

6535

2015-2016 Regular Sessions

I N A S S E M B L Y

March 26, 2015

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

AN ACT to amend the vehicle and traffic law, in relation to surcharges
for moving violations in school traffic safety and speed zones

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

1 Section 1. This act shall be known and may be cited as "Clarente's
2 Law".
3 S 2. Subdivision 1 of section 1809 of the vehicle and traffic law, as
4 amended by section 2 of part DD of chapter 56 of the laws of 2008, the
5 opening paragraph and paragraph (c) as separately amended by chapters
6 43, 99, 101 and 123 of the laws of 2014, is amended to read as follows:
7 1. Whenever proceedings in an administrative tribunal or a court of
8 this state result in a conviction for an offense under this chapter or a
9 traffic infraction under this chapter, or a local law, ordinance, rule
10 or regulation adopted pursuant to this chapter, other than a traffic
11 infraction involving standing, stopping, or parking or violations by
12 pedestrians or bicyclists, or other than an adjudication of liability of
13 an owner for a violation of subdivision (d) of section eleven hundred
14 eleven of this chapter in accordance with section eleven hundred
15 eleven-a of this chapter, or other than an adjudication of liability of
16 an owner for a violation of subdivision (d) of section eleven hundred
17 eleven of this chapter in accordance with section eleven hundred
18 eleven-b of this chapter, or other than an adjudication in accordance
19 with section eleven hundred eleven-c of this chapter for a violation of
20 a bus lane restriction as defined in such section, or other than an
21 adjudication of liability of an owner for a violation of subdivision (d)
22 of section eleven hundred eleven of this chapter in accordance with
23 section eleven hundred eleven-d of this chapter, or other than an adju-
24 dication of liability of an owner for a violation of subdivision (b),
25 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in

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

LBD05847-01-5

1 accordance with section eleven hundred eighty-b of this chapter, or
2 other than an adjudication of liability of an owner for a violation of
3 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
4 of this chapter in accordance with section eleven hundred eighty-c of
5 this chapter, there shall be levied a crime victim assistance fee and a
6 mandatory surcharge, in addition to any sentence required or permitted
7 by law, in accordance with the following schedule:

8 (a) Whenever proceedings in an administrative tribunal or a court of
9 this state result in a conviction for a traffic infraction pursuant to
10 article nine of this chapter, there shall be levied a crime victim
11 assistance fee in the amount of five dollars and a mandatory surcharge,
12 in addition to any sentence required or permitted by law, in the amount
13 of twenty-five dollars.

14 (b) Whenever proceedings in an administrative tribunal or a court of
15 this state result in a conviction for a misdemeanor or felony pursuant
16 to section eleven hundred ninety-two of this chapter, there shall be
17 levied, in addition to any sentence required or permitted by law, a
18 crime victim assistance fee in the amount of twenty-five dollars and a
19 mandatory surcharge in accordance with the following schedule:

20 (i) a person convicted of a felony shall pay a mandatory surcharge of
21 three hundred dollars;

22 (ii) a person convicted of a misdemeanor shall pay a mandatory
23 surcharge of one hundred seventy-five dollars.

