

# STATE OF NEW YORK

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3397

2017-2018 Regular Sessions

## IN ASSEMBLY

January 27, 2017

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Introduced by M. of A. BRINDISI, BARCLAY, BARRETT, BLANKENBUSH, FINCH, GIGLIO, GOODELL, HAWLEY, LIFTON, LUPARDO, MAGEE, McDONALD, OAKS, PALMESANO, SKARTADOS, STECK -- Multi-Sponsored by -- M. of A. JENNE, KEARNS, LOPEZ, SIMON, STEC -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to increasing the retention percentage collected for certain motor vehicle service fees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 3 and 3-a of section 205 of the vehicle and  
2 traffic law, subdivision 3 as amended by section 3 of part G of chapter  
3 59 of the laws of 2008 and subdivision 3-a as added by section 1 of part  
4 F of chapter 58 of the laws of 2012, are amended to read as follows:  
5 3. Each such county clerk shall retain from fees collected for any  
6 motor vehicle related service described in subdivision one of this  
7 section processed by such county clerk an amount based on a percentage  
8 of gross receipts collected. For purposes of this section, the term  
9 "gross receipts" shall include all fines, fees and penalties collected  
10 pursuant to this chapter by a county clerk acting as agent of the  
11 commissioner, but shall not include any state or local sales or compen-  
12 sating use taxes imposed under or pursuant to the authority of articles  
13 twenty-eight and twenty-nine of the tax law and collected by such clerk  
14 on behalf of the commissioner of taxation and finance. The retention  
15 percentage shall be [~~12.7~~] twenty-five percent and shall take effect  
16 [~~April~~] January first, [~~nineteen hundred ninety-nine~~] two thousand eigh-  
17 teen; provided, however, the retention percentage shall be [~~thirty~~]  
18 sixty percent of the thirty dollar fee established in paragraph (e) of  
19 subdivision two of section four hundred ninety-one and paragraph f-one  
20 of subdivision two of section five hundred three of this chapter.

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

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1 3-a. In addition to the fees retained pursuant to subdivision three of  
2 this section, each county clerk acting as the agent of the commissioner  
3 pursuant to subdivision one of this section shall retain [~~four~~] eight  
4 percent of "enhanced internet and electronic partner revenue" collected  
5 by the commissioner. For the purposes of this subdivision, "enhanced  
6 internet and electronic partner revenue" shall mean the amount of gross  
7 receipts attributable to all transactions conducted on the internet by  
8 residents of such county and by designated partners of the department on  
9 behalf of such residents for the current calendar year that exceeds the  
10 amount of such revenue collected by the commissioner during calendar  
11 year two thousand eleven. The commissioner shall certify the amounts to  
12 be retained by each county clerk pursuant to this subdivision.

13 ~~[Provided, however, that if the aggregate amount of fees retained by~~  
14 ~~county clerks pursuant to this subdivision in calendar years two thou-~~  
15 ~~sand twelve and two thousand thirteen combined exceeds eighty-eight~~  
16 ~~million five hundred thousand dollars, then the percentage of fees to be~~  
17 ~~retained thereafter shall be reduced to a percentage that, if applied to~~  
18 ~~the fees collected during calendar years two thousand twelve and two~~  
19 ~~thousand thirteen combined, would have resulted in an aggregate~~  
20 ~~retention of eighty-eight million five hundred thousand dollars or 2.5~~  
21 ~~percent of enhanced internet and electronic partner revenue, whichever~~  
22 ~~is higher. If the aggregate amount of fees retained by county clerks~~  
23 ~~pursuant to this subdivision in calendar years two thousand twelve and~~  
24 ~~two thousand thirteen combined is less than eighty-eight million five~~  
25 ~~hundred thousand dollars, then the percentage of fees to be retained~~  
26 ~~thereafter shall be increased to a percentage that, if applied to the~~  
27 ~~fees collected during calendar years two thousand twelve and two thou-~~  
28 ~~sand thirteen combined, would have resulted in an aggregate retention of~~  
29 ~~eighty-eight million five hundred thousand dollars, or six percent of~~  
30 ~~enhanced internet and electronic partner revenue, whichever is less. On~~  
31 ~~and after April first, two thousand sixteen, the percent of enhanced~~  
32 ~~internet and electronic partner revenue to be retained by county clerks~~  
33 ~~shall be the average of the annual percentages that were in effect~~  
34 ~~between April first, two thousand twelve and March thirty-first, two~~  
35 ~~thousand sixteen.]~~

36 § 2. This act shall take effect on the first of January next succeed-  
37 ing the date on which it shall have become a law.