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

3368--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 25, 2011

Introduced by M. of A. RUSSELL, GUNTHER, JAFFEE, CASTRO, MAGEE, GABRYSZAK -- Multi-Sponsored by -- M. of A. AMEDORE, BARCLAY, CALHOUN, CROUCH, FINCH, GIGLIO, HAWLEY, HOOPER, KOLB, LIFTON, P. LOPEZ, LUPARDO, MONTESANO, OAKS, REILICH, SAYWARD, SCHIMMINGER -- read once and referred to the Committee on Governmental Employees -- reference changed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to allowing county clerks to retain fees collected for motor vehicle related services through a department of motor vehicles' website or processing center

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

Section 1. Subdivision 3 of section 205 of the vehicle and traffic law, as amended by section 3 of part G of chapter 59 of the laws of 2008, is amended to read as follows:

3. (A) Each such county clerk shall retain from fees collected for any motor vehicle related service described in subdivision one of this section processed by such county clerk an amount based on a percentage of gross receipts collected. For purposes of this section, the term "gross receipts" shall include all fines, fees and penalties collected pursuant to this chapter by a county clerk acting as agent of the commissioner OR DEPARTMENT OF MOTOR VEHICLES' WEBSITE OR DEPARTMENT OF MOTOR VEHICLES' UTICA PROCESSING CENTER, but shall not include any state or local sales or compensating use taxes imposed under or pursuant to the authority of articles twenty-eight and twenty-nine of the tax law and collected by such clerk OR DEPARTMENT OF MOTOR VEHICLES' WEBSITE OR DEPARTMENT OF MOTOR VEHICLES' UTICA PROCESSING CENTER on behalf of the commissioner of taxation and finance. The retention percentage shall be

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

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12.7 percent and shall take effect April first, nineteen hundred nine-ty-nine; provided, however, the retention percentage shall be thirty percent of the thirty dollar fee established in paragraph (e) of subdi-vision two of section four hundred ninety-one and paragraph [f-one] (F-1) of subdivision two of section five hundred three of this chapter.

(B) THE COMMISSIONER SHALL REMIT ON A QUARTERLY BASIS TO EACH SUCH COUNTY CLERK FROM FEES COLLECTED FOR ANY MOTOR VEHICLE RELATED SERVICE DESCRIBED IN SUBDIVISION ONE OF THIS SECTION THAT ARE PROCESSED THROUGH THE DEPARTMENT OF MOTOR VEHICLES' WEBSITE OR DEPARTMENT OF MOTOR VEHI-CLES' UTICA PROCESSING CENTER THE RETENTION PERCENTAGE OF GROSS RECEIPTS COLLECTED, AS SUCH RETENTION PERCENTAGE IS DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION WHICH SUCH COUNTY CLERK WOULD HAVE BEEN ENTITLED TO RETAIN PURSUANT TO THIS SUBDIVISION IF SUCH FEES HAD BEEN PROCESSED IN THE COUNTY OF RECORD OF THE REGISTRANT.

S 2. This act shall take effect April 1, 2013; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effec-tive date are authorized and directed to be made and completed on or before such effective date.