

5567

2009-2010 Regular Sessions

I N S E N A T E

May 18, 2009

Introduced by Sen. DILAN -- 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 surcharges for moving violations in school traffic safety and speed zones

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

1 Section 1. This act shall be known and may be cited as "Clarente's
2 Law".

3 S 2. Subdivision 1 of section 1809 of the vehicle and traffic law, as
4 amended by section 2 of part DD of chapter 56 of the laws of 2008, is
5 amended to 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, there shall be levied a crime victim assist-
15 ance fee and a mandatory surcharge, in addition to any sentence required
16 or permitted by law, in accordance with the following schedule:

17 (a) Whenever proceedings in an administrative tribunal or a court of
18 this state result in a conviction for a traffic infraction pursuant to
19 article nine of this chapter, there shall be levied a crime victim
20 assistance fee in the amount of five dollars and a mandatory surcharge,
21 in addition to any sentence required or permitted by law, in the amount
22 of twenty-five dollars.

23 (b) Whenever proceedings in an administrative tribunal or a court of
24 this state result in a conviction for a misdemeanor or felony pursuant
25 to section eleven hundred ninety-two of this chapter, there shall be

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

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1 levied, in addition to any sentence required or permitted by law, a
2 crime victim assistance fee in the amount of twenty-five dollars and a
3 mandatory surcharge in accordance with the following schedule:

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

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

8 (c) Whenever proceedings in an administrative tribunal or a court of
9 this state result in a conviction for an offense under this chapter
10 other than a crime pursuant to section eleven hundred ninety-two of this
11 chapter, or a traffic infraction under this chapter, or a local law,
12 ordinance, rule or regulation adopted pursuant to this chapter, other
13 than a traffic infraction involving standing, stopping, or parking or
14 violations by pedestrians or bicyclists, or other than an adjudication
15 of liability of an owner for a violation of subdivision (d) of section
16 eleven hundred eleven of this chapter in accordance with section eleven
17 hundred eleven-a of this chapter or other than an infraction pursuant to
18 article nine of this chapter or other than an adjudication of liability
19 of an owner for a violation of toll collection regulations pursuant to
20 section two thousand nine hundred eighty-five of the public authorities
21 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
22 hundred seventy-four of the laws of nineteen hundred fifty OR OTHER THAN
23 A CONVICTION FOR WHICH A MANDATORY SURCHARGE AND CRIME VICTIMS ASSIST-
24 ANCE FEE ARE LEVIED PURSUANT TO PARAGRAPH (D) OF THIS SUBDIVISION, there
25 shall be levied a crime victim assistance fee in the amount of five
26 dollars and a mandatory surcharge, in addition to any sentence required
27 or permitted by law, in the amount of fifty-five dollars.

28 (D)(I) WHENEVER:

29 (A) PROCEEDINGS IN AN ADMINISTRATIVE TRIBUNAL OR A COURT OF THIS STATE
30 RESULT IN A CONVICTION FOR AN OFFENSE UNDER THIS CHAPTER (OTHER THAN A
31 CRIME PURSUANT TO SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER) OR
32 FOR A TRAFFIC INFRACTION UNDER THIS CHAPTER OR UNDER A LOCAL LAW, ORDI-
33 NANCE, RULE OR REGULATION ADOPTED PURSUANT TO THIS CHAPTER; AND

34 (B) SUCH OFFENSE OR INFRACTION OCCURS WITHIN A SCHOOL TRAFFIC SAFETY
35 AND SPEED ZONE WHEN A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN
36 PARAGRAPHS ONE AND TWO OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED
37 EIGHTY OF THIS CHAPTER,

38 THERE SHALL BE LEVIED A CRIME VICTIM ASSISTANCE FEE IN THE AMOUNT OF
39 FIVE DOLLARS AND A MANDATORY SURCHARGE IN THE AMOUNT OF SEVENTY-FIVE
40 DOLLARS, IN ADDITION TO ANY SENTENCE REQUIRED OR PERMITTED BY LAW.

41 (II) THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO: (A) TRAFFIC
42 INFRACTIONS INVOLVING STANDING, STOPPING, OR PARKING; (B) VIOLATIONS BY
43 PEDESTRIANS OR BICYCLISTS; (C) AN ADJUDICATION OF LIABILITY OF AN OWNER
44 FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF
45 THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-A OF THIS
46 CHAPTER; (D) AN INFRACTION PURSUANT TO ARTICLE NINE OF THIS CHAPTER; OR
47 (E) AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF TOLL
48 COLLECTION REGULATIONS PURSUANT TO SECTION TWO THOUSAND NINE HUNDRED
49 EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR SECTIONS SIXTEEN-A,
50 SIXTEEN-B AND SIXTEEN-C OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR OF THE
51 LAWS OF NINETEEN HUNDRED FIFTY.

