

7064--C

Cal. No. 468

2009-2010 Regular Sessions

I N A S S E M B L Y

March 19, 2009

Introduced by M. of A. FIELDS, CASTRO, HOOPER -- Multi-Sponsored by --
M. of A. DenDEKKER -- read once and referred to the Committee on
Transportation -- committee discharged, bill amended, ordered
reprinted as amended and recommitted to said committee -- reported
from committee, advanced to a third reading, amended and ordered
reprinted, retaining its place on the order of third reading --
reported from committee, advanced to a third reading, amended and
ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the vehicle and traffic law and the state finance law,
in relation to a mandatory surcharge for traffic offenses and infrac-
tions in Suffolk and Nassau counties

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

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 1809-f to read as follows:
3 S 1809-F. MANDATORY SURCHARGE REQUIRED FOR TRAFFIC OFFENSES AND
4 INFRACTIONS IN SUFFOLK AND NASSAU COUNTIES. 1. WHENEVER PROCEEDINGS THAT
5 ARE ADJUDICATED IN A COURT OR IN AN ADMINISTRATIVE TRIBUNAL IN THE COUN-
6 TIES OF SUFFOLK OR NASSAU RESULT IN A CONVICTION FOR A CRIME UNDER THIS
7 CHAPTER OR A TRAFFIC INFRACTION UNDER THIS CHAPTER, OR A LOCAL LAW,
8 ORDINANCE, RULE OR REGULATION ADOPTED PURSUANT TO THIS CHAPTER, THERE
9 SHALL BE LEVIED A MANDATORY SURCHARGE, IN ADDITION TO ANY SENTENCE OR
10 SURCHARGE REQUIRED OR PERMITTED BY LAW, IN THE AMOUNT OF FIFTY DOLLARS.
11 2. THE ADDITIONAL SURCHARGES PROVIDED FOR IN SUBDIVISION ONE OF THIS
12 SECTION SHALL BE PAID TO THE CLERK OF THE COURT OR ADMINISTRATIVE TRIBU-
13 NAL THAT RENDERED THE CONVICTION. WITHIN THE FIRST TEN DAYS OF THE MONTH
14 FOLLOWING COLLECTION OF SUCH SURCHARGES, THE COLLECTING AUTHORITY SHALL
15 PAY SUCH MONEY TO THE STATE COMPTROLLER TO BE DEPOSITED IN THE LONG
16 ISLAND EXPRESSWAY AND SUNRISE HIGHWAY PATROL FUND ESTABLISHED BY SECTION
17 NINETY-SEVEN-JJJJ OF THE STATE FINANCE LAW.

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

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1 3. THE PROVISIONS OF SUBDIVISION FOUR-A OF SECTION FIVE HUNDRED TEN,
2 SUBDIVISION THREE OF SECTION FIVE HUNDRED FOURTEEN AND SUBDIVISION THREE
3 OF SECTION TWO HUNDRED TWENTY-SEVEN OF THIS CHAPTER GOVERNING ACTIONS
4 WHICH MAY BE TAKEN FOR FAILURE TO PAY A FINE OR PENALTY SHALL BE APPLI-
5 CABLE TO THE ADDITIONAL SURCHARGE IMPOSED PURSUANT TO THIS SECTION.

6 S 2. The state finance law is amended by adding a new section 97-jjjj
7 to read as follows:

8 S 97-JJJJ. LONG ISLAND EXPRESSWAY AND SUNRISE HIGHWAY PATROL FUND. 1.
9 THERE IS HEREBY ESTABLISHED IN THE CUSTODY OF THE COMPTROLLER, A SPECIAL
10 FUND TO BE KNOWN AS THE "LONG ISLAND EXPRESSWAY AND SUNRISE HIGHWAY
11 PATROL FUND".

12 2. SUCH FUND SHALL CONSIST OF ALL MONIES RECEIVED BY THE STATE PURSU-
13 ANT TO SECTION EIGHTEEN HUNDRED NINE-F OF THE VEHICLE AND TRAFFIC LAW
14 AND ALL OTHER GRANTS, BEQUESTS OR OTHER MONIES APPROPRIATED, CREDITED OR
15 TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

16 3. MONIES IN THE LONG ISLAND EXPRESSWAY AND SUNRISE HIGHWAY PATROL
17 FUND SHALL BE KEPT SEPARATE AND APART AND SHALL NOT BE COMMINGLED WITH
18 ANY OTHER MONIES IN THE CUSTODY OF THE COMPTROLLER AND SHALL ONLY BE
19 EXPENDED HEREIN AND IN SUCH AMOUNTS AS REQUESTED BY ELIGIBLE MUNICI-
20 PALITIES AND AS APPROVED BY THE STATE COMPTROLLER. MUNICIPALITIES SHALL
21 ONLY BE ELIGIBLE FOR REIMBURSEMENT OF FUNDS EQUIVALENT TO SUCH MUNICI-
22 PALITY'S DEPOSITS INTO THE LONG ISLAND EXPRESSWAY AND SUNRISE HIGHWAY
23 PATROL FUND.

24 4. THE MONIES RECEIVED BY SUCH FUND SHALL ONLY BE ALLOCATED TO OFFSET
25 THE COSTS OF MAINTAINING PATROL ON THE LONG ISLAND EXPRESSWAY AND
26 SUNRISE HIGHWAY BY THE NASSAU COUNTY POLICE DEPARTMENT AND TO OFFSET THE
27 COSTS OF RESTORING PATROL ON THE LONG ISLAND EXPRESSWAY AND SUNRISE
28 HIGHWAY BY THE SUFFOLK COUNTY POLICE DEPARTMENT. ANY TOWN, VILLAGE OR
29 CITY POLICE DEPARTMENT SHALL PATROL WHERE THEY PREVIOUSLY, OR CURRENTLY
30 PATROL ON THE LONG ISLAND EXPRESSWAY AND SUNRISE HIGHWAY. IN THE COUN-
31 TIES OF SUFFOLK AND NASSAU, A PROPORTION OF SAID FUNDS SHALL BE DISTRIB-
32 UTED TO THE TOWNS, VILLAGES AND CITIES WITHIN SAID COUNTIES WHICH HAVE
33 ESTABLISHED POLICE DEPARTMENTS.

34 S 3. This act shall take effect immediately.