

4410

2011-2012 Regular Sessions

I N A S S E M B L Y

February 3, 2011

Introduced by M. of A. PERRY -- read once and referred 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 ASSEM-
BLY, 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, the
5 opening paragraph and paragraph (c) as amended by section 10 of part II
6 of chapter 59 of the laws of 2010, is amended to read as follows:

7 1. Whenever proceedings in an administrative tribunal or a court of
8 this state result in a conviction for an offense 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, or parking or violations by
12 pedestrians or bicyclists, or other than an adjudication of liability of
13 an owner for a violation of subdivision (d) of section eleven hundred
14 eleven of this chapter in accordance with section eleven hundred
15 eleven-a of this chapter, or other than an adjudication of liability of
16 an owner for a violation of subdivision (d) of section eleven hundred
17 eleven of this chapter in accordance with section eleven hundred
18 eleven-b of this chapter, or other than an adjudication in accordance
19 with section eleven hundred eleven-c of this chapter for a violation of
20 a bus lane restriction as defined in such section, there shall be levied
21 a crime victim assistance fee and a mandatory surcharge, in addition to
22 any sentence required or permitted by law, in accordance with the
23 following schedule:

24 (a) Whenever proceedings in an administrative tribunal or a court of
25 this state result in a conviction for a traffic infraction pursuant to

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

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1 article nine of this chapter, there shall be levied a crime victim
2 assistance fee in the amount of five dollars and a mandatory surcharge,
3 in addition to any sentence required or permitted by law, in the amount
4 of twenty-five dollars.

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

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

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

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

41 (D)(I) WHENEVER:

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

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

54 (II) THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO: (A) TRAFFIC
55 INFRACTIONS INVOLVING STANDING, STOPPING, OR PARKING; (B) VIOLATIONS BY
56 PEDESTRIANS OR BICYCLISTS; (C) AN ADJUDICATION OF LIABILITY OF AN OWNER

FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-A OF THIS CHAPTER; (D) AN INFRACTION PURSUANT TO ARTICLE NINE OF THIS CHAPTER; OR (E) AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF TOLL COLLECTION REGULATIONS PURSUANT TO SECTION TWO THOUSAND NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR SECTIONS SIXTEEN-A, SIXTEEN-B AND SIXTEEN-C OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED FIFTY.

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

S 3. Subdivision 1 of section 1809 of the vehicle and traffic law, as amended by section 10-a of part II of chapter 59 of the laws of 2010, is amended to read as follows:

1. (A) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime under this chapter or a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, other than a traffic infraction involving standing, stopping, parking or motor vehicle equipment or violations by pedestrians or bicyclists, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, OR OTHER THAN A CONVICTION FOR WHICH A MANDATORY SURCHARGE AND CRIME VICTIM ASSISTANCE FEE ARE LEVIED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-b of this chapter, or other than an adjudication in accordance with section eleven hundred eleven-c of this chapter for a violation of a bus lane restriction as defined in such section, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of twenty-five dollars.

(B)(I) WHENEVER:

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

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

(II) THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO: (A) TRAFFIC INFRACTIONS INVOLVING STANDING, STOPPING, OR PARKING; (B) VIOLATIONS BY PEDESTRIANS OR BICYCLISTS; (C) AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-A OF THIS CHAPTER; (D) AN INFRACTION PURSUANT TO ARTICLE NINE OF THIS CHAPTER; OR

(E) AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF TOLL COLLECTION REGULATIONS PURSUANT TO SECTION TWO THOUSAND NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR SECTIONS SIXTEEN-A, SIXTEEN-B AND SIXTEEN-C OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED FIFTY.

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

S 4. Subdivision 1 of section 1809 of the vehicle and traffic law, as amended by section 10-b of part II of chapter 59 of the laws of 2010, is amended to read as follows:

1. (A) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime under this chapter or a traffic infraction under this chapter other than a traffic infraction involving standing, stopping, parking or motor vehicle equipment or violations by pedestrians or bicyclists, OR OTHER THAN A CONVICTION FOR WHICH A MANDATORY SURCHARGE AND CRIME VICTIM ASSISTANCE FEE ARE LEVIED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, or other than an adjudication in accordance with section eleven hundred eleven-c of this chapter for a violation of a bus lane restriction as defined in such section, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of seventeen dollars.

(B)(I) WHENEVER:

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

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

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

(III) FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "SCHOOL TRAFFIC SAFETY AND SPEED ZONE" SHALL MEAN A DISTANCE NOT TO EXCEED ONE THOUSAND THREE HUNDRED TWENTY FEET ON A HIGHWAY PASSING A SCHOOL BUILDING, ENTRANCE OR EXIT OF A SCHOOL ABUTTING ON THE HIGHWAY FOR WHICH A MAXIMUM

1 SCHOOL SPEED LIMIT HAS BEEN ESTABLISHED AS AUTHORIZED IN SECTION SIXTEEN
2 HUNDRED TWENTY, SIXTEEN HUNDRED TWENTY-TWO, SIXTEEN HUNDRED THIRTY,
3 SIXTEEN HUNDRED FORTY-THREE OR SIXTEEN HUNDRED SIXTY-TWO-A OF THIS CHAP-
4 TER.

5 S 5. Subdivision 1 of section 1809 of the vehicle and traffic law, as
6 separately amended by chapter 16 of the laws of 1983 and chapter 62 of
7 the laws of 1989, is amended to read as follows:

8 1. (A) Whenever proceedings in an administrative tribunal or a court
9 of this state result in a conviction for a crime under this chapter or a
10 traffic infraction under this chapter other than a traffic infraction
11 involving standing, stopping, parking or motor vehicle equipment or
12 violations by pedestrians or bicyclists, OR OTHER THAN A CONVICTION FOR
13 WHICH A MANDATORY SURCHARGE AND CRIME VICTIM ASSISTANCE FEE ARE LEVIED
14 PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, there shall be levied a
15 mandatory surcharge, in addition to any sentence required or permitted
16 by law, in the amount of seventeen dollars.

17 (B)(I) WHENEVER:

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

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

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

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

49 S 6. This act shall take effect on the first of November next succeed-
50 ing the date on which it shall have become a law and shall apply to
51 violations occurring on and after such effective date; provided that:

52 a. the amendments to subdivision 1 of section 1809 of the vehicle and
53 traffic law made by section two of this act shall be subject to the
54 expiration of such subdivision when upon such date the provisions of
55 section three of this act shall take effect;

1 b. the amendments to subdivision 1 of section 1809 of the vehicle and
2 traffic law made by section three of this act shall be subject to the
3 expiration of such subdivision when upon such date the provisions of
4 section four of this act shall take effect; and
5 c. the amendments to subdivision 1 of section 1809 of the vehicle and
6 traffic law made by section four of this act shall be subject to the
7 expiration of such subdivision when upon such date the provisions of
8 section five of this act shall take effect.