

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:

1 Section 1. Section 1804 of the vehicle and traffic law, as added by
2 chapter 578 of the laws of 2015, is amended to read as follows:
3 S 1804. Prohibition of imposition and collection of a fine, penalty,
4 forfeiture, fee or surcharge. [Notwithstanding any inconsistent
5 provision of any general, special or local law, ordinance, order, rule,
6 regulation or administrative code to the contrary, a] A municipality may
7 only impose a fine, penalty, forfeiture, or any other fee or surcharge
8 against a person charged with a violation of this chapter or any local
9 law, ordinance, order, rule, regulation or administrative code adopted
10 pursuant to this chapter [of] IF such person is convicted of or found
11 liable for A VIOLATION OF THIS CHAPTER OR ANY LOCAL LAW, ORDINANCE,
12 ORDER, RULE, REGULATION OR ADMINISTRATIVE CODE ADOPTED PURSUANT TO THIS
13 CHAPTER IN SATISFACTION OF such charge.
14 S 2. Section 2 of chapter 578 of the laws of 2015, amending the vehi-
15 cle and traffic law relating to prohibiting any municipality from
16 collecting a fine, penalty or forfeiture when the charge of a violation
17 of the vehicle and traffic law is dismissed, is amended to read as
18 follows:

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

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

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

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