

4909--E

2009-2010 Regular Sessions

I N   S E N A T E

April 27, 2009

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Introduced by Sens. FOLEY, C. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee and committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the state finance law, in relation to a mandatory surcharge for traffic offenses and infractions in Suffolk and Nassau counties

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The vehicle and traffic law is amended by adding a new  
2     section 1809-f to read as follows:  
3     S 1809-F. MANDATORY SURCHARGE REQUIRED FOR TRAFFIC OFFENSES AND  
4     INFRACTIONS IN SUFFOLK AND NASSAU COUNTIES. 1. WHENEVER PROCEEDINGS THAT  
5     ARE ADJUDICATED IN A COURT OR IN AN ADMINISTRATIVE TRIBUNAL IN THE COUN-  
6     TIES OF SUFFOLK OR NASSAU RESULT IN A CONVICTION FOR A CRIME UNDER THIS  
7     CHAPTER OR A TRAFFIC INFRACTION UNDER THIS CHAPTER, OR A LOCAL LAW,  
8     ORDINANCE, RULE OR REGULATION ADOPTED PURSUANT TO THIS CHAPTER, THERE  
9     SHALL BE LEVIED A MANDATORY SURCHARGE, IN ADDITION TO ANY SENTENCE OR  
10    SURCHARGE REQUIRED OR PERMITTED BY LAW, IN THE AMOUNT OF FIFTY DOLLARS.  
11    2. THE ADDITIONAL SURCHARGES PROVIDED FOR IN SUBDIVISION ONE OF THIS  
12    SECTION SHALL BE PAID TO THE CLERK OF THE COURT OR ADMINISTRATIVE TRIBU-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1    NAL THAT RENDERED THE CONVICTION. WITHIN THE FIRST TEN DAYS OF THE MONTH  
2    FOLLOWING COLLECTION OF SUCH SURCHARGES, THE COLLECTING AUTHORITY SHALL  
3    PAY SUCH MONEY TO THE STATE COMPTROLLER TO BE DEPOSITED IN THE LONG  
4    ISLAND EXPRESSWAY AND SUNRISE HIGHWAY PATROL FUND ESTABLISHED BY SECTION  
5    NINETY-SEVEN-JJJJ OF THE STATE FINANCE LAW.

6    3. THE PROVISIONS OF SUBDIVISION FOUR-A OF SECTION FIVE HUNDRED TEN,  
7    SUBDIVISION THREE OF SECTION FIVE HUNDRED FOURTEEN AND SUBDIVISION THREE  
8    OF SECTION TWO HUNDRED TWENTY-SEVEN OF THIS CHAPTER GOVERNING ACTIONS  
9    WHICH MAY BE TAKEN FOR FAILURE TO PAY A FINE OR PENALTY SHALL BE APPLI-  
10   CABLE TO THE ADDITIONAL SURCHARGE IMPOSED PURSUANT TO THIS SECTION.

11   S 2. The state finance law is amended by adding a new section 97-jjjj  
12   to read as follows:

13   S 97-JJJJ. LONG ISLAND EXPRESSWAY AND SUNRISE HIGHWAY PATROL FUND. 1.  
14   THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE COMPTROLLER, A SPECIAL  
15   FUND TO BE KNOWN AS THE "LONG ISLAND EXPRESSWAY AND SUNRISE HIGHWAY  
16   PATROL FUND".

17   2. SUCH FUND SHALL CONSIST OF ALL MONIES RECEIVED BY THE STATE PURSU-  
18   ANT TO SECTION EIGHTEEN HUNDRED NINE-F OF THE VEHICLE AND TRAFFIC LAW  
19   AND ALL OTHER GRANTS, BEQUESTS OR OTHER MONIES APPROPRIATED, CREDITED OR  
20   TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

21   3. MONIES IN THE LONG ISLAND EXPRESSWAY AND SUNRISE HIGHWAY PATROL  
22   FUND SHALL BE KEPT SEPARATE AND APART AND SHALL NOT BE COMMINGLED WITH  
23   ANY OTHER MONIES IN THE CUSTODY OF THE COMPTROLLER AND SHALL ONLY BE  
24   EXPENDED HEREIN AND IN SUCH AMOUNTS AS REQUESTED BY ELIGIBLE MUNICI-  
25   PALITIES AND AS APPROVED BY THE STATE COMPTROLLER. MUNICIPALITIES SHALL  
26   ONLY BE ELIGIBLE FOR REIMBURSEMENT OF FUNDS EQUIVALENT TO SUCH MUNICI-  
27   PALITY'S DEPOSITS INTO THE LONG ISLAND EXPRESSWAY AND SUNRISE HIGHWAY  
28   PATROL FUND.

29   4. THE MONIES RECEIVED BY SUCH FUND SHALL ONLY BE ALLOCATED TO OFFSET  
30   THE COSTS OF MAINTAINING PATROL ON THE LONG ISLAND EXPRESSWAY AND  
31   SUNRISE HIGHWAY BY THE NASSAU COUNTY POLICE DEPARTMENT AND TO OFFSET THE  
32   COSTS OF RESTORING PATROL ON THE LONG ISLAND EXPRESSWAY AND SUNRISE  
33   HIGHWAY BY THE SUFFOLK COUNTY POLICE DEPARTMENT. ANY TOWN, VILLAGE OR  
34   CITY POLICE DEPARTMENT SHALL PATROL WHERE THEY PREVIOUSLY, OR CURRENTLY  
35   PATROL ON THE LONG ISLAND EXPRESSWAY AND SUNRISE HIGHWAY. IN THE COUN-  
36   TIES OF SUFFOLK AND NASSAU, A PROPORTION OF SAID FUNDS SHALL BE DISTRIB-  
37   UTED TO THE TOWNS, VILLAGES AND CITIES WITHIN SAID COUNTIES WHICH HAVE  
38   ESTABLISHED POLICE DEPARTMENTS.

39   S 3. This act shall take effect immediately.