

STATE OF NEW YORK

4238

2017-2018 Regular Sessions

IN SENATE

February 6, 2017

Introduced by Sen. DILAN -- 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 surcharges for moving violations in school traffic safety and speed zones

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

1 Section 1. This act shall be known and may be cited as "Clarente's
2 Law".

3 § 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 amended by chapter 222 of the
6 laws of 2015, 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.

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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, or other than an adjudication of liability of an owner for
6 a violation of subdivision (d) of section eleven hundred eleven of this
7 chapter in accordance with section eleven hundred eleven-e of this chap-
8 ter, there shall be levied a crime victim assistance fee and a mandatory
9 surcharge, in addition to any sentence required or permitted by law, in
10 accordance with the following schedule:

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

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

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

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

27 (c) Whenever proceedings in an administrative tribunal or a court of
28 this state result in a conviction for an offense under this chapter
29 other than a crime pursuant to section eleven hundred ninety-two of this
30 chapter, or a traffic infraction under this chapter, or a local law,
31 ordinance, rule or regulation adopted pursuant to this chapter, other
32 than a traffic infraction involving standing, stopping, or parking or
33 violations by pedestrians or bicyclists, or other than an adjudication
34 of 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-a 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-b of this chapter, or other than an adjudication of
40 liability of an owner for a violation of subdivision (d) of section
41 eleven hundred eleven of this chapter in accordance with section eleven
42 hundred eleven-d of this chapter, or other than an infraction pursuant
43 to article nine of this chapter or other than an adjudication of liabil-
44 ity of an owner for a violation of toll collection regulations pursuant
45 to section two thousand nine hundred eighty-five of the public authori-
46 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
47 hundred seventy-four of the laws of nineteen hundred fifty or other than
48 an adjudication in accordance with section eleven hundred eleven-c of
49 this chapter for a violation of a bus lane restriction as defined in
50 such section, or other than an adjudication of liability of an owner for
51 a violation of subdivision (b), (c), (d), (f) or (g) of section eleven
52 hundred eighty of this chapter in accordance with section eleven hundred
53 eighty-b of this chapter, or other than an adjudication of liability of
54 an owner for a violation of subdivision (b), (c), (d), (f) or (g) of
55 section eleven hundred eighty of this chapter in accordance with section
56 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-e of this chapter, or other than a conviction for which a mandatory surcharge and crime victim assistance fee are levied pursuant to paragraph (d) of this subdivision, there shall be levied a crime victim assistance fee in the amount of five dollars and a mandatory 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.

§ 3. Subdivision 1 of section 1809 of the vehicle and traffic law, as amended by section 10-a of chapter 222 of the laws of 2015, 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 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 (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 accordance with section eleven hundred eleven-d of this chapter, 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-b of this chapter, 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 accordance with section eleven hundred eleven-e of this chapter, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of twenty-five 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.

§ 4. Subdivision 1 of section 1809 of the vehicle and traffic law, as amended by section 10-b of chapter 222 of the laws of 2015, 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

1 involving standing, stopping, parking or motor vehicle equipment or
2 violations by pedestrians or bicyclists, or other than a conviction for
3 which a mandatory surcharge and crime victim assistance fee are levied
4 pursuant to paragraph (b) of this subdivision, or other than an adjudi-
5 cation in accordance with section eleven hundred eleven-c of this chap-
6 ter for a violation of a bus lane restriction as defined in such
7 section, or other than an adjudication of liability of an owner for a
8 violation of subdivision (d) of section eleven hundred eleven of this
9 chapter in accordance with section eleven hundred eleven-d of this chap-
10 ter, or other than an adjudication of liability of an owner for a
11 violation of subdivision (b), (c), (d), (f) or (g) of section eleven
12 hundred eighty of this chapter in accordance with section eleven hundred
13 eighty-b of this chapter, or other than an adjudication of liability of
14 an owner for a violation of subdivision (b), (c), (d), (f) or (g) of
15 section eleven hundred eighty of this chapter in accordance with section
16 eleven hundred eighty-c of this chapter, or other than an adjudication
17 of liability of an owner for a violation of subdivision (d) of section
18 eleven hundred eleven of this chapter in accordance with section eleven
19 hundred eleven-e of this chapter, there shall be levied a mandatory
20 surcharge, in addition to any sentence required or permitted by law, in
21 the amount of seventeen dollars.

