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

7107

2011-2012 Regular Sessions

I N A S S E M B L Y

April 12, 2011

Introduced by M. of A. HOOPER -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the demonstration program authorized within Nassau county and the disposition of fines in the county of Nassau; and to amend the state finance law, in relation to establishing the Nassau county youth services fund

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

Section 1. Paragraph 1 of subdivision (a) of section 1111-b of the vehicle and traffic law, as added by chapter 19 of the laws of 2009, is amended to read as follows:

1. Notwithstanding any other provision of law, the county of Nassau is hereby authorized and empowered to adopt and amend a local law or ordinance establishing a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications in such county in accordance with the provisions of this section. Such demonstration program shall empower such county to install and operate traffic-control signal photo violation-monitoring devices at no more than [fifty] ONE HUNDRED intersections within and under the jurisdiction of such county at any one time.

S 2. A memorandum of understanding between the chair of the assembly transportation committee and the Nassau county legislature shall be entered into in order to determine the intersections affected by the provisions of section one of this act.

S 3. The vehicle and traffic law is amended by adding a new section 1809-f to read as follows:

S 1809-F. DISPOSITION OF CERTAIN FINES IN THE COUNTY OF NASSAU. NOTWITHSTANDING SECTION EIGHTEEN HUNDRED THREE OF THIS ARTICLE OR ANY OTHER PROVISION OF LAW, WHENEVER PROCEEDINGS IN A COURT OR AN ADMINISTRATIVE TRIBUNAL IN THE COUNTY OF NASSAU RESULT IN A CONVICTION FOR AN

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

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OFFENSE PURSUANT TO SECTION ELEVEN HUNDRED ELEVEN-B OF THIS CHAPTER IN THE COUNTY OF NASSAU, ALL FINES AND PENALTIES LEVIED AS A RESULT OF SUCH CONVICTION 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 SUCH MONEYS, THE COLLECTING AUTHORITY SHALL PAY TWENTY-FIVE PERCENT OF SUCH AMOUNT COLLECTED TO THE STATE COMPTROLLER TO BE DEPOSITED TO THE NASSAU COUNTY YOUTH SERVICES FUND ESTABLISHED PURSUANT TO SECTION NINETY-NINE-U OF THE STATE FINANCE LAW.

S 4. The state finance law is amended by adding a new section 99-u to read as follows:

S 99-U. NASSAU COUNTY YOUTH SERVICES FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE COUNTY EXECUTIVE OF THE COUNTY OF NASSAU A SPECIAL FUND TO BE KNOWN AS THE "NASSAU COUNTY YOUTH SERVICES FUND".

2. ALL MONEYS RECEIVED BY THE NASSAU COUNTY YOUTH SERVICES FUND FROM VIOLATIONS OF SECTION EIGHTEEN HUNDRED NINE-F OF THE VEHICLE AND TRAFFIC LAW SHALL BE DEPOSITED TO THE EXCLUSIVE CREDIT OF SUCH FUND. SAID MONEYS SHALL BE KEPT SEPARATE AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE.

3. (A) THE MONEYS IN SAID ACCOUNT SHALL BE RETAINED BY THE FUND AND SHALL BE RELEASED BY THE COMMISSIONER OF TAXATION AND FINANCE ONLY UPON CERTIFICATES SIGNED BY THE COUNTY EXECUTIVE OF THE COUNTY OF NASSAU AND SHALL BE DISTRIBUTED TO NASSAU COUNTY YOUTH SERVICES CONTRACT AGENCIES (YSCA) IN ACCORDANCE WITH THE RELATIVE NEEDS OF THE COMMUNITIES SERVICED BY SAID AGENCIES AS ESTABLISHED BY THE FEDERAL STATISTICS USED TO DETERMINE ENTITLEMENT TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS.

(B) IN THE EVENT THAT THERE SHALL BE ANY UNALLOCATED FUND OR FUNDS THAT HAVE NOT BEEN DRAWN AGAINST BY ANY CONTRACT AGENCY REMAINING IN THIS FUND AT THE END OF THE FISCAL YEAR OF THE COUNTY, SUCH FUNDS SHALL BE PLACED IN A RESTRICTED RESERVE FUND ACCOUNT FOR YOUTH SERVICES TO BE INVESTED BY THE NASSAU COUNTY TREASURER AND HELD UNTIL SUCH TIME AS THERE SHALL BE INSUFFICIENT FUNDS GENERATED BY THE RED LIGHT CAMERA PROGRAM TO MEET THE FUTURE NEEDS OR MINIMUM ALLOCATION.

S 5. (a) A Nassau county red light camera state legislative audit review committee (committee) is hereby established, comprised of seven members, two representatives appointed by the speaker of the assembly, one of whom shall be a member of a New York state minority and women-owned business enterprise participation program, two representatives appointed by the temporary president of the senate, one appointed by the state comptroller, as well as a representative of the Nassau Interim Finance Authority and the Nassau County Division of the American Automobile Association (AAA), both of whom shall be non-voting members.

(b) The placement and operation of such red light cameras pursuant to section two of this act shall be subject to the submission and approval of an annual forensic audit by Nassau county on or before January 31 of each year, commencing in the second year after the effective date of this act, which shall include detailed traffic safety statistics. In the event such audit report is not timely submitted by Nassau county and/or approved by majority vote of the voting members of the committee by March 31 of the reporting year, the Nassau county red light camera program shall be deemed suspended as of the first of April of the year the report is due.

(c) The audit report shall set forth a comparative analysis of the safety record at the pertinent red light camera location for the previous five-year period (inclusive of the statistics for the year covered by the report), the total gross revenue derived from all Nassau county

red light cameras, the total gross revenue derived from each of such red light cameras, and the total gross annual revenue allocated to the dedicated Nassau county youth services fund and the respective contract agency allocations in accordance with the mandate of section 99-u of the state finance law.

(d) The committee shall, on an annual basis, commencing in the second year after the effective date of this act, receive and review such data and other pertinent information as may be necessary from the Nassau county division of the AAA to augment its ability to evaluate and determine the need for maintaining the Nassau county red light camera program or any individual red light camera location thereof.

(e) The planning, installation and maintenance of the red light cameras shall comply in all respects with the goals of the New York state minority and women-owned business enterprise participation program. Details of compliance with such goals shall be included in the annual audit report and shall be one of the criteria considered by the committee in determining whether to continue or discontinue the Nassau county red light camera program.

S 6. This act shall take effect immediately; provided, however, that the amendments to section 1111-b of the vehicle and traffic law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.