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

6590

2011-2012 Regular Sessions

I N A S S E M B L Y

March 22, 2011

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

AN ACT to amend the vehicle and traffic law, in relation to the collection of supplemental vehicle registration, learners permits and drivers license fees for New York City registrants and operators; to amend the state finance law, in relation to the metropolitan transportation authority financial assistance fund; and to repeal article 17-C of the vehicle and traffic law relating to the metropolitan commuter transportation district supplemental registration fee

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

Section 1. Article 17-C of the vehicle and traffic law is REPEALED.

S 2. Section 401 of the vehicle and traffic law is amended by adding a new subdivision 22 to read as follows:

22. COLLECTION OF SUPPLEMENTAL FEE FOR NEW YORK CITY REGISTRANTS. (A) ALL REGISTRANTS OF MOTOR VEHICLES WHO RESIDE IN THE CITY OF NEW YORK SHALL PAY TO THE COMMISSIONER OR HIS OR HER AGENT A SUPPLEMENTAL REGISTRATION FEE OF TWENTY-FIVE DOLLARS PER ANNUM FOR EACH YEAR OR PORTION OF A YEAR THAT SUCH REGISTRATION IS VALID UPON REGISTRATION OR RENEWAL OF MOTOR VEHICLES SUBJECT TO REGISTRATION FEES PURSUANT TO THE FOLLOWING PROVISIONS: PARAGRAPH A OF SUBDIVISION SIX OF THIS SECTION; SCHEDULES A, B, C, E, F, G, I AND K OF SUBDIVISION SEVEN OF THIS SECTION; PARAGRAPH A OF SUBDIVISION EIGHT OF THIS SECTION; PARAGRAPH A OF SUBDIVISION FIVE OF SECTION FOUR HUNDRED TEN OF THIS TITLE; AND SECTION FOUR HUNDRED ELEVEN-B OF THIS TITLE.

(B) THE COMMISSIONER SHALL DEPOSIT DAILY ALL FUNDS DERIVED FROM THE COLLECTION OF THE SUPPLEMENTAL FEE ESTABLISHED PURSUANT TO PARAGRAPH (A) OF THIS SECTION WITH SUCH RESPONSIBLE BANKS, BANKING HOUSES OR TRUST COMPANIES AS MAY BE DESIGNATED BY THE STATE COMPTROLLER, TO THE CREDIT OF THE COMPTROLLER. ON OR BEFORE THE TWELFTH DAY OF EACH MONTH, THE COMMISSIONER SHALL CERTIFY TO THE COMPTROLLER THE AMOUNT OF ALL REVENUES

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

LBD08448-02-1

RECEIVED PURSUANT TO THIS ARTICLE DURING THE PRIOR MONTH AS A RESULT OF THE SUPPLEMENTAL FEE IMPOSED, INCLUDING ANY INTEREST AND PENALTIES THEREON. THE REVENUES SO CERTIFIED SHALL BE DEPOSITED BY THE STATE COMPTROLLER IN THE METROPOLITAN TRANSPORTATION AUTHORITY AID TRUST ACCOUNT OF THE METROPOLITAN TRANSPORTATION AUTHORITY FINANCIAL ASSISTANCE FUND ESTABLISHED PURSUANT TO SECTION NINETY-TWO-FF OF THE STATE FINANCE LAW FOR DEPOSIT, SUBJECT TO APPROPRIATION, IN THE CORPORATE TRANSPORTATION ACCOUNT OF THE METROPOLITAN TRANSPORTATION AUTHORITY SPECIAL ASSISTANCE FUND ESTABLISHED BY SECTION TWELVE HUNDRED SEVENTY-A OF THE PUBLIC AUTHORITIES LAW, TO BE APPLIED AS PROVIDED IN PARAGRAPH (E) OF SUBDIVISION FOUR OF SUCH SECTION. ANY MONEY COLLECTED PURSUANT TO THIS SECTION THAT IS DEPOSITED BY THE COMPTROLLER IN THE METROPOLITAN TRANSPORTATION AUTHORITY AID TRUST ACCOUNT OF THE METROPOLITAN TRANSPORTATION AUTHORITY FINANCIAL ASSISTANCE FUND SHALL BE HELD IN SUCH FUND FREE AND CLEAR OF ANY CLAIM BY ANY PERSON OR ENTITY PAYING AN ADDITIONAL FEE PURSUANT TO THIS SECTION, INCLUDING, WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, ANY RIGHT OR CLAIM AGAINST THE METROPOLITAN TRANSPORTATION AUTHORITY, ANY OF ITS BONDHOLDERS, OR ANY SUBSIDIARY OR AFFILIATE OF THE METROPOLITAN TRANSPORTATION AUTHORITY.

S 3. Paragraph (b-1) of subdivision 2 of section 503 of the vehicle and traffic law, as added by section 1 of part A of chapter 25 of the laws of 2009, is amended to read as follows:

(b-1) Supplemental learner permit/license fee in the [metropolitan commuter transportation district] CITY OF NEW YORK. (i) Upon passage of the knowledge test required to obtain a learner's permit, an applicant for a driver's license who resides in the [metropolitan commuter transportation district] CITY OF NEW YORK established by section [one thousand two hundred sixty-two] TWELVE HUNDRED SIXTY-TWO of the public authorities law shall be required to pay a supplemental fee of one dollar for each six months or portion thereof of the period of validity of a learner's permit or license which is or may be issued pursuant to the provisions of subparagraph (i) or (ii) of paragraph (b) of this subdivision.

