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

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2011-2012 Regular Sessions

I N A S S E M B L Y

January 20, 2011

Introduced by M. of A. GABRYSZAK, GALEF, CASTRO -- Multi-Sponsored by -- M. of A. BURLING, MAYERSOHN, McKEVITT, MILLMAN, PHEFFER, WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to authorizing counties to establish a handicapped parking enforcement grant program

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

Section 1. Article 2 of title 2 of the vehicle and traffic law is amended by adding a new section 224-b to read as follows:

S 224-B. HANDICAPPED PARKING ENFORCEMENT GRANT PROGRAM. "THE PROGRAM", AS USED IN THIS SECTION, SHALL MEAN THE HANDICAPPED PARKING ENFORCEMENT GRANT PROGRAM, A PROGRAM ESTABLISHED PURSUANT TO THIS SECTION, AND APPROVED BY THE COMMISSIONER.

1. PROGRAM ESTABLISHMENT. (A) WHERE A COUNTY ESTABLISHES A PROGRAM, PURSUANT TO THIS SECTION, IT SHALL RECEIVE THE TWENTY-FIVE DOLLAR SURCHARGE COLLECTED BY ANY COURT, JUDGE, MAGISTRATE OR OTHER OFFICER WITHIN THAT COUNTY, INCLUDING, WHERE APPROPRIATE, A HEARING OFFICER ACTING ON BEHALF OF THE COMMISSIONER, IMPOSED FOR VIOLATIONS OF SUBDIVISION TWO OF SECTION ONE THOUSAND TWO HUNDRED THREE-B OF THIS CHAPTER AND IMPOSED PURSUANT TO SUBDIVISION THREE OF SECTION ONE THOUSAND TWO HUNDRED THREE-B OF THIS CHAPTER. UPON RECEIPT OF THESE MONEYS, THE COUNTY SHALL DEPOSIT THEM IN A SEPARATE ACCOUNT ENTITLED "HANDICAPPED PARKING ENFORCEMENT GRANT PROGRAM" AND THEY SHALL BE UNDER THE EXCLUSIVE CARE, CUSTODY AND CONTROL OF THE CHIEF FISCAL OFFICER OF EACH COUNTY PARTICIPATING IN THE PROGRAM.

(B) EXPENDITURES FROM SUCH ACCOUNT SHALL ONLY BE MADE PURSUANT TO THE APPROVAL OF A COUNTY PROGRAM BY THE COMMISSIONER AND SHALL BE AWARDED SOLELY IN SUPPORT OF ACTIVITIES RELATED TO THIS PROGRAM CONDUCTED BY A LOCAL LAW ENFORCEMENT AGENCY. THE CHIEF FISCAL OFFICER OF EACH PARTICIPATING COUNTY SHALL, ON A QUARTERLY BASIS, FORWARD TO THE COMMISSIONER A WRITTEN CERTIFICATE OF MONEYS EXPENDED FROM SUCH ACCOUNT.

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

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2. PROGRAM ORGANIZATION. (A) WHERE A PROGRAM IS ESTABLISHED BY A COUNTY, IT SHALL BE ORGANIZED BY A COORDINATOR, WHO SHALL BE DESIGNATED BY THE CHIEF EXECUTIVE OFFICER OF THE COUNTY, IF THERE BE ONE, OTHERWISE THE CHAIRMAN OF THE GOVERNING BOARD OF THE COUNTY, OR IN THE CITY OF NEW YORK, A PERSON DESIGNATED BY THE MAYOR THEREOF. WHERE A COORDINATOR IS DESIGNATED, THE COORDINATOR SHALL RECEIVE SUCH SALARY AND EXPENSES AS THE BOARD OF LEGISLATORS OR OTHER GOVERNING BODY OF SUCH COUNTY MAY FIX AND PROPERLY ACCOUNT FOR SUCH EXPENSES AND SHALL SERVE AT THE PLEASURE OF SUCH APPOINTING BODY OR OFFICER.