24 (c) Whenever proceedings in an administrative tribunal or a court of
25 this state result in a conviction for an offense under this chapter
26 other than a crime pursuant to section eleven hundred ninety-two of this
27 chapter, or a traffic infraction under this chapter, or a local law,
28 ordinance, rule or regulation adopted pursuant to this chapter, other
29 than a traffic infraction involving standing, stopping, or parking or
30 violations by pedestrians or bicyclists, or other than an adjudication
31 of liability of an owner for a violation of subdivision (d) of section
32 eleven hundred eleven of this chapter in accordance with section eleven
33 hundred eleven-a of this chapter, or other than an adjudication of
34 liability of an owner for a violation of subdivision (d) of section
35 eleven hundred eleven of this chapter in accordance with section eleven
36 hundred eleven-b of this chapter, or other than an adjudication of
37 liability of an owner for a violation of subdivision (d) of section
38 eleven hundred eleven of this chapter in accordance with section eleven
39 hundred eleven-d of this chapter, or other than an infraction pursuant
40 to article nine of this chapter or other than an adjudication of liability
41 of an owner for a violation of toll collection regulations pursuant
42 to section two thousand nine hundred eighty-five of the public authori-
43 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
44 hundred seventy-four of the laws of nineteen hundred fifty or other than
45 an adjudication in accordance with section eleven hundred eleven-c of
46 this chapter for a violation of a bus lane restriction as defined in
47 such section, or other than an adjudication of liability of an owner for
48 a violation of subdivision (b), (c), (d), (f) or (g) of section eleven
49 hundred eighty of this chapter in accordance with section eleven hundred
50 eighty-b of this chapter, or other than an adjudication of liability of
51 an owner for a violation of subdivision (b), (c), (d), (f) or (g) of
52 section eleven hundred eighty of this chapter in accordance with section
53 eleven hundred eighty-c of this chapter, OR OTHER THAN A CONVICTION FOR
54 WHICH A MANDATORY SURCHARGE AND CRIME VICTIM ASSISTANCE FEE ARE LEVIED
55 PURSUANT TO PARAGRAPH (D) OF THIS SUBDIVISION, there shall be levied a
56 crime victim assistance fee in the amount of five dollars and a mandato-

ry surcharge, in addition to any sentence required or permitted by law, in the amount of fifty-five dollars.

(D)(I) WHENEVER:

(A) PROCEEDINGS IN AN ADMINISTRATIVE TRIBUNAL OR A COURT OF THIS STATE RESULT IN A CONVICTION FOR AN OFFENSE UNDER THIS CHAPTER (OTHER THAN A CRIME PURSUANT TO SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER) OR FOR A TRAFFIC INFRACTION UNDER THIS CHAPTER OR UNDER A LOCAL LAW, ORDINANCE, RULE OR REGULATION ADOPTED PURSUANT TO THIS CHAPTER; AND

(B) SUCH OFFENSE OR INFRACTION OCCURS WITHIN A SCHOOL TRAFFIC SAFETY AND SPEED ZONE WHEN A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN PARAGRAPHS ONE AND TWO OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER, THERE SHALL BE LEVIED A CRIME VICTIM ASSISTANCE FEE IN THE AMOUNT OF FIVE DOLLARS AND A MANDATORY SURCHARGE IN THE AMOUNT OF SEVENTY-FIVE DOLLARS, IN ADDITION TO ANY SENTENCE REQUIRED OR PERMITTED BY LAW.

(II) THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO: (A) TRAFFIC INFRACTIONS INVOLVING STANDING, STOPPING, OR PARKING; (B) VIOLATIONS BY PEDESTRIANS OR BICYCLISTS; (C) AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-A OF THIS CHAPTER; (D) AN INFRACTION PURSUANT TO ARTICLE NINE OF THIS CHAPTER; OR (E) AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF TOLL COLLECTION REGULATIONS PURSUANT TO SECTION TWO THOUSAND NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR SECTIONS SIXTEEN-A, SIXTEEN-B AND SIXTEEN-C OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED FIFTY.

(III) FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "SCHOOL TRAFFIC SAFETY AND SPEED ZONE" SHALL MEAN A DISTANCE NOT TO EXCEED ONE THOUSAND THREE HUNDRED TWENTY FEET ON A HIGHWAY PASSING A SCHOOL BUILDING, ENTRANCE OR EXIT OF A SCHOOL ABUTTING ON THE HIGHWAY FOR WHICH A MAXIMUM SCHOOL SPEED LIMIT HAS BEEN ESTABLISHED AS AUTHORIZED IN SECTION SIXTEEN HUNDRED TWENTY, SIXTEEN HUNDRED TWENTY-TWO, SIXTEEN HUNDRED THIRTY, SIXTEEN HUNDRED FORTY-THREE OR SIXTEEN HUNDRED SIXTY-TWO-A OF THIS CHAPTER.