(ii) The commissioner shall deposit daily all funds collected pursuant to subparagraph (i) of this paragraph with such responsible banks, banking houses or trust companies as may be designated by the state comptroller, to the credit of the comptroller. On or before the twelfth day of each month, the commissioner shall certify to the comptroller the amount of all revenues received pursuant to subparagraph (i) of this paragraph during the prior month as a result of the supplemental fee imposed, including any interest and penalties thereon. The revenues so certified shall be deposited by the state comptroller in the metropolitan transportation authority aid trust account of the metropolitan transportation authority financial assistance fund established pursuant to section ninety-two-ff of the state finance law for deposit, subject to appropriation, in the corporate transportation account of the metropolitan transportation authority special assistance fund established by section twelve hundred seventy-a of the public authorities law, to be applied as provided in paragraph (e) of subdivision four of such section. Any money collected pursuant to this section that is deposited by the comptroller in the metropolitan transportation authority aid trust account of the metropolitan transportation authority financial assistance fund shall be held in such fund free and clear of any claim by any person or entity paying an additional fee pursuant to this section, including, without limiting the generality of the foregoing, any right or claim against the metropolitan transportation authority,

any of its bondholders, or any subsidiary or affiliate of the metropolitan transportation authority.

S 4. Paragraph (c-3) of subdivision 2 of section 503 of the vehicle and traffic law, as added by section 2 of part A of chapter 25 of the laws of 2009, is amended to read as follows:

(c-3) (i) Supplemental renewal fee in the [metropolitan commuter transportation district] CITY OF NEW YORK. In addition to the fees required to be paid pursuant to paragraph (c) of this subdivision, a supplemental fee of one dollar for each six months or portion thereof of the validity of the license shall be paid for renewal of a license of a person who resides in the [metropolitan commuter transportation district] CITY OF NEW YORK established by section [one thousand two hundred sixty-two] TWELVE HUNDRED SIXTY-TWO of the public authorities law issued by the commissioner.

(ii) The commissioner shall deposit daily all funds collected pursuant to this paragraph with such responsible banks, banking houses or trust companies as may be designated by the state comptroller, to the credit of the comptroller. On or before the twelfth day of each month, the commissioner shall certify to the comptroller the amount of all revenues received pursuant to this paragraph during the prior month as a result of the supplemental fees imposed, including any interest and penalties thereon. The revenues so certified shall be deposited by the state comptroller in the metropolitan transportation authority aid trust account of the metropolitan transportation authority financial assistance fund established pursuant to section ninety-two-ff of the state finance law for deposit, subject to appropriation, in the corporate transportation account of the metropolitan transportation authority special assistance fund established by section twelve hundred seventy-a of the public authorities law, to be applied as provided in paragraph (e) of subdivision four of such section. Any money collected pursuant to this section that is deposited by the comptroller in the metropolitan transportation authority aid trust account of the metropolitan transportation authority financial assistance fund shall be held in such fund free and clear of any claim by any person or entity paying an additional fee pursuant to this section, including, without limiting the generality of the foregoing, any right or claim against the metropolitan transportation authority, any of its bondholders, or any subsidiary or affiliate of the metropolitan transportation authority.

S 5. Subdivision 3 and paragraph (a) of subdivision 6 of section 92-ff of the state finance law, as added by section 1 of part G of chapter 25 of the laws of 2009, are amended to read as follows:

3. Such fund shall consist of all moneys collected [therefore] THEREFOR or credited or transferred thereto from any other fund, account or source, including, without limitation, the revenues derived from the metropolitan commuter transportation mobility tax imposed by article twenty-three of the tax law; revenues derived from the special supplemental tax on passenger car rentals imposed by section eleven hundred sixty-six-a of the tax law; revenues derived from the transportation surcharge imposed by article twenty-nine-A of the tax law; the supplemental registration fees imposed by [article seventeen-C] SUBDIVISION TWENTY-TWO OF SECTION FOUR HUNDRED ONE of the vehicle and traffic law; and the supplemental [metropolitan commuter transportation district] CITY OF NEW YORK license fees imposed by PARAGRAPHS (B-1) AND (C-3) OF SUBDIVISION TWO OF section five hundred three of the vehicle and traffic law. Any interest received by the comptroller on moneys on deposit in

the metropolitan transportation authority financial assistance fund shall be retained in and become a part of such fund.

(a) The "metropolitan transportation authority aid trust account" shall consist of revenues required to be deposited therein pursuant to the provisions of section eleven hundred sixty-six-a of the tax law; article twenty-nine-A of the tax law; [article seventeen-C of the vehicle and traffic law;] and SUBDIVISION TWENTY-TWO OF SECTION FOUR HUNDRED ONE AND PARAGRAPHS (B-1) AND (C-3) OF SUBDIVISION TWO OF section five hundred three of the vehicle and traffic law, and all other moneys credited or transferred thereto from any other fund or source pursuant to law.

S 6. This act shall take effect immediately.