STATE OF NEW YORK

1640

2017-2018 Regular Sessions

IN SENATE

January 10, 2017

Introduced by Sen. CARLUCCI -- 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 authorizing a plea of guilty and payment of fines or penalties electronically via the internet

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

Section 1. Section 1805 of the vehicle and traffic law, as amended by chapter 182 of the laws of 2004, is amended to read as follows:

§ 1805. Plea of guilty, how put in. The provisions of section 170.10 of the criminal procedure law and the provisions of section eighteen hundred seven of this article may be waived, to the extent hereinafter indicated, by a defendant charged with a violation of any provision of the tax law or the transportation law regulating traffic, or a traffic infraction, as defined in this chapter, other than a third or subsequent speeding violation committed within a period of eighteen months, provided that he **or she** shall submit to the local criminal court having jurisdiction, in person, by duly authorized agent, by first class mail or by registered or certified mail, return receipt requested, **or electronically via the internet, which method shall include instructions relating to the use of an electronic signature,** an application setting forth (a) the nature of the charge, (b) the information or instructions required by section eighteen hundred seven of this article to be given defendant upon arraignment, (c) that defendant waives arraignment in open court and the aid of counsel, (d) that he **or she** pleads guilty to the offense as charged, (e) that defendant elects and requests that the charge be disposed of and the fine or penalty fixed by the court, pursuant to this section, (f) any statement or explanation that the defendant may desire to make concerning the offense charged and (g) that defendant makes all statements with respect to such application under penalty of perjury. This application shall be in such form as the commissioner

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

LBD01992-01-7

shall prescribe and a copy thereof shall be handed to the defendant by the officer charging him **or her** with such offense. Thereupon the local criminal court may proceed as though the defendant had been convicted upon a plea of guilty in open court, provided, however, that any imposition of fine or penalty hereunder shall be deemed tentative until such fine or penalty shall have been paid and discharged in full, prior to which time such court, in its discretion, may annul any proceedings hereunder, including such tentative imposition of fine or penalty, and deny the application, in which event the charge shall be disposed of pursuant to the applicable provisions of law, as though no proceedings had been had under this section. **Such fine or penalty may be paid electronically via the internet in a manner and condition prescribed by the court.** If upon receipt of the aforesaid application such court shall deny the same, it shall thereupon inform the defendant of this fact, and that he **or she** is required to appear before the said court at a stated time and place to answer the charge which shall thereafter be disposed of pursuant to the applicable provisions of law.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.