Vehicles**

6 Empire State Plaza
Albany, NY 12228



NOTE: Some of the information in this document is out-of-date. DMV staff are reviewing the changes that have to be made to Part 77 of the Commissioner's Regulations to reflect the changes that have been made in the Private Service Bureau (PSB) program. Any individual or business needing information about becoming a PSB, or wanting an application to become a PSB, can contact the Private Service Bureau office in Albany at (518) 473-6586 or (518) 473-9947.

Disclaimer: The text of a Part of the Commissioner's Regulation in this document is **not** an **exact** duplicate of the official version of the Regulation. DMV staff may have changed some tabs/spacing, and may have changed the text to correct any typographical errors that appear in the official Regulations. **These corrections do not change the meaning or intent of the Regulation in this document in any way.**

Part 77 Private Service Bureaus (Statutory Authority: VTL Sections 215, 395)
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Section 77.1 Applications. (a) A private service bureau license is required of any person, firm, association or corporation engaged in the business of assisting for hire in securing licenses to drive motor vehicles, or registrations or titles of motor vehicles.

(b) The holder of a drivers' school license will not be required to secure a private service bureau license in order to engage in business as a private service bureau. However, schools desiring to conduct a private service bureau must file a copy of their intention to conduct such a business and submit a copy of the receipt form for approval. Such schools shall be subject to the rules and regulations concerning the conduct of licensed private service bureaus.

(1) Original applications for a license to conduct a private service bureau may be obtained by contacting the Private Service Bureau Unit at 6 Empire State Plaza, Partner & Document Management Unit, Room 322P, Albany, NY 12228.

(2) Original applications must be filed at the Department of Motor Vehicles, 6 Empire State Plaza, Partner & Document Management Unit, Room 322P, Albany, NY 12228.

(c) The application must be signed and sworn to by the applicant, if an individual. In case of a corporation, association or partnership, the application must be signed and sworn to by an officer or member on behalf of the applicant. If the applicant is a corporation, association or partnership, the application must be signed by each officer or partner at the appropriate place. If the business is conducted under an assumed name, a certified copy of the certificate filed with the county clerk, or copy of the filing receipt obtained from the Secretary of State's office, must be submitted with the application.

(d) A fee of \$25 must accompany the application when submitted. If the application is rejected, a refund will not be granted. If the application is approved, an additional fee of \$25 is required for the certificate of license. Licenses expire midnight, June 30th of each year.

(e) The name and address, and other information, of all persons employed by a private service bureau shall be entered on the application in the appropriate place.

(f) Do not mail cash or stamps, as this department will not be responsible for any loss.

77.2 Licenses. (a) Licenses are not transferable. If the business is sold, the purchaser must file an original application for a new license. If the certificate of license is lost, mutilated or destroyed, a duplicate will be issued upon proof of the fact and the payment of a fee of one dollar.

(b) The certificate of license must be displayed conspicuously in the licensee's principal place of business.

(c) If a private service bureau is discontinued, the license must be surrendered to the department, where it will be retained. If the owner desires to resume the business during the life of the license, application may be made for the return of the license. Similarly, if a branch office is discontinued, the certified photostat copy must be filed with the department.

(d) No license shall be issued for a private service bureau in a city having a population of 50,000 or more, if the place of business, or branch thereof, is within 1,500 feet of a building owned or leased by the State, a county or a city, in which motor vehicle registrations or licenses to drive motor vehicles are issued to the public.

77.3 Renewals and amendments. (a) If services, other than those already listed on the application, are adopted at any time, the licensed private service bureau must notify the Department of Motor Vehicles at once in writing of the additional services.

(b) No licensed private service bureau or branch thereof may be moved to an address other than that on record in the Department of Motor Vehicles without the owner of the business first obtaining permission from the Commissioner of Motor Vehicles. Application for a change of address must be made in writing to the department.

- (c) The Department of Motor Vehicles must be notified in writing immediately if there is a change in the address of any member of the firm, partnership or corporation.
- (d) Renewal applications for a license to conduct a private service bureau may be obtained by contacting the Private Service Bureau Unit at 6 Empire State Plaza, Partner & Document Management Unit, Room 322P, Albany, NY 12228.
- (e) Renewal applications must be filed at the Department of Motor Vehicles, 6 Empire State Plaza, Partner & Document Management Unit, Room 322P, Albany, NY 12228.
- (f) The renewal application must be signed and sworn to by the applicant, if an individual. In case of a corporation, association or partnership, the application must be signed and sworn to by an officer or member on behalf of the applicant. If the applicant is a corporation, association or partnership, the appropriate item on the application must be signed by each officer or partner.
- (g) If the business is conducted under an assumed name, and there has been a change in the name since your present private service bureau license was issued, a certified copy of the certificate of assumed name filed with the county clerk, or a copy of the filing receipt obtained from the Secretary of State's office, must be submitted with the application. Likewise, any change in proprietorship, where business is a partnership, requires a certificate submitted with the application.
- (h) The renewal fee is \$25 per year for a two year renewal. Licenses expire midnight, June 30th of the second year. Applications for renewals should be filed at least 30 days prior to June 30th. If the renewal application is approved, a new certificate of license will be issued.
- (i) The Department of Motor Vehicles must be notified immediately, on a form provided by the department, when additional or substitute employees are engaged during the year, or of a change in corporate officers or individuals doing business under a trade name.