S 3. Subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by section 3-a of chapter 43 and section 10-a of chapters 99, 101 and 123 of the laws of 2014, is amended to read as follows:

1. (A) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime under this chapter or a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, other than a traffic infraction involving standing, stopping, parking or motor vehicle equipment or violations by pedestrians or bicyclists, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-a of this chapter, OR OTHER THAN AN CONVICTION FOR WHICH A MANDATORY SURCHARGE AND CRIME VICTIM ASSISTANCE FREE ARE LEVIED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-b of this chapter, or other than an adjudication in accordance with section eleven hundred eleven-c of this chapter for a violation of a bus lane restriction as defined in such section, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accord-

1 ance with section eleven hundred eleven-d of this chapter, or other than
2 an adjudication of liability of an owner for a violation of subdivision
3 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
4 ter in accordance with section eleven hundred eighty-b of this chapter,
5 or other than an adjudication of liability of an owner for a violation
6 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
7 eighty of this chapter in accordance with section eleven hundred eight-
8 y-c of this chapter, there shall be levied a mandatory surcharge, in
9 addition to any sentence required or permitted by law, in the amount of
10 twenty-five dollars.

11 (B)(I) WHENEVER:

12 (A) PROCEEDINGS IN AN ADMINISTRATIVE TRIBUNAL OR A COURT OF THIS STATE
13 RESULT IN A CONVICTION FOR AN OFFENSE UNDER THIS CHAPTER (OTHER THAN A
14 CRIME PURSUANT TO SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER) OR
15 FOR A TRAFFIC INFRACTION UNDER THIS CHAPTER OR UNDER A LOCAL LAW, ORDI-
16 NANCE, RULE OR REGULATION ADOPTED PURSUANT TO THIS CHAPTER; AND

17 (B) SUCH OFFENSE OR INFRACTION OCCURS WITHIN A SCHOOL TRAFFIC SAFETY
18 AND SPEED ZONE WHEN A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN
19 PARAGRAPHS ONE AND TWO OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED
20 EIGHTY OF THIS CHAPTER, THERE SHALL BE LEVIED A CRIME VICTIM ASSISTANCE
21 FEE IN THE AMOUNT OF FIVE DOLLARS AND A MANDATORY SURCHARGE IN THE
22 AMOUNT OF SEVENTY-FIVE DOLLARS, IN ADDITION TO ANY SENTENCE REQUIRED OR
23 PERMITTED BY LAW.

24 (II) THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO: (A) TRAFFIC
25 INFRACTIONS INVOLVING STANDING, STOPPING, OR PARKING; (B) VIOLATIONS BY
26 PEDESTRIANS OR BICYCLISTS; (C) AN ADJUDICATION OF LIABILITY OF AN OWNER
27 FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF
28 THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-A OF THIS
29 CHAPTER; (D) AN INFRACTION PURSUANT TO ARTICLE NINE OF THIS CHAPTER; OR
30 (E) AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF TOLL
31 COLLECTION REGULATIONS PURSUANT TO SECTION TWO THOUSAND NINE HUNDRED
32 EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR SECTIONS SIXTEEN-A,
33 SIXTEEN-B AND SIXTEEN-C OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR OF THE
34 LAWS OF NINETEEN HUNDRED FIFTY.

35 (III) FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "SCHOOL TRAFFIC
36 SAFETY AND SPEED ZONE" SHALL MEAN A DISTANCE NOT TO EXCEED ONE THOUSAND
37 THREE HUNDRED TWENTY FEET ON A HIGHWAY PASSING A SCHOOL BUILDING,
38 ENTRANCE OR EXIT OF A SCHOOL ABUTTING ON THE HIGHWAY FOR WHICH A MAXIMUM
39 SCHOOL SPEED LIMIT HAS BEEN ESTABLISHED AS AUTHORIZED IN SECTION SIXTEEN
40 HUNDRED TWENTY, SIXTEEN HUNDRED TWENTY-TWO, SIXTEEN HUNDRED THIRTY,
41 SIXTEEN HUNDRED FORTY-THREE OR SIXTEEN HUNDRED SIXTY-TWO-A OF THIS CHAP-
42 TER.