(B) IN COUNTIES HAVING A COUNTY TRAFFIC SAFETY BOARD, THE CHIEF EXECUTIVE OFFICER, IF THERE BE ONE, OTHERWISE THE CHAIRMAN OF THE GOVERNING BOARD OF THE COUNTY OR THE MAYOR OF THE CITY OF NEW YORK, MAY DESIGNATE THE CHAIRMAN OF THE BOARD OR A MEMBER THEREOF AS COORDINATOR OF THE PROGRAM.

(C) THE SALARY AND OTHER EXPENSES OF THE COORDINATOR SHALL BE PAID FROM MONIES DEPOSITED INTO THE COUNTY'S HANDICAPPED PARKING ENFORCEMENT GRANT PROGRAM ACCOUNT.

3. PURPOSES. (A) THE PROGRAM SHALL PROVIDE A PLAN FOR COORDINATION OF COUNTY, TOWN, CITY AND VILLAGE EFFORTS TO RESTRICT THE AREA OF PARKING SPACE RESERVED FOR HANDICAPPED PERSONS TO SUCH PERSONS.

(B) THE PROGRAM SHALL, WHERE APPROVED BY THE COUNTY BOARD OR OTHER GOVERNING BODY, PROVIDE FUNDING FOR SUCH ACTIVITIES AS THE BOARD OR OTHER BODY MAY APPROVE, FOR THE ABOVE-DESCRIBED PURPOSES.

4. DUTIES OF THE COORDINATOR; REPORTS. (A) IT SHALL BE THE DUTY OF THE COORDINATOR TO:

(1) RENDER ANNUALLY OR AT THE REQUEST OF THE COUNTY LEGISLATURE OR OTHER GOVERNING BODY OF THE COUNTY, A VERIFIED ACCOUNT OF ALL MONEYS RECEIVED AND EXPENDED BY THE COORDINATOR OR UNDER THE COORDINATOR'S DIRECTION AND AN ACCOUNT OF OTHER PERTINENT MATTERS.

(2) SUBMIT ANNUALLY OR UPON REQUEST OF THE CHIEF FISCAL OFFICER OF EACH COUNTY PARTICIPATING IN THE PROGRAM, IN SUCH MANNER AS MAY BE REQUIRED BY LAW, AN ESTIMATE OF THE FUNDS REQUIRED TO CARRY OUT THE PURPOSES OF THIS SECTION.

(3) MAKE AN ANNUAL REPORT TO THE COMMISSIONER, WHICH SHALL BE DUE ON OR BEFORE THE FIRST OF APRIL OF EACH YEAR FOLLOWING THE IMPLEMENTATION OF SAID PROGRAM, AND SHALL INCLUDE THE FOLLOWING:

A. THE PROGRESS, PROBLEMS AND OTHER MATTERS RELATED TO THE ADMINISTRATION OF SAID PROGRAM; AND

B. AN ASSESSMENT OF THE EFFECTIVENESS OF THE PROGRAM WITHIN THE GEOGRAPHIC AREA OF THE COUNTY PARTICIPATING THEREIN AND ANY AND ALL RECOMMENDATIONS FOR EXPANDING AND IMPROVING SAID PROGRAM.

(B) ANY ANNUAL REPORT SHALL ALSO CONTAIN THE FOLLOWING, IN A FORM PRESCRIBED BY THE COMMISSIONER:

(1) NUMBER OF ARRESTS FOR VIOLATIONS;

(2) NUMBER AND DESCRIPTION OF DISPOSITIONS RESULTING THEREFROM;

(3) TOTAL FINE MONEYS RETURNED TO THE PARTICIPATING COUNTY IN CONNECTION WITH THE PROGRAM;

(4) CONTEMPLATED PROGRAMS;

(5) DISTRIBUTION OF MONEYS IN CONNECTION WITH PROGRAM ADMINISTRATION;

(6) ANY OTHER INFORMATION REQUIRED BY THE COMMISSIONER.

