

4740

2011-2012 Regular Sessions

I N S E N A T E

April 18, 2011

Introduced by Sen. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the added requirement of a motor vehicle accident prevention course for section 1192 violations

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

1 Section 1. Section 1199 of the vehicle and traffic law, as added by
2 section 1 of part E of chapter 59 of the laws of 2004, is amended to
3 read as follows:
4 S 1199. Driver responsibility assessment AND MOTOR VEHICLE ACCIDENT
5 PREVENTION COURSE REQUIREMENT. 1. In addition to any fines, fees,
6 penalties and surcharges authorized by law, any person convicted of a
7 violation of any subdivision of section eleven hundred ninety-two of
8 this article, or any person found to have refused a chemical test in
9 accordance with section eleven hundred ninety-four of this article not
10 arising out of the same incident as a conviction for a violation of any
11 of the provisions of section eleven hundred ninety-two of this article,
12 shall become liable to the department for payment of a driver responsi-
13 bility assessment as provided in this section AND FOR ENROLLMENT AND
14 COMPLETION OF A MOTOR VEHICLE ACCIDENT PREVENTION COURSE PROVIDED HOWEV-
15 ER PURSUANT TO THIS SECTION SHALL NOT ENTITLE SUCH INDIVIDUAL TO A POINT
16 REDUCTION OR INSURANCE PREMIUM REDUCTION PURSUANT TO SECTION
17 TWENTY-THREE HUNDRED THIRTY-SIX OF THE INSURANCE LAW.
18 2. The amount of the driver responsibility assessment under this
19 section shall be two hundred fifty dollars per year for a three-year
20 period.
21 3. Upon receipt of evidence that a person is liable for the driver
22 responsibility assessment OR MOTOR VEHICLE ACCIDENT PREVENTION COURSE
23 required by this section, the commissioner shall notify such person by
24 first class mail to the address of such person on file with the depart-

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

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ment or at the current address provided by the United States postal service of the amount of such assessment, the time and manner of making required payments, and that failure to make payment shall result in the suspension of his or her driver's license or privilege of obtaining a driver's license.

4. If a person shall fail to pay any driver responsibility assessment OR TO ENROLL, COMPLETE AND PAY A MOTOR VEHICLE ACCIDENT PREVENTION COURSE FEE as provided in this section, the commissioner shall suspend such person's driver's license or privilege of obtaining a license. Such suspension shall remain in effect until any and all outstanding driver responsibility assessments AND MOTOR VEHICLE ACCIDENT PREVENTION FEES have been paid in full.

5. The provisions of this section shall also be applicable to any person convicted of any violation of section forty-nine-a of the navigation law, any person convicted of a violation of section 25.24 of the parks, recreation and historic preservation law, or any person found to have refused a chemical test in accordance with the applicable provisions of either the navigation law or the parks, recreation and historic preservation law not arising out of the same incident as such conviction.

S 2. Subdivision 4 of section 503 of the vehicle and traffic law, as added by section 2 of part E of chapter 59 of the laws of 2004, paragraph (f) as added by section 1 of part W of chapter 59 of the laws of 2006, is amended to read as follows:

4. Driver responsibility assessment AND MOTOR VEHICLE ACCIDENT PREVENTION COURSE REQUIREMENT. (a) Any person who accumulates six or more points on his or her driving record for acts committed within an eighteen month period shall become liable to the department for payment of a driver responsibility assessment AND MOTOR VEHICLE ACCIDENT PREVENTION COURSE as provided in this subdivision.

(b) The amount of the driver responsibility assessment under this section shall be one hundred dollars per year for a three-year period for the first six points on a driver's record and an additional twenty-five dollars per year for each additional point on such driver's record.

(c) Upon receipt of evidence that a person is liable for the driver responsibility assessment OR MOTOR VEHICLE ACCIDENT PREVENTION COURSE required by this subdivision, the commissioner shall notify such person by first class mail to the address of such person on file with the department or at the current address provided by the United States postal service of the amount of such assessment, the time and manner of making required payments, and that failure to make payment shall result in the suspension of his or her driver's license or privilege of obtaining a driver's license.

(d) If a person shall fail to pay any driver responsibility assessment OR MOTOR VEHICLE ACCIDENT PREVENTION COURSE FEE as provided in this subdivision, the commissioner shall suspend such person's driver's license or privilege of obtaining a license. Such suspension shall remain in effect until any and all outstanding driver responsibility assessments have been paid in full.

(e) Any completion of a motor vehicle accident prevention course approved pursuant to article twelve-B of this chapter shall not serve to reduce the calculation of points OR THE REDUCTION OF AN INSURANCE PREMIUM PURSUANT TO SECTION TWENTY-THREE HUNDRED THIRTY-SIX OF THE INSURANCE LAW on a person's driving record for the purposes of this section.

(f) Notwithstanding any other provision of law to the contrary, commencing April first, two thousand six and ending March thirty-first,

1 two thousand seven, the first forty million seven hundred thousand
2 dollars of fees collected pursuant to this subdivision and section elev-
3 en hundred ninety-nine of this chapter, in the aggregate, shall be paid
4 to the state comptroller who shall deposit such money in the state trea-
5 sury pursuant to section one hundred twenty-one of the state finance law
6 to the credit of the general fund. Any such fees collected in excess of
7 such amount shall be paid to the credit of the comptroller on account of
8 the dedicated highway and bridge trust fund established pursuant to
9 section eighty-nine-b of the state finance law. Commencing April first,
10 two thousand seven and ending March thirty-first, two thousand eight,
11 and for each such fiscal year thereafter, the first forty million seven
12 hundred thousand dollars of fees collected pursuant to this subdivision
13 and section eleven hundred ninety-nine of this chapter, in the aggre-
14 gate, shall be paid to the state comptroller who shall deposit such
15 money in the state treasury pursuant to section one hundred twenty-one
16 of the state finance law to the credit of the general fund. Any such
17 fees collected in excess of such amount for each such state fiscal year,
18 shall be paid to the credit of the comptroller on account of the dedi-
19 cated highway and bridge trust fund established pursuant to section
20 eighty-nine-b of the state finance law.

21 S 3. This act shall take effect immediately.