52 (III) FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "SCHOOL TRAFFIC
53 SAFETY AND SPEED ZONE" SHALL MEAN A DISTANCE NOT TO EXCEED ONE THOUSAND
54 THREE HUNDRED TWENTY FEET ON A HIGHWAY PASSING A SCHOOL BUILDING,
55 ENTRANCE OR EXIT OF A SCHOOL ABUTTING ON THE HIGHWAY FOR WHICH A MAXIMUM
56 SCHOOL SPEED LIMIT HAS BEEN ESTABLISHED AS AUTHORIZED IN SECTION SIXTEEN

1 HUNDRED TWENTY, SIXTEEN HUNDRED TWENTY-TWO, SIXTEEN HUNDRED THIRTY,
2 SIXTEEN HUNDRED FORTY-THREE OR SIXTEEN HUNDRED SIXTY-TWO-A OF THIS CHAP-
3 TER.

4 S 3. Subdivision 1 of section 1809 of the vehicle and traffic law, as
5 amended by chapter 190 of the laws of 1990, is amended to read as
6 follows:

7 1. (A) Whenever proceedings in an administrative tribunal or a court
8 of this state result in a conviction for a crime under this chapter or a
9 traffic infraction under this chapter, or a local law, ordinance, rule
10 or regulation adopted pursuant to this chapter, other than a traffic
11 infraction involving standing, stopping, parking or motor vehicle equip-
12 ment or violations by pedestrians or bicyclists, or other than an adju-
13 dication of liability of an owner for a violation of subdivision (d) of
14 section eleven hundred eleven of this chapter in accordance with section
15 eleven hundred eleven-a of this chapter, OR OTHER THAN A CONVICTION FOR
16 WHICH A MANDATORY SURCHARGE AND CRIME VICTIMS ASSISTANCE FEE ARE LEVIED
17 PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, there shall be levied a
18 mandatory surcharge, in addition to any sentence required or permitted
19 by law, in the amount of twenty-five dollars.

20 (B)(I) WHENEVER:

21 (A) PROCEEDINGS IN AN ADMINISTRATIVE TRIBUNAL OR A COURT OF THIS STATE
22 RESULT IN A CONVICTION FOR AN OFFENSE UNDER THIS CHAPTER (OTHER THAN A
23 CRIME PURSUANT TO SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER) OR
24 FOR A TRAFFIC INFRACTION UNDER THIS CHAPTER OR UNDER A LOCAL LAW, ORDI-
25 NANCE, RULE OR REGULATION ADOPTED PURSUANT TO THIS CHAPTER; AND

26 (B) SUCH OFFENSE OR INFRACTION OCCURS WITHIN A SCHOOL TRAFFIC SAFETY
27 AND SPEED ZONE WHEN A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN
28 PARAGRAPHS ONE AND TWO OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED
29 EIGHTY OF THIS CHAPTER,
30 THERE SHALL BE LEVIED A CRIME VICTIM ASSISTANCE FEE IN THE AMOUNT OF
31 FIVE DOLLARS AND A MANDATORY SURCHARGE IN THE AMOUNT OF SEVENTY-FIVE
32 DOLLARS, IN ADDITION TO ANY SENTENCE REQUIRED OR PERMITTED BY LAW.

33 (II) THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO: (A) TRAFFIC
34 INFRACTIONS INVOLVING STANDING, STOPPING, OR PARKING; (B) VIOLATIONS BY
35 PEDESTRIANS OR BICYCLISTS; (C) AN ADJUDICATION OF LIABILITY OF AN OWNER
36 FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF
37 THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-A OF THIS
38 CHAPTER; (D) AN INFRACTION PURSUANT TO ARTICLE NINE OF THIS CHAPTER; OR
39 (E) AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF TOLL
40 COLLECTION REGULATIONS PURSUANT TO SECTION TWO THOUSAND NINE HUNDRED
41 EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR SECTIONS SIXTEEN-A,
42 SIXTEEN-B AND SIXTEEN-C OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR OF THE
43 LAWS OF NINETEEN HUNDRED FIFTY.

44 (III) FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "SCHOOL TRAFFIC
45 SAFETY AND SPEED ZONE" SHALL MEAN A DISTANCE NOT TO EXCEED ONE THOUSAND
46 THREE HUNDRED TWENTY FEET ON A HIGHWAY PASSING A SCHOOL BUILDING,
47 ENTRANCE OR EXIT OF A SCHOOL ABUTTING ON THE HIGHWAY FOR WHICH A MAXIMUM
48 SCHOOL SPEED LIMIT HAS BEEN ESTABLISHED AS AUTHORIZED IN SECTION SIXTEEN
49 HUNDRED TWENTY, SIXTEEN HUNDRED TWENTY-TWO, SIXTEEN HUNDRED THIRTY,
50 SIXTEEN HUNDRED FORTY-THREE OR SIXTEEN HUNDRED SIXTY-TWO-A OF THIS CHAP-
51 TER.

