

11135

I N A S S E M B L Y

May 19, 2010

Introduced by M. of A. ZEBROWSKI -- read once and referred to the
Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to imposing a
cap on mandatory surcharges for certain infractions of the vehicle and
traffic law

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

1 Section 1. Subdivision 1 of section 1809 of the vehicle and traffic
2 law, as amended by section 2 of part DD of chapter 56 of the laws of
3 2008, the opening paragraph and paragraph (c) as separately amended by
4 chapters 19, 20, 21, 22, 23 and 383 of the laws of 2009, is amended to
5 read as follows:

6 1. Whenever proceedings in an administrative tribunal or a court of
7 this state result in a conviction for an offense under this chapter or a
8 traffic infraction under this chapter, or a local law, ordinance, rule
9 or regulation adopted pursuant to this chapter, other than a traffic
10 infraction involving standing, stopping, or parking or violations by
11 pedestrians or bicyclists, or other than an adjudication of liability of
12 an owner for a violation of subdivision (d) of section eleven hundred
13 eleven of this chapter in accordance with section eleven hundred
14 eleven-a of this chapter, or other than an adjudication of liability of
15 an owner for a violation of subdivision (d) of section eleven hundred
16 eleven of this chapter in accordance with section eleven hundred
17 eleven-b of this chapter, there shall be levied a crime victim assist-
18 ance fee and a mandatory surcharge, in addition to any sentence required
19 or permitted by law, in accordance with the following schedule:

20 (a) Whenever proceedings in an administrative tribunal or a court of
21 this state result in a conviction for a traffic infraction pursuant to
22 article nine of this chapter, there shall be levied a crime victim
23 assistance fee in the amount of five dollars and a mandatory surcharge,
24 in addition to any sentence required or permitted by law, in the amount
25 of twenty-five dollars OR FIFTY PER CENTUM OF THE FINE IMPOSED FOR THE
26 CONVICTION, WHICHEVER IS LESS.

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

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1 (b) Whenever proceedings in an administrative tribunal or a court of
2 this state result in a conviction for a misdemeanor or felony pursuant
3 to section eleven hundred ninety-two of this chapter, there shall be
4 levied, in addition to any sentence required or permitted by law, a
5 crime victim assistance fee in the amount of twenty-five dollars and a
6 mandatory surcharge in accordance with the following schedule:

7 (i) a person convicted of a felony shall pay a mandatory surcharge of
8 three hundred dollars;

9 (ii) a person convicted of a misdemeanor shall pay a mandatory
10 surcharge of one hundred seventy-five dollars.

11 (c) Whenever proceedings in an administrative tribunal or a court of
12 this state result in a conviction for an offense under this chapter
13 other than a crime pursuant to section eleven hundred ninety-two of this
14 chapter, or a traffic infraction under this chapter, or a local law,
15 ordinance, rule or regulation adopted pursuant to this chapter, other
16 than a traffic infraction involving standing, stopping, or parking or
17 violations by pedestrians or bicyclists, or other than an adjudication
18 of liability of an owner for a violation of subdivision (d) of section
19 eleven hundred eleven of this chapter in accordance with section eleven
20 hundred eleven-a of this chapter, or other than an adjudication of
21 liability of an owner for a violation of subdivision (d) of section
22 eleven hundred eleven of this chapter in accordance with section eleven
23 hundred eleven-b of this chapter, or other than an infraction pursuant
24 to article nine of this chapter or other than an adjudication of liability
25 of an owner for a violation of toll collection regulations pursuant
26 to section two thousand nine hundred eighty-five of the public authori-
27 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
28 hundred seventy-four of the laws of nineteen hundred fifty, there shall
29 be levied a crime victim assistance fee in the amount of five dollars
30 and a mandatory surcharge, in addition to any sentence required or
31 permitted by law, in the amount of fifty-five dollars OR FIFTY PER
32 CENTUM OF THE FINE IMPOSED FOR THE CONVICTION, WHICHEVER IS LESS.

33 S 2. Subdivision 1 of section 1809 of the vehicle and traffic law, as
34 separately amended by chapters 19, 20, 21, 22, 23 and 383 of the laws of
35 2009, is amended to read as follows:

36 1. Whenever proceedings in an administrative tribunal or a court of
37 this state result in a conviction for a crime under this chapter or a
38 traffic infraction under this chapter, or a local law, ordinance, rule
39 or regulation adopted pursuant to this chapter, other than a traffic
40 infraction involving standing, stopping, parking or motor vehicle equip-
41 ment or violations by pedestrians or bicyclists, or other than an adju-
42 dication of liability of an owner for a violation of subdivision (d) of
43 section eleven hundred eleven of this chapter in accordance with section
44 eleven hundred eleven-a of this chapter, or other than an adjudication
45 of liability of an owner for a violation of subdivision (d) of section
46 eleven hundred eleven of this chapter in accordance with section eleven
47 hundred eleven-b of this chapter, there shall be levied a mandatory
48 surcharge, in addition to any sentence required or permitted by law, in
49 the amount of twenty-five dollars OR FIFTY PER CENTUM OF THE FINE
50 IMPOSED FOR THE CONVICTION, WHICHEVER IS LESS.

