

5567

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

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

AN ACT to amend the vehicle and traffic law, in relation to authorizing the payment of fines or penalties via the internet

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

1 Section 1. Section 1805 of the vehicle and traffic law, as amended by
2 chapter 182 of the laws of 2004, is amended to read as follows:
3 S 1805. Plea of guilty, how put in. The provisions of section 170.10
4 of the criminal procedure law and the provisions of section eighteen
5 hundred seven of this article may be waived, to the extent hereinafter
6 indicated, by a defendant charged with a violation of any provision of
7 the tax law or the transportation law regulating traffic, or a traffic
8 infraction, as defined in this chapter, other than a third or subsequent
9 speeding violation committed within a period of eighteen months,
10 provided that he shall submit to the local criminal court having juris-
11 diction, in person, by duly authorized agent, by first class mail or by
12 registered or certified mail, return receipt requested, an application
13 setting forth (a) the nature of the charge, (b) the information or
14 instructions required by section eighteen hundred seven of this article
15 to be given defendant upon arraignment, (c) that defendant waives
16 arraignment in open court and the aid of counsel, (d) that he pleads
17 guilty to the offense as charged, (e) that defendant elects and requests
18 that the charge be disposed of and the fine or penalty fixed by the
19 court, pursuant to this section, (f) any statement or explanation that
20 the defendant may desire to make concerning the offense charged and (g)
21 that defendant makes all statements with respect to such application
22 under penalty of perjury. This application shall be in such form as the
23 commissioner shall prescribe and a copy thereof shall be handed to the
24 defendant by the officer charging him with such offense. Thereupon the
25 local criminal court may proceed as though the defendant had been

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

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1 convicted upon a plea of guilty in open court, provided, however, that
2 any imposition of fine or penalty hereunder shall be deemed tentative
3 until such fine or penalty shall have been paid and discharged in full,
4 prior to which time such court, in its discretion, may annul any
5 proceedings hereunder, including such tentative imposition of fine or
6 penalty, and deny the application, in which event the charge shall be
7 disposed of pursuant to the applicable provisions of law, as though no
8 proceedings had been had under this section. SUCH FINE OR PENALTY MAY
9 BE PAID VIA THE INTERNET IN A MANNER AND CONDITION PRESCRIBED BY THE
10 COURT. If upon receipt of the aforesaid application such court shall
11 deny the same, it shall thereupon inform the defendant of this fact, and
12 that he is required to appear before the said court at a stated time and
13 place to answer the charge which shall thereafter be disposed of pursu-
14 ant to the applicable provisions of law.

15 S 2. This act shall take effect immediately.