52 S 4. Subdivision 1 of section 1809 of the vehicle and traffic law, as
53 separately amended by chapter 16 of the laws of 1983 and chapter 62 of
54 the laws of 1989, is amended to read as follows:

55 1. (A) Whenever proceedings in an administrative tribunal or a court
56 of this state result in a conviction for a crime under this chapter or a

1 traffic infraction under this chapter other than a traffic infraction
2 involving standing, stopping, parking or motor vehicle equipment or
3 violations by pedestrians or bicyclists, OR OTHER THAN A CONVICTION FOR
4 WHICH A MANDATORY SURCHARGE AND CRIME VICTIMS ASSISTANCE FEE ARE LEVIED
5 PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, there shall be levied a
6 mandatory surcharge, in addition to any sentence required or permitted
7 by law, in the amount of seventeen dollars.

8 (B) (I) WHENEVER:

9 (A) PROCEEDINGS IN AN ADMINISTRATIVE TRIBUNAL OR A COURT OF THIS STATE
10 RESULT IN A CONVICTION FOR AN OFFENSE UNDER THIS CHAPTER (OTHER THAN A
11 CRIME PURSUANT TO SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER) OR
12 FOR A TRAFFIC INFRACTION UNDER THIS CHAPTER OR UNDER A LOCAL LAW, ORDI-
13 NANCE, RULE OR REGULATION ADOPTED PURSUANT TO THIS CHAPTER; AND

14 (B) SUCH OFFENSE OR INFRACTION OCCURS WITHIN A SCHOOL TRAFFIC SAFETY
15 AND SPEED ZONE WHEN A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN
16 PARAGRAPHS ONE AND TWO OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED
17 EIGHTY OF THIS CHAPTER,
18 THERE SHALL BE LEVIED A CRIME VICTIM ASSISTANCE FEE IN THE AMOUNT OF
19 FIVE DOLLARS AND A MANDATORY SURCHARGE IN THE AMOUNT OF SEVENTY-FIVE
20 DOLLARS, IN ADDITION TO ANY SENTENCE REQUIRED OR PERMITTED BY LAW.

21 (II) THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO: (A) TRAFFIC
22 INFRACTIONS INVOLVING STANDING, STOPPING, OR PARKING; (B) VIOLATIONS BY
23 PEDESTRIANS OR BICYCLISTS; (C) AN ADJUDICATION OF LIABILITY OF AN OWNER
24 FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF
25 THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-A OF THIS
26 CHAPTER; (D) AN INFRACTION PURSUANT TO ARTICLE NINE OF THIS CHAPTER; OR
27 (E) AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF TOLL
28 COLLECTION REGULATIONS PURSUANT TO SECTION TWO THOUSAND NINE HUNDRED
29 EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR SECTIONS SIXTEEN-A,
30 SIXTEEN-B AND SIXTEEN-C OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR OF THE
31 LAWS OF NINETEEN HUNDRED FIFTY.

32 (III) FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "SCHOOL TRAFFIC
33 SAFETY AND SPEED ZONE" SHALL MEAN A DISTANCE NOT TO EXCEED ONE THOUSAND
34 THREE HUNDRED TWENTY FEET ON A HIGHWAY PASSING A SCHOOL BUILDING,
35 ENTRANCE OR EXIT OF A SCHOOL ABUTTING ON THE HIGHWAY FOR WHICH A MAXIMUM
36 SCHOOL SPEED LIMIT HAS BEEN ESTABLISHED AS AUTHORIZED IN SECTION SIXTEEN
37 HUNDRED TWENTY, SIXTEEN HUNDRED TWENTY-TWO, SIXTEEN HUNDRED THIRTY,
38 SIXTEEN HUNDRED FORTY-THREE OR SIXTEEN HUNDRED SIXTY-TWO-A OF THIS CHAP-
39 TER.

40 S 5. This act shall take effect immediately; provided that:

41 a. the amendments to subdivision one of section 1809 of the vehicle
42 and traffic law made by section two of this act shall be subject to the
43 expiration of such subdivision pursuant to section 406 of chapter 166 of
44 the laws of 1991, as amended, when upon such date the provisions of
45 section three of this act shall take effect; and

46 b. the amendments to subdivision one of section 1809 of the vehicle
47 and traffic law made by section three of this act shall be subject to
48 the expiration of such subdivision pursuant to section 17 of chapter 746
49 of the laws of 1988, as amended, when upon such date the provisions of
50 section four of this act shall take effect.