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

6422--A

Cal. No. 33

I N S E N A T E

January 8, 2016

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the vehicle and traffic law, in relation to the imposition of fines when a person is convicted of or found liable for certain charges, and to amend chapter 578 of the laws of 2015 amending the vehicle and traffic law relating to prohibiting any municipality from collecting a fine, penalty or forfeiture when the charge of a violation of the vehicle and traffic law is dismissed, in relation to the effectiveness thereof

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

Section 1. Section 1804 of the vehicle and traffic law, as added by chapter 578 of the laws of 2015, is amended to read as follows:

S 1804. Prohibition of imposition and collection of a fine, penalty, forfeiture, fee or surcharge. [Notwithstanding any inconsistent provision of any general, special or local law, ordinance, order, rule, regulation or administrative code to the contrary, a] A municipality may only impose a fine, penalty, forfeiture, or any other fee or surcharge against a person charged with a violation of this chapter or any local law, ordinance, order, rule, regulation or administrative code adopted pursuant to this chapter [of] IF such person is convicted of or found liable for A VIOLATION OF THIS CHAPTER OR ANY LOCAL LAW, ORDINANCE, ORDER, RULE, REGULATION OR ADMINISTRATIVE CODE ADOPTED PURSUANT TO THIS CHAPTER IN SATISFACTION OF such charge.

S 2. Section 2 of chapter 578 of the laws of 2015, amending the vehicle and traffic law relating to prohibiting any municipality from collecting a fine, penalty or forfeiture when the charge of a violation of the vehicle and traffic law is dismissed, is amended to read as follows:

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

LBD10384-08-6

S 2. This act shall take effect on the [one hundred twentieth] SIXTIETH day after it shall have become a law.

S 3. The provisions of section 1804 of the vehicle and traffic law, as added by chapter 578 of the laws of 2015 and as amended by section one of this act shall preempt and invalidate any inconsistent local law, ordinance, order, rule, regulation or administrative code that relates to imposing any fine, penalty, forfeiture, or any other fee or surcharge against a person charged with a violation of the vehicle and traffic law or any other local law, ordinance, order, rule, regulation or administrative code adopted pursuant to the vehicle and traffic law. Such inconsistent local law, ordinance, order, rule, regulation or administrative code shall be preempted and invalidated whether enacted before, on or after the effective date of chapter 578 of the laws of 2015. Provided, however, that nothing contained in this section shall be construed to prevent the collection of any such fine, penalty, forfeiture or any other fee or surcharge imposed against such person prior to the effective date of chapter 578 of the laws of 2015.

S 4. This act shall take effect immediately; provided, however that sections one and three of this act shall take effect on the same date and in the same manner as chapter 578 of the laws of 2015, as amended, takes effect.