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

5445

2011-2012 Regular Sessions

I N A S S E M B L Y

February 18, 2011

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

AN ACT to amend the vehicle and traffic law, in relation to prohibiting the imposition of accident response service fees

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

Section 1. Article 11 of the vehicle and traffic law is amended by adding a new section 389 to read as follows:

S 389. ACCIDENT RESPONSE SERVICE FEE. 1. AS USED IN THIS SECTION:

(A) "ACCIDENT RESPONSE SERVICE FEE" MEANS A FEE IMPOSED FOR THE RESPONSE OR INVESTIGATION OF A MOTOR VEHICLE ACCIDENT BY A LAW ENFORCEMENT AGENCY; AND

(B) "ENTITY" MEANS:

(I) THE STATE;

(II) A POLITICAL SUBDIVISION OF THE STATE, INCLUDING:

A. A COUNTY;

B. A CITY;

C. A BOROUGH;

D. AN INCORPORATED TOWN;

E. A TOWNSHIP; OR

F. A HOME-RULED MUNICIPALITY; AND

(III) ANY GOVERNMENTAL ENTITY OR AGENCY OR DEPARTMENT OF A GOVERNMENTAL ENTITY OR AGENCY.

2. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A PERSON OR ENTITY SHALL NOT IMPOSE AN ACCIDENT RESPONSE SERVICE FEE ON OR FROM AN INSURANCE COMPANY, THE DRIVER OR OWNER OF A MOTOR VEHICLE, OR ANY OTHER PERSON.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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

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