43 S 4. Subdivision 1 of section 1809 of the vehicle and traffic law, as
44 separately amended by section 3-b of chapter 43 and section 10-b of
45 chapters 99, 101 and 123 of the laws of 2014, is amended to read as
46 follows:

47 1. (A) Whenever proceedings in an administrative tribunal or a court
48 of this state result in a conviction for a crime under this chapter or a
49 traffic infraction under this chapter other than a traffic infraction
50 involving standing, stopping, parking or motor vehicle equipment or
51 violations by pedestrians or bicyclists, OR OTHER THAN A CONVICTION FOR
52 WHICH A MANDATORY SURCHARGE AND CRIME VICTIM ASSISTANCE FEE ARE LEVIED
53 PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, or other than an adjudi-
54 cation of liability of an owner for a violation of subdivision (b), (c),
55 (d), (f) or (g) of section eleven hundred eighty of this chapter in
56 accordance with section eleven hundred eighty-b of this chapter, or

1 other than an adjudication of liability of an owner for a violation of
2 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
3 of this chapter in accordance with section eleven hundred eighty-c of
4 this chapter, or other than an adjudication of liability of an owner for
5 a violation of subdivision (d) of section eleven hundred eleven of this
6 chapter in accordance with section eleven hundred eleven-d of this chap-
7 ter, there shall be levied a mandatory surcharge, in addition to any
8 sentence required or permitted by law, in the amount of seventeen
9 dollars.

10 (B)(I) WHENEVER:

11 (A) PROCEEDINGS IN AN ADMINISTRATIVE TRIBUNAL OR A COURT OF THIS STATE
12 RESULT IN A CONVICTION FOR AN OFFENSE UNDER THIS CHAPTER (OTHER THAN A
13 CRIME PURSUANT TO SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER) OR
14 FOR A TRAFFIC INFRACTION UNDER THIS CHAPTER OR UNDER A LOCAL LAW, ORDI-
15 NANCE, RULE OR REGULATION ADOPTED PURSUANT TO THIS CHAPTER; AND

16 (B) SUCH OFFENSE OR INFRACTION OCCURS WITHIN A SCHOOL TRAFFIC SAFETY
17 AND SPEED ZONE WHEN A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN
18 PARAGRAPHS ONE AND TWO OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED
19 EIGHTY OF THIS CHAPTER, THERE SHALL BE LEVIED A CRIME VICTIM ASSISTANCE
20 FEE IN THE AMOUNT OF FIVE DOLLARS AND A MANDATORY SURCHARGE IN THE
21 AMOUNT OF SEVENTY-FIVE DOLLARS, IN ADDITION TO ANY SENTENCE REQUIRED OR
22 PERMITTED BY LAW.

23 (II) THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO: (A) TRAFFIC
24 INFRACTIONS INVOLVING STANDING, STOPPING, OR PARKING; (B) VIOLATIONS BY
25 PEDESTRIANS OR BICYCLISTS; (C) AN ADJUDICATION OF LIABILITY OF AN OWNER
26 FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF
27 THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-A OF THIS
28 CHAPTER; (D) AN INFRACTION PURSUANT TO ARTICLE NINE OF THIS CHAPTER; OR
29 (E) AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF TOLL
30 COLLECTION REGULATIONS PURSUANT TO SECTION TWO THOUSAND NINE HUNDRED
31 EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR SECTIONS SIXTEEN-A,
32 SIXTEEN-B AND SIXTEEN-C OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR OF THE
33 LAWS OF NINETEEN HUNDRED FIFTY.

34 (III) FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "SCHOOL TRAFFIC
35 SAFETY AND SPEED ZONE" SHALL MEAN A DISTANCE NOT TO EXCEED ONE THOUSAND
36 THREE HUNDRED TWENTY FEET ON A HIGHWAY PASSING A SCHOOL BUILDING,
37 ENTRANCE OR EXIT OF A SCHOOL ABUTTING ON THE HIGHWAY FOR WHICH A MAXIMUM
38 SCHOOL SPEED LIMIT HAS BEEN ESTABLISHED AS AUTHORIZED IN SECTION SIXTEEN
39 HUNDRED TWENTY, SIXTEEN HUNDRED TWENTY-TWO, SIXTEEN HUNDRED THIRTY,
40 SIXTEEN HUNDRED FORTY-THREE OR SIXTEEN HUNDRED SIXTY-TWO-A OF THIS CHAP-
41 TER.

