

6422

I N   S E N A T E

January 8, 2016

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

AN ACT to amend the vehicle and traffic law, in relation to the imposition of fines when a person is convicted of or found liable for certain charges, and to amend chapter 578 of the laws of 2015 amending the vehicle and traffic law relating to prohibiting any municipality from collecting a fine, penalty or forfeiture when the charge of a violation of the vehicle and traffic law is dismissed, in relation to the effectiveness thereof

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

1     Section 1. Section 1804 of the vehicle and traffic law, as added by  
2     chapter 578 of the laws of 2015, is amended to read as follows:  
3     S 1804. Prohibition of imposition and collection of a fine, penalty,  
4     forfeiture, fee or surcharge. [Notwithstanding any inconsistent  
5     provision of any general, special or local law, ordinance, order, rule,  
6     regulation or administrative code to the contrary, a] A municipality may  
7     only impose a fine, penalty, forfeiture, or any other fee or surcharge  
8     against a person charged with a violation of this chapter or any local  
9     law, ordinance, order, rule, regulation or administrative code adopted  
10    pursuant to this chapter [of] IF such person is convicted of or found  
11    liable for A VIOLATION OF THIS CHAPTER OR ANY LOCAL LAW, ORDINANCE,  
12    ORDER, RULE, REGULATION OR ADMINISTRATIVE CODE ADOPTED PURSUANT TO THIS  
13    CHAPTER IN SATISFACTION OF such charge.  
14    S 2. Section 2 of chapter 578 of the laws of 2015 amending the vehicle  
15    and traffic law relating to prohibiting any municipality from collecting  
16    a fine, penalty or forfeiture when the charge of a violation of the  
17    vehicle and traffic law is dismissed, is amended to read as follows:  
18    S 2. This act shall take effect on the [one hundred twentieth] SIXTI-  
19    ETH day after it shall have become a law.  
20    S 3. The provisions of section 1804 of the vehicle and traffic law, as  
21    added by chapter 578 of the laws of 2015 and as amended by section one  
22    of this act shall preempt and invalidate any inconsistent local law,  
23    ordinance, order, rule, regulation or administrative code that relates

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

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1 to imposing any fine, penalty, forfeiture, or any other fee or surcharge  
2 against a person charged with a violation of the vehicle and traffic law  
3 or any other local law, ordinance, order, rule, regulation or adminis-  
4 trative code adopted pursuant to the vehicle and traffic law. Such  
5 inconsistent local law, ordinance, order, rule, regulation or adminis-  
6 trative code shall be preempted and invalidated whether enacted before,  
7 on or after the effective date of chapter 578 of the laws of 2015.  
8 Provided, however, that nothing contained in this section shall be  
9 construed to prevent the collection of any such fine, penalty, forfei-  
10 ture or any other fee or surcharge imposed against such person prior to  
11 the effective date of chapter 578 of the laws of 2015.  
12 S 4. This act shall take effect on the same date and in the same  
13 manner as chapter 578 of the laws of 2015, takes effect.