

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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The vehicle and traffic law is amended by adding a new  
2 section 223-a to read as follows:  
3 S 223-A. SCHOOL BUS MOTORIST EDUCATION PROGRAM. THE COMMISSIONER  
4 SHALL, IN CONJUNCTION WITH THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE, THE  
5 DEPARTMENTS OF EDUCATION AND TRANSPORTATION, THE DIVISION OF STATE  
6 POLICE, AND THE STATE COMPREHENSIVE SCHOOL BUS DRIVER SAFETY TRAINING  
7 COUNCIL, DESIGN AND IMPLEMENT A PUBLIC EDUCATION PROGRAM TO EDUCATE  
8 MOTORISTS OF THE DANGERS OF PASSING A SCHOOL BUS IN VIOLATION OF SECTION  
9 ELEVEN HUNDRED SEVENTY-FOUR OF THIS CHAPTER, TO REDUCE THE NUMBER OF  
10 SUCH INCIDENTS, AND TO PROMOTE SCHOOL BUS SAFETY.  
11 S 2. Subdivision 3 of section 1809 of the vehicle and traffic law, as  
12 amended by chapter 309 of the laws of 1996, is amended to read as  
13 follows:  
14 3. The mandatory surcharge provided for in subdivision one of this  
15 section shall be paid to the clerk of the court or administrative tribu-  
16 nal that rendered the conviction. Within the first ten days of the month  
17 following collection of the mandatory surcharge the collecting authority  
18 shall determine the amount of mandatory surcharge collected and, if it  
19 is an administrative tribunal or a town or village justice court, it  
20 shall pay such money to the state comptroller who shall deposit such  
21 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.

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

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

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

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

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

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

47 3. (A) FIFTY PERCENT OF THE MONIES OF THE FUND, FOLLOWING APPROPRI-  
48 ATION BY THE LEGISLATURE, SHALL BE MADE AVAILABLE TO THE STATE COMPRE-  
49 HENSIVE SCHOOL BUS DRIVER SAFETY TRAINING COUNCIL FOR THE STUDY OF THE  
50 ILLEGAL PASSING OF STOPPED SCHOOL BUSES BY MOTORISTS, AND THE DEVELOP-  
51 MENT OF PROPOSALS TO REDUCE THE NUMBER OF MOTORISTS PASSING SCHOOL BUSES  
52 IN VIOLATION OF SECTION ELEVEN HUNDRED SEVENTY-FOUR OF THE VEHICLE AND  
53 TRAFFIC LAW.

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

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

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

18 S 5. This act shall take effect on the first of January next succeed-  
19 ing the date on which it shall have become a law.