S T A T E O F N E W Y O R K

3089

2009-2010 Regular Sessions

I N S E N A T E

March 10, 2009

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

AN ACT to amend the education law, the state finance law and the vehicle and traffic law, in relation to creating a driver education fund and allocating certain traffic fines to the payment of the costs of school driver education courses

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

Section 1. Section 3641 of the education law is amended by adding a new subdivision 15 to read as follows:

15. DRIVER EDUCATION. IN ORDER TO IMPROVE DRIVER SAFETY EDUCATION AND SKILLS, A SCHOOL DISTRICT, OTHER THAN A SCHOOL DISTRICT IN A CITY WITH A POPULATION OF ONE MILLION OR MORE, WHICH CONDUCTS A DRIVER EDUCATION COURSE INCLUDING BOTH CLASSROOM AND DRIVING INSTRUCTION IN ACCORDANCE WITH RULES AND REGULATIONS OF THE COMMISSIONER SHALL BE ENTITLED TO AN ALLOCATION OF MONEYS FROM THE DRIVER EDUCATION AND SAFETY FUND ESTABLISHED BY SECTION EIGHTY-ONE OF THE STATE FINANCE LAW PURSUANT TO A FORMULA ESTABLISHED BY THE COMMISSIONER TO FINANCE THE COST OF SUCH COURSES. SUCH MONEYS, WHEN RECEIVED BY A SCHOOL DISTRICT, SHALL BE USED EXCLUSIVELY FOR EXPENSES DIRECTLY RELATED TO THE CREATION AND ADMINISTRATION OF DRIVER EDUCATION COURSES. IN ESTABLISHING A FORMULA TO FINANCE THE COST OF SUCH COURSES, THE COMMISSIONER SHALL FIRST ALLOCATE MONEYS TO SCHOOL DISTRICTS IN WHICH NO OTHER PUBLIC DRIVER EDUCATION COURSES ARE AVAILABLE OR IN WHICH THE PUBLIC DRIVER EDUCATION COURSES AVAILABLE ARE NOT ADEQUATE OR SUFFICIENT TO PROPERLY SERVE PERSONS RESIDING IN SUCH SCHOOL DISTRICT.

S 2. The state finance law is amended by adding a new section 81 to read as follows:

S 81. DRIVER EDUCATION AND SAFETY FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE DIRECTOR OF THE

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

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BUDGET A SPECIAL FUND TO BE KNOWN AS "THE DRIVER EDUCATION AND SAFETY FUND".

2. SUCH FUND SHALL CONSIST OF MONEYS PAID PURSUANT TO THE MANDATORY SURCHARGE SET FORTH IN SUBDIVISION ONE-A OF SECTION EIGHTEEN HUNDRED NINE OF THE VEHICLE AND TRAFFIC LAW AND ALL OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

3. THE MONEYS IN SUCH FUND SHALL BE ALLOCATED BY THE COMMISSIONER OF EDUCATION TO SCHOOL DISTRICTS HAVING DRIVER EDUCATION COURSES PURSUANT TO THE PROVISIONS OF SUBDIVISION FIFTEEN OF SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THE EDUCATION LAW.

4. MONEYS SO ALLOCATED SHALL BE PAID OUT OF SUCH FUND ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE COMMISSIONER OF EDUCATION OR AN OFFICER OR EMPLOYEE OF THE STATE EDUCATION DEPARTMENT DESIGNATED BY THE COMMISSIONER.

S 3. Section 1809 of the vehicle and traffic law is amended by adding a new subdivision 1-a to read as follows:

1-A. WHENEVER PROCEEDINGS IN AN ADMINISTRATIVE TRIBUNAL OR A COURT OF THIS STATE RESULT IN A CONVICTION FOR AN OFFENSE UNDER THIS CHAPTER OR A TRAFFIC INFRACTION UNDER THIS CHAPTER, OR A LOCAL LAW, ORDINANCE, RULE OR REGULATION ADOPTED PURSUANT TO THIS CHAPTER, OTHER THAN A TRAFFIC INFRACTION INVOLVING STANDING, STOPPING, OR PARKING OR VIOLATIONS BY PEDESTRIANS OR BICYCLISTS, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-A OF THIS CHAPTER, THERE SHALL BE LEVIED A MANDATORY SURCHARGE, IN ADDITION TO ANY SENTENCE REQUIRED OR PERMITTED BY LAW AND ANY OTHER MANDATORY SURCHARGE LEVIED PURSUANT TO THIS SECTION, IN THE AMOUNT OF TWENTY PERCENT OF ANY FINE IMPOSED AS A RESULT OF SUCH CONVICTION AND MONEYS COLLECTED AS A RESULT OF SUCH SURCHARGE SHALL BE PAID OVER TO THE STATE COMPTROLLER BY THE COURT FOR THE DRIVER EDUCATION AND SAFETY FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-ONE OF THE STATE FINANCE LAW. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO CONVICTIONS OCCURRING AND FINES IMPOSED IN CITIES WITH A POPULATION OF ONE MILLION OR MORE.

S 4. This act shall take effect on the first of September next succeeding the date on which it shall have become a law.