

4740--A

Cal. No. 606

2011-2012 Regular Sessions

I N   S E N A T E

April 18, 2011

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Introduced by Sen. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

AN ACT to amend the vehicle and traffic law, in relation to the added requirement of a motor vehicle accident prevention course for driving while under the influence of alcohol or drugs violations

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

1     Section 1. Section 1199 of the vehicle and traffic law, as added by  
2     section 1 of part E of chapter 59 of the laws of 2004, is amended to  
3     read as follows:  
4     S 1199. Driver responsibility assessment AND MOTOR VEHICLE ACCIDENT  
5     PREVENTION COURSE REQUIREMENT. 1. In addition to any fines, fees,  
6     penalties and surcharges authorized by law, any person convicted of a  
7     violation of any subdivision of section eleven hundred ninety-two of  
8     this article, or any person found to have refused a chemical test in  
9     accordance with section eleven hundred ninety-four of this article not  
10    arising out of the same incident as a conviction for a violation of any  
11    of the provisions of section eleven hundred ninety-two of this article,  
12    shall become liable to the department for payment of a driver responsi-  
13    bility assessment as provided in this section AND FOR ENROLLMENT AND  
14    COMPLETION OF A MOTOR VEHICLE ACCIDENT PREVENTION COURSE WITHIN SIX  
15    MONTHS OF NOTICE BY THE COMMISSIONER OF THE OBLIGATION TO COMPLETE SUCH  
16    COURSE; PROVIDED HOWEVER THAT COMPLETION OF SUCH COURSE PURSUANT TO THIS  
17    SECTION SHALL NOT ENTITLE SUCH INDIVIDUAL TO A POINT REDUCTION OR INSUR-  
18    ANCE PREMIUM REDUCTION PURSUANT TO SECTION TWENTY-THREE HUNDRED THIRTY-  
19    SIX OF THE INSURANCE LAW.

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

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1     2. The amount of the driver responsibility assessment under this  
2 section shall be two hundred fifty dollars per year for a three-year  
3 period.

4     3. Upon receipt of evidence that a person is liable for the driver  
5 responsibility assessment OR MOTOR VEHICLE ACCIDENT PREVENTION COURSE  
6 required by this section, the commissioner shall notify such person by  
7 first class mail to the address of such person on file with the depart-  
8 ment or at the current address provided by the United States postal  
9 service of the amount of such assessment, the time and manner of making  
10 required payments, and that failure to make payment shall result in the  
11 suspension of his or her driver's license or privilege of obtaining a  
12 driver's license.

13     4. If a person shall fail to pay any driver responsibility assessment  
14 OR TO ENROLL, COMPLETE AND PAY A MOTOR VEHICLE ACCIDENT PREVENTION  
15 COURSE FEE as provided in this section, the commissioner shall suspend  
16 such person's driver's license or privilege of obtaining a license. Such  
17 suspension shall remain in effect until any and all outstanding driver  
18 responsibility assessments AND MOTOR VEHICLE ACCIDENT PREVENTION FEES  
19 have been paid in full.

20     5. The provisions of this section shall also be applicable to any  
21 person convicted of any violation of section forty-nine-a of the naviga-  
22 tion law, any person convicted of a violation of section 25.24 of the  
23 parks, recreation and historic preservation law, or any person found to  
24 have refused a chemical test in accordance with the applicable  
25 provisions of either the navigation law or the parks, recreation and  
26 historic preservation law not arising out of the same incident as such  
27 conviction.

28     S 2. Subdivision 4 of section 503 of the vehicle and traffic law, as  
29 added by section 2 of part E of chapter 59 of the laws of 2004, para-  
30 graph (f) as added by section 1 of part W of chapter 59 of the laws of  
31 2006, is amended to read as follows:

32     4. Driver responsibility assessment AND MOTOR VEHICLE ACCIDENT  
33 PREVENTION COURSE REQUIREMENT. (a) Any person who accumulates six or  
34 more points on his or her driving record for acts committed within an  
35 eighteen month period shall become liable to the department for payment  
36 of a driver responsibility assessment AND FOR ENROLLMENT AND COMPLETION  
37 OF A MOTOR VEHICLE ACCIDENT PREVENTION COURSE WITHIN SIX MONTHS OF  
38 NOTICE BY THE COMMISSIONER OF THE OBLIGATION TO COMPLETE SUCH COURSE as  
39 provided in this subdivision.

40     (b) The amount of the driver responsibility assessment under this  
41 section shall be one hundred dollars per year for a three-year period  
42 for the first six points on a driver's record and an additional twenty-  
43 five dollars per year for each additional point on such driver's record.

44     (c) Upon receipt of evidence that a person is liable for the driver  
45 responsibility assessment OR MOTOR VEHICLE ACCIDENT PREVENTION COURSE  
46 required by this subdivision, the commissioner shall notify such person  
47 by first class mail to the address of such person on file with the  
48 department or at the current address provided by the United States  
49 postal service of the amount of such assessment, the time and manner of  
50 making required payments, and that failure to make payment shall result  
51 in the suspension of his or her driver's license or privilege of obtain-  
52 ing a driver's license.

53     (d) If a person shall fail to pay any driver responsibility assessment  
54 OR MOTOR VEHICLE ACCIDENT PREVENTION COURSE FEE as provided in this  
55 subdivision, the commissioner shall suspend such person's driver's  
56 license or privilege of obtaining a license. Such suspension shall

1 remain in effect until any and all outstanding driver responsibility  
2 assessments have been paid in full.

3 (e) Any completion of a motor vehicle accident prevention course  
4 approved pursuant to article twelve-B of this chapter shall not serve to  
5 reduce the calculation of points OR THE REDUCTION OF AN INSURANCE PREMI-  
6 UM PURSUANT TO SECTION TWENTY-THREE HUNDRED THIRTY-SIX OF THE INSURANCE  
7 LAW on a person's driving record for the purposes of this section.

8 (f) Notwithstanding any other provision of law to the contrary,  
9 commencing April first, two thousand six and ending March thirty-first,  
10 two thousand seven, the first forty million seven hundred thousand  
11 dollars of fees collected pursuant to this subdivision and section elev-  
12 en hundred ninety-nine of this chapter, in the aggregate, shall be paid  
13 to the state comptroller who shall deposit such money in the state trea-  
14 sury pursuant to section one hundred twenty-one of the state finance law  
15 to the credit of the general fund. Any such fees collected in excess of  
16 such amount shall be paid to the credit of the comptroller on account of  
17 the dedicated highway and bridge trust fund established pursuant to  
18 section eighty-nine-b of the state finance law. Commencing April first,  
19 two thousand seven and ending March thirty-first, two thousand eight,  
20 and for each such fiscal year thereafter, the first forty million seven  
21 hundred thousand dollars of fees collected pursuant to this subdivision  
22 and section eleven hundred ninety-nine of this chapter, in the aggre-  
23 gate, shall be paid to the state comptroller who shall deposit such  
24 money in the state treasury pursuant to section one hundred twenty-one  
25 of the state finance law to the credit of the general fund. Any such  
26 fees collected in excess of such amount for each such state fiscal year,  
27 shall be paid to the credit of the comptroller on account of the dedi-  
28 cated highway and bridge trust fund established pursuant to section  
29 eighty-nine-b of the state finance law.

30 S 3. This act shall take effect immediately.