51 S 3. Subdivision 1 of section 1809 of the vehicle and traffic law, as
52 separately amended by chapter 16 of the laws of 1983 and chapter 62 of
53 the laws of 1989, is amended to read as follows:

54 1. Whenever proceedings in an administrative tribunal or a court of
55 this state result in a conviction for a crime under this chapter or a
56 traffic infraction under this chapter other than a traffic infraction

1 involving standing, stopping, parking or motor vehicle equipment or
2 violations by pedestrians or bicyclists, there shall be levied a manda-
3 tory surcharge, in addition to any sentence required or permitted by
4 law, in the amount of seventeen dollars OR FIFTY PER CENTUM OF THE FINE
5 IMPOSED FOR THE CONVICTION, WHICHEVER IS LESS.

6 S 4. Paragraph a of subdivision 1 of section 1809-e of the vehicle and
7 traffic law, as separately amended by chapters 19, 20, 21, 22, 23 and
8 383 of the laws of 2009, is amended to read as follows:

9 a. Notwithstanding any other provision of law, whenever proceedings in
10 a court or an administrative tribunal of this state result in a
11 conviction for an offense under this chapter, except a conviction pursu-
12 ant to section eleven hundred ninety-two of this chapter, or for a traf-
13 fic infraction under this chapter, or a local law, ordinance, rule or
14 regulation adopted pursuant to this chapter, except a traffic infraction
15 involving standing, stopping, or parking or violations by pedestrians or
16 bicyclists, and except an adjudication of liability of an owner for a
17 violation of subdivision (d) of section eleven hundred eleven of this
18 chapter in accordance with section eleven hundred eleven-a of this chap-
19 ter, and except an adjudication of liability of an owner for a violation
20 of subdivision (d) of section eleven hundred eleven of this chapter in
21 accordance with section eleven hundred eleven-b of this chapter, and
22 except an adjudication of liability of an owner for a violation of toll
23 collection regulations pursuant to section two thousand nine hundred
24 eighty-five of the public authorities law or sections sixteen-a,
25 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
26 laws of nineteen hundred fifty, there shall be levied in addition to any
27 sentence, penalty or other surcharge required or permitted by law, an
28 additional surcharge of twenty dollars OR FIFTY PER CENTUM OF THE FINE
29 IMPOSED FOR THE CONVICTION, WHICHEVER IS LESS.

30 S 5. Paragraph a of subdivision 1 of section 1809-e of the vehicle and
31 traffic law, as added by section 1 of part EE of chapter 56 of the laws
32 of 2008, is amended to read as follows:

33 a. Notwithstanding any other provision of law, whenever proceedings in
34 a court or an administrative tribunal of this state result in a
35 conviction for an offense under this chapter, except a conviction pursu-
36 ant to section eleven hundred ninety-two of this chapter, or for a traf-
37 fic infraction under this chapter, or a local law, ordinance, rule or
38 regulation adopted pursuant to this chapter, except a traffic infraction
39 involving standing, stopping, or parking or violations by pedestrians or
40 bicyclists, and except an adjudication of liability of an owner for a
41 violation of subdivision (d) of section eleven hundred eleven of this
42 chapter in accordance with section eleven hundred eleven-a of this chap-
43 ter, and except an adjudication of liability of an owner for a violation
44 of toll collection regulations pursuant to section two thousand nine
45 hundred eighty-five of the public authorities law or sections sixteen-a,
46 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
47 laws of nineteen hundred fifty, there shall be levied in addition to any
48 sentence, penalty or other surcharge required or permitted by law, an
49 additional surcharge of twenty dollars OR FIFTY PER CENTUM OF THE FINE
50 IMPOSED FOR THE CONVICTION, WHICHEVER IS LESS.

51 S 6. This act shall take effect on November 1, 2010; provided that:

52 (a) the amendments made to subdivision 1 of section 1809 of the vehi-
53 cle and traffic law made by section one of this act shall not affect the
54 expiration and reversion of such subdivision pursuant to chapter 166 of
55 the laws of 1991, as amended, and shall be deemed to expire therewith,

1 when upon such date the provisions of section two of this act shall take
2 effect;

3 (b) the amendments made to subdivision 1 of section 1809 of the vehi-
4 cle and traffic law made by section two of this act shall not affect the
5 expiration of such subdivision and shall be deemed to expire therewith
6 when upon such date the provisions of section three of this act shall
7 take effect; and

8 (c) the amendments made to paragraph a of subdivision 1 of section
9 1809-e of the vehicle and traffic law made by section four of this act
10 shall not affect the expiration and reversion of such paragraph and
11 shall be deemed to expire therewith when upon such date the provisions
12 of section five of this act shall take effect.