

8386--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

September 11, 2015

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Introduced by M. of A. RUSSELL, WOERNER -- Multi-Sponsored by -- M. of A. LOPEZ -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to allowing county clerks to retain fees collected for motor vehicle related services through a department of motor vehicles' website

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

1     Section 1. Subdivision 3 of section 205 of the vehicle and traffic  
2     law, as amended by section 3 of part G of chapter 59 of the laws of  
3     2008, is amended to read as follows:  
4     3. (A) Each such county clerk shall retain from fees collected for any  
5     motor vehicle related service described in subdivision one of this  
6     section processed by such county clerk an amount based on a percentage  
7     of gross receipts collected. For purposes of this section, the term  
8     "gross receipts" shall include all fines, fees and penalties collected  
9     pursuant to this chapter by a county clerk acting as agent of the  
10    commissioner OR DEPARTMENT OF MOTOR VEHICLES' WEBSITE, but shall not  
11    include any state or local sales or compensating use taxes imposed under  
12    or pursuant to the authority of articles twenty-eight and twenty-nine of  
13    the tax law and collected by such clerk OR DEPARTMENT OF MOTOR VEHICLES'  
14    WEBSITE on behalf of the commissioner of taxation and finance. The  
15    retention percentage shall be [12.7] FIFTEEN percent and shall take  
16    effect April first, [nineteen hundred ninety-nine; provided, however,  
17    the retention percentage shall be thirty percent of the thirty dollar  
18    fee established in paragraph (e) of subdivision two of section four  
19    hundred ninety-one and paragraph f-one of subdivision two of section  
20    five hundred three of this chapter] TWO THOUSAND SEVENTEEN.

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

LBD11865-04-6

1 (B) THE COMMISSIONER SHALL REMIT ON A QUARTERLY BASIS TO EACH SUCH  
2 COUNTY CLERK FROM FEES COLLECTED FOR ANY MOTOR VEHICLE RELATED SERVICE  
3 DESCRIBED IN SUBDIVISION ONE OF THIS SECTION THAT ARE PROCESSED THROUGH  
4 THE DEPARTMENT OF MOTOR VEHICLES' WEBSITE THE RETENTION PERCENTAGE OF  
5 GROSS RECEIPTS COLLECTED, AS SUCH RETENTION PERCENTAGE IS DESCRIBED IN  
6 PARAGRAPH (A) OF THIS SUBDIVISION WHICH SUCH COUNTY CLERK WOULD HAVE  
7 BEEN ENTITLED TO RETAIN PURSUANT TO THIS SUBDIVISION IF SUCH FEES HAD  
8 BEEN PROCESSED IN THE COUNTY OF RECORD OF THE REGISTRANT.

9 S 2. This act shall take effect April 1, 2017; provided, however, that  
10 effective immediately, the addition, amendment and/or repeal of any rule  
11 or regulation necessary for the implementation of this act on its effec-  
12 tive date are authorized and directed to be made and completed on or  
13 before such effective date.