42 S 5. Subdivision 1 of section 1809 of the vehicle and traffic law, as
43 separately amended by section 3-c of chapters 43 and section 10-c of
44 chapters 99, 101 and 123 of the laws of 2014, is amended to read as
45 follows:

46 1. (A) Whenever proceedings in an administrative tribunal or a court
47 of this state result in a conviction for a crime under this chapter or a
48 traffic infraction under this chapter other than a traffic infraction
49 involving standing, stopping, parking or motor vehicle equipment or
50 violations by pedestrians or bicyclists, OR OTHER THAN A CONVICTION FOR
51 WHICH A MANDATORY SURCHARGE AND CRIME VICTIM ASSISTANCE FEE ARE LEVIED
52 PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, or other than an adjudi-
53 cation of liability of an owner for a violation of subdivision (b), (c),
54 (d), (f) or (g) of section eleven hundred eighty of this chapter in
55 accordance with section eleven hundred eighty-b of this chapter, or
56 other than an adjudication of liability of an owner for a violation of

subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty-c of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in accordance with section eleven hundred eleven-d of this chapter, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of seventeen dollars.

(B)(I) WHENEVER:

(A) PROCEEDINGS IN AN ADMINISTRATIVE TRIBUNAL OR A COURT OF THIS STATE RESULT IN A CONVICTION FOR AN OFFENSE UNDER THIS CHAPTER (OTHER THAN A CRIME PURSUANT TO SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER) OR FOR A TRAFFIC INFRACTION UNDER THIS CHAPTER OR UNDER A LOCAL LAW, ORDINANCE, RULE OR REGULATION ADOPTED PURSUANT TO THIS CHAPTER; AND

(B) SUCH OFFENSE OR INFRACTION OCCURS WITHIN A SCHOOL TRAFFIC SAFETY AND SPEED ZONE WHEN A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN PARAGRAPHS ONE AND TWO OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER, THERE SHALL BE LEVIED A CRIME VICTIM ASSISTANCE FEE IN THE AMOUNT OF FIVE DOLLARS AND A MANDATORY SURCHARGE IN THE AMOUNT OF SEVENTY-FIVE DOLLARS, IN ADDITION TO ANY SENTENCE REQUIRED OR PERMITTED BY LAW.

(II) THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO: (A) TRAFFIC INFRACTIONS INVOLVING STANDING, STOPPING, OR PARKING; (B) VIOLATIONS BY PEDESTRIANS OR BICYCLISTS; (C) AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-A OF THIS CHAPTER; (D) AN INFRACTION PURSUANT TO ARTICLE NINE OF THIS CHAPTER; OR (E) AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF TOLL COLLECTION REGULATIONS PURSUANT TO SECTION TWO THOUSAND NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR SECTIONS SIXTEEN-A, SIXTEEN-B AND SIXTEEN-C OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED FIFTY.

(III) FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "SCHOOL TRAFFIC SAFETY AND SPEED ZONE" SHALL MEAN A DISTANCE NOT TO EXCEED ONE THOUSAND THREE HUNDRED TWENTY FEET ON A HIGHWAY PASSING A SCHOOL BUILDING, ENTRANCE OR EXIT OF A SCHOOL ABUTTING ON THE HIGHWAY FOR WHICH A MAXIMUM SCHOOL SPEED LIMIT HAS BEEN ESTABLISHED AS AUTHORIZED IN SECTION SIXTEEN HUNDRED TWENTY, SIXTEEN HUNDRED TWENTY-TWO, SIXTEEN HUNDRED THIRTY, SIXTEEN HUNDRED FORTY-THREE OR SIXTEEN HUNDRED SIXTY-TWO-A OF THIS CHAPTER.