5. COUNTY PURPOSE AND CHARGE. THE PROVISIONS OF THIS SECTION AND EXPENDITURES MADE HEREUNDER SHALL BE DEEMED A COUNTY PURPOSE AND CHARGE.

6. PROGRAM APPROVAL. THE PROGRAM, INCLUDING A PROPOSED OPERATIONAL BUDGET, SHALL BE SUBMITTED BY EACH COUNTY COORDINATOR TO THE COMMISSIONER FOR APPROVAL. A SECOND COPY OF EACH SUCH PROPOSAL SHALL BE FILED WITH

THE COMPTROLLER. THE COMMISSIONER SHALL CONSIDER THE FOLLOWING BEFORE APPROVING SAID PROGRAM:

(A) THE INTERRELATIONSHIP OF SUCH PROGRAM WITH EXISTING PROGRAMS IN AREAS INCLUDING, BUT NOT LIMITED TO, LAW ENFORCEMENT, PROSECUTION, ADJUDICATION AND EDUCATION.

(B) AVOIDANCE OF DUPLICATION OF EXISTING PROGRAMS FUNDED OR OPERATED BY EITHER THE STATE OR ANY MUNICIPALITY.

(C) ALL OTHER FACTORS WHICH THE COMMISSIONER SHALL DEEM NECESSARY.

7. DUTIES OF THE COMMISSIONER. (A) THE COMMISSIONER SHALL COMPILE THE REPORTS SUBMITTED BY THE COUNTY COORDINATORS AND SHALL ISSUE A COMPREHENSIVE REPORT ON SUCH PROGRAMS TO THE GOVERNOR AND TO THE LEGISLATURE.

(B) THE COMMISSIONER SHALL MONITOR ALL PROGRAMS TO ENSURE SATISFACTORY IMPLEMENTATION IN CONJUNCTION WITH THE ESTABLISHED PROGRAM APPLICATION GOALS.

8. PROGRAM CESSATION. WHEN A PARTICIPATING COUNTY WISHES TO CEASE ITS PROGRAM, THE COORDINATOR SHALL NOTIFY THE COMMISSIONER IN WRITING OF THE DATE OF TERMINATION AND ALL MONEY REMAINING IN THE PROGRAM ESTABLISHED BY THAT COUNTY PURSUANT TO SUBDIVISION ONE OF THIS SECTION ON SUCH DATE SHALL BE TRANSFERRED TO THE GENERAL FUND OF THE STATE TREASURY.

9. PROGRAM AUDIT. THE COMPTROLLER IS AUTHORIZED TO CONDUCT AUDITS OF ANY PROGRAM ESTABLISHED PURSUANT TO THIS SECTION FOR THE PURPOSES OF DETERMINING COMPLIANCE WITH THE PROVISIONS OF THIS SECTION AND WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

S 2. Section 1203-b of the vehicle and traffic law is amended by adding a new subdivision 3 to read as follows:

3. IN ANY COUNTY WHICH HAS ESTABLISHED A HANDICAPPED PARKING ENFORCEMENT GRANT PROGRAM, IN ADDITION TO ANY OTHER FINE OR PENALTY IMPOSED UPON A PERSON WHO UNLAWFULLY STOPS, STANDS OR PARKS A VEHICLE IN ANY AREA DESIGNATED AS A PLACE FOR HANDICAPPED PARKING, THERE SHALL BE IMPOSED A MANDATORY SURCHARGE OF TWENTY-FIVE DOLLARS. SUCH SURCHARGE SHALL BE DEPOSITED IN SUCH COUNTY'S HANDICAPPED PARKING ENFORCEMENT GRANT PROGRAM ACCOUNT ESTABLISHED IN ACCORDANCE WITH SECTION TWO HUNDRED TWENTY-FOUR-B OF THIS CHAPTER.

S 3. This act shall take effect immediately.