77.4 Branch offices. Licensed private service bureaus desiring to operate a branch office shall make application for this privilege on a form provided by the department. If the application is approved, the branch office may be operated under the license issued for the principal place of business, provided a certified photostat copy of the license is obtained from the department upon payment of the proper fee and displayed conspicuously in the branch office.

77.5 Records. The licensed private service bureau must:

- (a) maintain a book of registry which shall set forth the name, address, services rendered and the cost of services of each person obtaining services for hire. The register shall be subject to inspection by representatives of the Department of Motor Vehicles and police officers;
- (b) maintain a form of receipt which shall be the same as the receipt submitted to and approved by the Department of Motor Vehicles;

(c) issue receipts in carbon or computer generated duplicate, the original to be given to the customer at the time the transaction is made, and the carbon or computer generated duplicate retained by the private service bureau.

(d) The receipt forms shall be numbered consecutively, and in addition, the receipts shall contain:

(1) the name and address of the private service bureau;

(2) the statement, "This is a licensed private service bureau but is not an official agency of the Department of Motor Vehicles, State of New York";

(e) If the business is owned by an individual or a partnership and conducted under an assumed name, the name or names of ownership must be included on the receipt forms directly under the name of the business;

(f) Upon issuing a receipt to a customer, the private service bureau must enter thereon:

(1) the name and address of the customer;

(2) the nature of each service rendered;

(3) the entire amount received from the customer;

(4) the amount paid to the Department of Motor Vehicles for each service rendered;

(5) the amount retained for each service by the private service bureau for its services;

(6) the signature of the owner, officer or employee performing the services.

77.6 Employees. No person may be employed in any capacity in a licensed drivers' school or a licensed private service bureau who has been convicted of a felony or a misdemeanor unless such person is approved by the Commissioner of Motor Vehicles.

77.7 Advertising. (a) The licensed private service bureau may display on the outside or inside of the place of business a sign or signs describing the services offered as a licensed private service bureau. If a fee for any services is publicly announced or displayed by a sign, placard or otherwise, the private service bureau must maintain the fee so advertised as the fee for service.

(b) A licensed private service bureau must not publish, advertise, display or intimate that registration plates and chauffeur or operator licenses are guaranteed or assured. The display of signs such as "licenses and plates secured here" is forbidden. The words "licenses and plates secured" may be used.

(c) The letters and numerals of any sign, or combination of two or more signs used as part of the same message and relating to private service bureaus activities shall be of uniform size. This applies to those signs which are newly displayed, installed or erected on and after May 1, 1938, or replace existing signs on and after that date.

(d) Licensed private service bureaus may place in or on a window a sign reading, "This service bureau licensed by the State of New York". This sign shall not be more than 144 square inches in size.

(e) Suitable banners or signs may be displayed but the use of the word "State", except as permitted in the preceding subdivision is not allowed.

(f) DISCLAIMER.

In any case where a private service bureau maintains a website that offers services or transactions that an applicant could obtain or conduct or conduct directly via the Department's own website, the private service bureau must include the following language by means of a statement on its website on any pages that refer to licensing, registration or title transactions performed by the New York State Department of Motor Vehicles in a noticeably distinct manner and in bold type New York State Department of Motor Vehicles in a noticeably distinct manner and in bold type of a size equal to at least 24 point type:

**NOTICE: THIS TRANSACTION OR SERVICE IS ALSO AVAILABLE, AT NO
ADDITIONAL CHARGE, DIRECTLY FROM THE OFFICIAL
DEPARTMENT OF MOTOR VEHICLES WEBSITE AT dmv.ny.gov**

77.8 Provisions relating to dealers registered pursuant to Section 415 of the Vehicle and Traffic Law. (a) A dealer registered under the provisions of section 415 of the Vehicle and Traffic Law is not required to obtain a license as a private service bureau in order to engage in the business of assisting for hire in securing registrations or titles of motor vehicles for customers who have purchased vehicles from that dealer but a license as a private service bureau is required if a dealer engages in the business of assisting in securing registrations or titles for the general public.

(b) The provisions of sections 77.1 through 77.6 of this Part shall not be applicable to such a dealer engaging in private service bureau activities for customers who have purchased vehicles from that dealer but shall apply if a dealer engages in private service bureau activities for the general public.

(c) Such a dealer may charge a person who purchases a vehicle from such dealer a fee for assisting in securing a registration and/or certificate of title for such vehicle provided the dealer actually performs the service of filing the application for title and/or registration with the Commissioner of Motor Vehicles or his issuing agent. The fee charged by the dealer may not exceed \$75. Such fee does not include the fee required to be paid to the Department of Motor Vehicles for issuance of the registration or for issuance of a certificate of title, nor shall such fee include the fee charged for the motor vehicle inspection of the vehicle.

(d) If a fee is charged by the dealer for assisting in securing a registration and/or title, the dealer shall print the following statement and asterisked statement on all copies of the invoice or bill of sale in a type size not smaller than the type size used for other charges on such document:

"Dealer's optional fee for processing application for registration and/or certificate of title. **THIS IS NOT A DMV FEE.** *\$ _____"

The asterisk and the following language shall be printed below the above statement:

*The optional dealer application processing fee is not a New York State or Department of Motor Vehicles fee. Unless a lien is being recorded or the dealer issued number plates, you may submit your own application for registration and/or certificate of title to any motor vehicle issuing office.

(e) The commissioner or his representative may examine records of the dealer with respect to any private service bureau activities conducted by the dealer.