S 6. Subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by section 3-d of chapter 43 and section 10-d of chapters 99, 101 and 123 of the laws of 2014, is amended to read as follows:

1. (A) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime under this chapter or a traffic infraction under this chapter other than a traffic infraction involving standing, stopping, parking or motor vehicle equipment or violations by pedestrians or bicyclists, OR OTHER THAN A CONVICTION FOR WHICH A MANDATORY SURCHARGE AND CRIME VICTIM ASSISTANCE FEE ARE LEVIED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, or other than an adjudication of liability of an owner for a violation of subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty-c of this chapter, or other than an adjudication of liability of an owner for a violation of subdivision (d) of section eleven hundred eleven of this chapter in

1 accordance with section eleven hundred eleven-d of this chapter, there
2 shall be levied a mandatory surcharge, in addition to any sentence
3 required or permitted by law, in the amount of seventeen dollars.

4 (B)(I) WHENEVER:

5 (A) PROCEEDINGS IN AN ADMINISTRATIVE TRIBUNAL OR A COURT OF THIS STATE
6 RESULT IN A CONVICTION FOR AN OFFENSE UNDER THIS CHAPTER (OTHER THAN A
7 CRIME PURSUANT TO SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER) OR
8 FOR A TRAFFIC INFRACTION UNDER THIS CHAPTER OR UNDER A LOCAL LAW, ORDI-
9 NANCE, RULE OR REGULATION ADOPTED PURSUANT TO THIS CHAPTER; AND

10 (B) SUCH OFFENSE OR INFRACTION OCCURS WITHIN A SCHOOL TRAFFIC SAFETY
11 AND SPEED ZONE WHEN A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN
12 PARAGRAPHS ONE AND TWO OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED
13 EIGHTY OF THIS CHAPTER, THERE SHALL BE LEVIED A CRIME VICTIM ASSISTANCE
14 FEE IN THE AMOUNT OF FIVE DOLLARS AND A MANDATORY SURCHARGE IN THE
15 AMOUNT OF SEVENTY-FIVE DOLLARS, IN ADDITION TO ANY SENTENCE REQUIRED OR
16 PERMITTED BY LAW.

17 (II) THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO: (A) TRAFFIC
18 INFRACTIONS INVOLVING STANDING, STOPPING, OR PARKING; (B) VIOLATIONS BY
19 PEDESTRIANS OR BICYCLISTS; (C) AN ADJUDICATION OF LIABILITY OF AN OWNER
20 FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF
21 THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-A OF THIS
22 CHAPTER; (D) AN INFRACTION PURSUANT TO ARTICLE NINE OF THIS CHAPTER; OR
23 (E) AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF TOLL
24 COLLECTION REGULATIONS PURSUANT TO SECTION TWO THOUSAND NINE HUNDRED
25 EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR SECTIONS SIXTEEN-A,
26 SIXTEEN-B AND SIXTEEN-C OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR OF THE
27 LAWS OF NINETEEN HUNDRED FIFTY.

28 (III) FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "SCHOOL TRAFFIC
29 SAFETY AND SPEED ZONE" SHALL MEAN A DISTANCE NOT TO EXCEED ONE THOUSAND
30 THREE HUNDRED TWENTY FEET ON A HIGHWAY PASSING A SCHOOL BUILDING,
31 ENTRANCE OR EXIT OF A SCHOOL ABUTTING ON THE HIGHWAY FOR WHICH A MAXIMUM
32 SCHOOL SPEED LIMIT HAS BEEN ESTABLISHED AS AUTHORIZED IN SECTION SIXTEEN
33 HUNDRED TWENTY, SIXTEEN HUNDRED TWENTY-TWO, SIXTEEN HUNDRED THIRTY,
34 SIXTEEN HUNDRED FORTY-THREE OR SIXTEEN HUNDRED SIXTY-TWO-A OF THIS CHAP-
35 TER.

36 S 7. Subdivision 1 of section 1809 of the vehicle and traffic law, as
37 separately amended by section 10-d of chapters 99, 101 and 123 of the
38 laws of 2014, is amended to read as follow:

39 1. (A) Whenever proceedings in an administrative tribunal or a court
40 of this state result in a conviction for a crime under this chapter or a
41 traffic infraction under this chapter other than a traffic infraction
42 involving standing, stopping, parking or motor vehicle equipment or
43 violations by pedestrians or bicyclists, OR OTHER THAN A CONVICTION FOR
44 WHICH A MANDATORY SURCHARGE AND CRIME VICTIM ASSISTANCE FEE ARE LEVIED
45 PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, or other than an adjudi-
46 cation of liability of an owner for a violation of subdivision (d) of
47 section eleven hundred eleven of this chapter in accordance with section
48 eleven hundred eleven-d of this chapter, there shall be levied a manda-
49 tory surcharge, in addition to any sentence required or permitted by
50 law, in the amount of seventeen dollars.

