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

1178

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. GANTT, GALEF, LATIMER, CUSICK, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. JAFFEE, PHEFFER, SWEENEY -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the education law, in relation to the illegal passing of school buses and to amend the state finance law, in relation to establishing the school bus motorist education fund

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

Section 1. The vehicle and traffic law is amended by adding a new section 223-a to read as follows:

S 223-A. SCHOOL BUS MOTORIST EDUCATION PROGRAM. THE COMMISSIONER SHALL, IN CONJUNCTION WITH THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE, THE DEPARTMENTS OF EDUCATION AND TRANSPORTATION, THE DIVISION OF STATE POLICE, AND THE STATE COMPREHENSIVE SCHOOL BUS DRIVER SAFETY TRAINING COUNCIL, DESIGN AND IMPLEMENT A PUBLIC EDUCATION PROGRAM TO EDUCATE MOTORISTS OF THE DANGERS OF PASSING A SCHOOL BUS IN VIOLATION OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS CHAPTER, TO REDUCE THE NUMBER OF SUCH INCIDENTS, AND TO PROMOTE SCHOOL BUS SAFETY.

S 2. Subdivision 3 of section 1809 of the vehicle and traffic law, as amended by chapter 309 of the laws of 1996, is amended to read as follows:

3. The mandatory surcharge provided for in subdivision one of this section shall be paid to the clerk of the court or administrative tribunal that rendered the conviction. Within the first ten days of the month following collection of the mandatory surcharge the collecting authority shall determine the amount of mandatory surcharge collected and, if it is an administrative tribunal or a town or village justice court, it shall pay such money to the state comptroller who shall deposit such money in the state treasury pursuant to section one hundred twenty-one

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

LBD03388-01-1

of the state finance law to the credit of the general fund; PROVIDED, HOWEVER, THAT THE COMPTROLLER SHALL DEPOSIT SUCH MONEY COLLECTED FOR VIOLATIONS OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS CHAPTER TO THE CREDIT OF THE SCHOOL BUS MOTORIST EDUCATION FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-H OF THE STATE FINANCE LAW. If such collecting authority is any other court of the unified court system, it shall, within such period, pay such money to the state commissioner of taxation and finance to the credit of the criminal justice improvement account established by section ninety-seven-bb of the state finance law; PROVIDED, HOWEVER, THAT THE STATE COMMISSIONER OF TAXATION AND FINANCE SHALL DEPOSIT SUCH MONEY COLLECTED FOR VIOLATIONS OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THIS CHAPTER TO THE CREDIT OF THE SCHOOL BUS MOTORIST EDUCATION FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-H OF THE STATE FINANCE LAW. The crime victim assistance fee provided for in subdivision one of this section shall be paid to the clerk of the court or administrative tribunal that rendered the conviction. Within the first ten days of the month following collection of the crime victim assistance fee, the collecting authority shall determine the amount of crime victim assistance fee collected and, if it is an administrative tribunal or a town or village justice court, it shall pay such money to the state comptroller who shall deposit such money in the state treasury pursuant to section one hundred twenty-one of the state finance law to the credit of the criminal justice improvement account established by section ninety-seven-bb of the state finance law.

S 3. Subdivision 1 of section 3650 of the education law is amended by adding a new paragraph f to read as follows:

F. AWARD AND DISTRIBUTE GRANTS, FOLLOWING APPROPRIATION BY THE LEGISLATURE WHICH APPROPRIATION MAY INCLUDE FUNDS OF THE SCHOOL BUS MOTORIST EDUCATION FUND ESTABLISHED PURSUANT TO SECTION EIGHTY-NINE-H OF THE STATE FINANCE LAW, FOR THE STUDY OF ISSUES INVOLVING THE ILLEGAL PASSING OF STOPPED SCHOOL BUSES, THE DEVELOPMENT OF PROPOSALS TO REDUCE THE NUMBER OF MOTORISTS PASSING SCHOOL BUSES IN VIOLATION OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW, AND TO PROMOTE SCHOOL BUS SAFETY.

S 4. The state finance law is amended by adding a new section 89-h to read as follows:

S 89-H. THE SCHOOL BUS MOTORIST EDUCATION FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A FUND KNOWN AS THE SCHOOL BUS MOTORIST EDUCATION FUND.

2. SUCH FUND SHALL CONSIST OF MONIES RECEIVED BY THE STATE FROM ANY COURT OF THE UNIFIED COURT SYSTEM PURSUANT TO SECTION EIGHTEEN HUNDRED NINE OF THE VEHICLE AND TRAFFIC LAW FOR VIOLATIONS OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF SUCH LAW, AND ALL OTHER FINES, FEES, GRANTS, BEQUESTS OR OTHER MONIES CREDITED, APPROPRIATED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE.

3. (A) FIFTY PERCENT OF THE MONIES OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE, SHALL BE MADE AVAILABLE TO THE STATE COMPREHENSIVE SCHOOL BUS DRIVER SAFETY TRAINING COUNCIL FOR THE STUDY OF THE ILLEGAL PASSING OF STOPPED SCHOOL BUSES BY MOTORISTS, AND THE DEVELOPMENT OF PROPOSALS TO REDUCE THE NUMBER OF MOTORISTS PASSING SCHOOL BUSES IN VIOLATION OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW.

(B) THE REMAINING FIFTY PERCENT OF THE MONIES OF SUCH FUND SHALL BE MADE AVAILABLE TO THE DEPARTMENT OF MOTOR VEHICLES FOR THE DESIGN AND IMPLEMENTATION, IN CONJUNCTION WITH THE GOVERNOR'S TRAFFIC SAFETY

COMMITTEE, THE DEPARTMENTS OF EDUCATION AND TRANSPORTATION, THE DIVISION OF THE STATE POLICE, AND THE STATE COMPREHENSIVE SCHOOL BUS DRIVER SAFETY TRAINING COUNCIL, OF A PUBLIC EDUCATION PROGRAM TO FURTHER EDUCATE MOTORISTS OF THE DANGERS OF PASSING A SCHOOL BUS IN VIOLATION OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THE VEHICLE AND TRAFFIC LAW, TO REDUCE THE NUMBER OF SUCH INCIDENTS, AND TO PROMOTE SCHOOL BUS SAFETY.

4. THE MONIES OF THE FUND MADE AVAILABLE PURSUANT TO PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION SHALL BE PAID OUT ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER OF EDUCATION. THE MONIES OF THE FUND MADE AVAILABLE PURSUANT TO PARAGRAPH (B) OF SUBDIVISION THREE OF THIS SECTION SHALL BE PAID OUT ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER OF MOTOR VEHICLES. AT THE END OF EACH YEAR ANY MONIES REMAINING IN THE FUND SHALL BE RETAINED IN THE FUND AND SHALL NOT REVERT TO THE GENERAL FUND. THE INTEREST AND INCOME EARNED ON MONEY IN THE FUND, AFTER DEDUCTING ANY APPLICABLE CHARGES, SHALL BE CREDITED TO THE FUND.

S 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.