S T A T E  O F  N E W  Y O R K

5333

2011-2012 Regular Sessions

I N  S E N A T E

May 9, 2011

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to the inclusion of certain information on an appearance ticket; and to amend the vehicle and traffic law, in relation to suspensions for failure to pay driver responsibility assessments

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

Section 1. This act shall be known and may be cited as the "traffic violations fair notice act".

S 2. Section 150.10 of the criminal procedure law is amended by adding a new subdivision 3 to read as follows:

3. WHENEVER AN APPEARANCE TICKET, AS DEFINED IN SUBDIVISION ONE OF THIS SECTION, IS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 150.20 OF THIS ARTICLE TO A PERSON ALLEGING AN OFFENSE OF THE VEHICLE AND TRAFFIC LAW, SUCH APPEARANCE TICKET SHALL CONTAIN LANGUAGE IN ACCORDANCE WITH SUBDIVISION TWO OF THIS SECTION, AND SHALL CONTAIN LANGUAGE NOTIFYING THE DEFENDANT OF:

(A) THE MAXIMUM FINE SCHEDULE ESTABLISHED BY SECTION ONE THOUSAND EIGHT HUNDRED ONE OF THE VEHICLE AND TRAFFIC LAW;

(B) HOW THE NUMBER OF POINTS ON YOUR LICENSE AFFECTS YOUR ABILITY TO MAINTAIN A DRIVER'S LICENSE, AS SET FORTH IN 15 NYCRR S 131.4;

(C) THE DRIVER RESPONSIBILITY ASSESSMENT PROGRAM ESTABLISHED UNDER SECTION FIVE HUNDRED THREE OF THE VEHICLE AND TRAFFIC LAW, TO WHOM IT APPLIES, AND THE FINE SCHEDULE THAT ACCOMPANIES IT; AND

(D) THE MAXIMUM SURCHARGES THAT MAY BE APPLIED AGAINST A DRIVER IF HE OR SHE PLEADS GUILTY TO THE ALLEGED INFRACTION.

S 3. Section 510 of the vehicle and traffic law is amended by adding a new subdivision 4-f to read as follows:

4-F. SUSPENSION FOR FAILURE TO PAY DRIVER RESPONSIBILITY ASSESSMENT. BEFORE THE DEPARTMENT MAY SUSPEND THE DRIVER'S LICENSE OR PRIVILEGES OF

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

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ANY PERSON WHO FAILS TO PAY THE DRIVER RESPONSIBILITY ASSESSMENT IMPOSED UPON HIM OR HER BY THE DEPARTMENT PURSUANT TO SECTION FIVE HUNDRED THREE OF THIS ARTICLE, THE DEPARTMENT MUST HAVE SENT SUCH PERSON NOTICES STATING THAT HE OR SHE HAS FAILED TO PAY THE REQUIRED ASSESSMENT. SUCH NOTICES MUST BE SENT TO THE LAST KNOWN ADDRESS OF THE INDIVIDUAL ON TWO SEPARATE OCCASIONS, EACH OCCASION OCCURRING AT LEAST THIRTY DAYS APART. IF THE ASSESSMENT REMAINS UNPAID THIRTY DAYS AFTER THE SECOND AND FINAL NOTICE HAS BEEN SENT, THE DEPARTMENT MAY SUSPEND THE DRIVING PRIVILEGES OF SUCH PERSON. SUCH SUSPENSION SHALL TAKE EFFECT IMMEDIATELY.

S 4. The commissioner of motor vehicles shall implement any rule or regulation necessary to implement the provisions of this act on its effective date. This shall include determining the language that shall appear on the ticket in accordance with the provisions of subdivision 3 of section 150.10 of the criminal procedure law.

S 5. This act shall take effect immediately; except that section two of this act shall take effect on the one hundred eightieth day after it shall have become a law.