51 (B)(I) WHENEVER:

52 (A) PROCEEDINGS IN AN ADMINISTRATIVE TRIBUNAL OR A COURT OF THIS STATE
53 RESULT IN A CONVICTION FOR AN OFFENSE UNDER THIS CHAPTER (OTHER THAN A
54 CRIME PURSUANT TO SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER) OR
55 FOR A TRAFFIC INFRACTION UNDER THIS CHAPTER OR UNDER A LOCAL LAW, ORDI-
56 NANCE, RULE OR REGULATION ADOPTED PURSUANT TO THIS CHAPTER; AND

(B) SUCH OFFENSE OR INFRACTION OCCURS WITHIN A SCHOOL TRAFFIC SAFETY AND SPEED ZONE WHEN A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN PARAGRAPHS ONE AND TWO OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER, THERE SHALL BE LEVIED A CRIME VICTIM ASSISTANCE FEE IN THE AMOUNT OF FIVE DOLLARS AND A MANDATORY SURCHARGE IN THE AMOUNT OF SEVENTY-FIVE DOLLARS, IN ADDITION TO ANY SENTENCE REQUIRED OR PERMITTED BY LAW.

(II) THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO: (A) TRAFFIC INFRACTIONS INVOLVING STANDING, STOPPING, OR PARKING; (B) VIOLATIONS BY PEDESTRIANS OR BICYCLISTS; (C) AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-A OF THIS CHAPTER; (D) AN INFRACTION PURSUANT TO ARTICLE NINE OF THIS CHAPTER; OR (E) AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF TOLL COLLECTION REGULATIONS PURSUANT TO SECTION TWO THOUSAND NINE HUNDRED EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR SECTIONS SIXTEEN-A, SIXTEEN-B AND SIXTEEN-C OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED FIFTY.

(III) FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "SCHOOL TRAFFIC SAFETY AND SPEED ZONE" SHALL MEAN A DISTANCE NOT TO EXCEED ONE THOUSAND THREE HUNDRED TWENTY FEET ON A HIGHWAY PASSING A SCHOOL BUILDING, ENTRANCE OR EXIT OF A SCHOOL ABUTTING ON THE HIGHWAY FOR WHICH A MAXIMUM SCHOOL SPEED LIMIT HAS BEEN ESTABLISHED AS AUTHORIZED IN SECTION SIXTEEN HUNDRED TWENTY, SIXTEEN HUNDRED TWENTY-TWO, SIXTEEN HUNDRED THIRTY, SIXTEEN HUNDRED FORTY-THREE OR SIXTEEN HUNDRED SIXTY-TWO-A OF THIS CHAPTER.

S 8. Subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by chapter 16 of the laws of 1983 and chapter 62 of the laws of 1989, is amended to read as follows:

1. (A) Whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a crime under this chapter or a traffic infraction under this chapter other than a traffic infraction involving standing, stopping, parking or motor vehicle equipment or violations by pedestrians or bicyclists, OR OTHER THAN A CONVICTION FOR WHICH A MANDATORY SURCHARGE AND CRIME VICTIM ASSISTANCE FEE ARE LEVIED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of seventeen dollars.

(B)(I) WHENEVER:

(A) PROCEEDINGS IN AN ADMINISTRATIVE TRIBUNAL OR A COURT OF THIS STATE RESULT IN A CONVICTION FOR AN OFFENSE UNDER THIS CHAPTER (OTHER THAN A CRIME PURSUANT TO SECTION ELEVEN HUNDRED NINETY-TWO OF THIS CHAPTER) OR FOR A TRAFFIC INFRACTION UNDER THIS CHAPTER OR UNDER A LOCAL LAW, ORDINANCE, RULE OR REGULATION ADOPTED PURSUANT TO THIS CHAPTER; AND

(B) SUCH OFFENSE OR INFRACTION OCCURS WITHIN A SCHOOL TRAFFIC SAFETY AND SPEED ZONE WHEN A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN PARAGRAPHS ONE AND TWO OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER, THERE SHALL BE LEVIED A CRIME VICTIM ASSISTANCE FEE IN THE AMOUNT OF FIVE DOLLARS AND A MANDATORY SURCHARGE IN THE AMOUNT OF SEVENTY-FIVE DOLLARS, IN ADDITION TO ANY SENTENCE REQUIRED OR PERMITTED BY LAW.

(II) THE PROVISIONS OF THIS PARAGRAPH SHALL NOT APPLY TO: (A) TRAFFIC INFRACTIONS INVOLVING STANDING, STOPPING, OR PARKING; (B) VIOLATIONS BY PEDESTRIANS OR BICYCLISTS; (C) AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (D) OF SECTION ELEVEN HUNDRED ELEVEN OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED ELEVEN-A OF THIS

1 CHAPTER; (D) AN INFRACTION PURSUANT TO ARTICLE NINE OF THIS CHAPTER; OR
2 (E) AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF TOLL
3 COLLECTION REGULATIONS PURSUANT TO SECTION TWO THOUSAND NINE HUNDRED
4 EIGHTY-FIVE OF THE PUBLIC AUTHORITIES LAW OR SECTIONS SIXTEEN-A,
5 SIXTEEN-B AND SIXTEEN-C OF CHAPTER SEVEN HUNDRED SEVENTY-FOUR OF THE
6 LAWS OF NINETEEN HUNDRED FIFTY.

7 (III) FOR THE PURPOSES OF THIS PARAGRAPH, THE TERM "SCHOOL TRAFFIC
8 SAFETY AND SPEED ZONE" SHALL MEAN A DISTANCE NOT TO EXCEED ONE THOUSAND
9 THREE HUNDRED TWENTY FEET ON A HIGHWAY PASSING A SCHOOL BUILDING,
10 ENTRANCE OR EXIT OF A SCHOOL ABUTTING ON THE HIGHWAY FOR WHICH A MAXIMUM
11 SCHOOL SPEED LIMIT HAS BEEN ESTABLISHED AS AUTHORIZED IN SECTION SIXTEEN
12 HUNDRED TWENTY, SIXTEEN HUNDRED TWENTY-TWO, SIXTEEN HUNDRED THIRTY,
13 SIXTEEN HUNDRED FORTY-THREE OR SIXTEEN HUNDRED SIXTY-TWO-A OF THIS CHAP-
14 TER.

15 S 9. This act shall take effect on the first of November next succeed-
16 ing the date on which it shall have become a law and shall apply to
17 violations occurring on and after such effective date; provided that:

18 a. the amendments to subdivision 1 of section 1809 of the vehicle and
19 traffic law made by section two of this act shall be subject to the
20 expiration of such subdivision when upon such date the provisions of
21 section three of this act shall take effect;

22 b. the amendments to subdivision 1 of section 1809 of the vehicle and
23 traffic law made by section three of this act shall be subject to the
24 expiration of such subdivision when upon such date the provisions of
25 section four of this act shall take effect;

26 c. the amendments to subdivision 1 of section 1809 of the vehicle and
27 traffic law made by section four of this act shall be subject to the
28 expiration of such subdivision when upon such date the provisions of
29 section five of this act shall take effect;

30 d. the amendments to subdivision 1 of section 1809 of the vehicle and
31 traffic law made by section five of this act shall be subject to the
32 expiration of such subdivision when upon such date the provisions of
33 section six of this act shall take effect;

34 e. the amendments to subdivision 1 of section 1809 of the vehicle and
35 traffic law made by section six of this act shall be subject to the
36 expiration of such subdivision when upon such date the provisions of
37 section seven of this act shall take effect; and

38 f. the amendments to subdivision 1 of section 1809 of the vehicle and
39 traffic law made by section seven of this act shall be subject to the
40 expiration of such subdivision when upon such date the provisions of
41 section eight of this act shall take effect.