22 (b)(i) Whenever:

23 (A) proceedings in an administrative tribunal or a court of this state
24 result in a conviction for an offense under this chapter (other than a
25 crime pursuant to section eleven hundred ninety-two of this chapter) or
26 for a traffic infraction under this chapter or under a local law, ordi-
27 nance, rule or regulation adopted pursuant to this chapter; and

28 (B) such offense or infraction occurs within a school traffic safety
29 and speed zone when a school speed limit is in effect as provided in
30 paragraphs one and two of subdivision (c) of section eleven hundred
31 eighty of this chapter, there shall be levied a crime victim assistance
32 fee in the amount of five dollars and a mandatory surcharge in the
33 amount of seventy-five dollars, in addition to any sentence required or
34 permitted by law.

35 (ii) The provisions of this paragraph shall not apply to: (A) traffic
36 infractions involving standing, stopping, or parking; (B) violations by
37 pedestrians or bicyclists; (C) an adjudication of liability of an owner
38 for a violation of subdivision (d) of section eleven hundred eleven of
39 this chapter in accordance with section eleven hundred eleven-a of this
40 chapter; (D) an infraction pursuant to article nine of this chapter; or
41 (E) an adjudication of liability of an owner for a violation of toll
42 collection regulations pursuant to section two thousand nine hundred
43 eighty-five of the public authorities law or sections sixteen-a,
44 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
45 laws of nineteen hundred fifty.

46 (iii) For the purposes of this paragraph, the term "school traffic
47 safety and speed zone" shall mean a distance not to exceed one thousand
48 three hundred twenty feet on a highway passing a school building,
49 entrance or exit of a school abutting on the highway for which a maximum
50 school speed limit has been established as authorized in section sixteen
51 hundred twenty, sixteen hundred twenty-two, sixteen hundred thirty,
52 sixteen hundred forty-three or sixteen hundred sixty-two-a of this chap-
53 ter.

54 § 5. Subdivision 1 of section 1809 of the vehicle and traffic law, as
55 amended by section 10-c of chapter 222 of the laws of 2015, is amended
56 to read as follows:

1 1. (a) Whenever proceedings in an administrative tribunal or a court
2 of this state result in a conviction for a crime under this chapter or a
3 traffic infraction under this chapter other than a traffic infraction
4 involving standing, stopping, parking or motor vehicle equipment or
5 violations by pedestrians or bicyclists, or other than a conviction for
6 which a mandatory surcharge and crime victim assistance fee are levied
7 pursuant to paragraph (b) of this subdivision, or other than an adjudi-
8 cation of liability of an owner for a violation of subdivision (b), (c),
9 (d), (f) or (g) of section eleven hundred eighty of this chapter in
10 accordance with section eleven hundred eighty-b of this chapter, or
11 other than an adjudication of liability of an owner for a violation of
12 subdivision (b), (c), (d), (f) or (g) of section eleven hundred eighty
13 of this chapter in accordance with section eleven hundred eighty-c of
14 this chapter, or other than an adjudication of liability of an owner for
15 a violation of subdivision (d) of section eleven hundred eleven of this
16 chapter in accordance with section eleven hundred eleven-d of this chap-
17 ter, or other than an adjudication of liability of an owner for a
18 violation of subdivision (d) of section eleven hundred eleven of this
19 chapter in accordance with section eleven hundred eleven-e of this chap-
20 ter, there shall be levied a mandatory surcharge, in addition to any
21 sentence required or permitted by law, in the amount of seventeen
22 dollars.

23 (b)(i) Whenever:

24 (A) proceedings in an administrative tribunal or a court of this state
25 result in a conviction for an offense under this chapter (other than a
26 crime pursuant to section eleven hundred ninety-two of this chapter) or
27 for a traffic infraction under this chapter or under a local law, ordi-
28 nance, rule or regulation adopted pursuant to this chapter; and

29 (B) such offense or infraction occurs within a school traffic safety
30 and speed zone when a school speed limit is in effect as provided in
31 paragraphs one and two of subdivision (c) of section eleven hundred
32 eighty of this chapter, there shall be levied a crime victim assistance
33 fee in the amount of five dollars and a mandatory surcharge in the
34 amount of seventy-five dollars, in addition to any sentence required or
35 permitted by law.

36 (ii) The provisions of this paragraph shall not apply to: (A) traffic
37 infractions involving standing, stopping, or parking; (B) violations by
38 pedestrians or bicyclists; (C) an adjudication of liability of an owner
39 for a violation of subdivision (d) of section eleven hundred eleven of
40 this chapter in accordance with section eleven hundred eleven-a of this
41 chapter; (D) an infraction pursuant to article nine of this chapter; or
42 (E) an adjudication of liability of an owner for a violation of toll
43 collection regulations pursuant to section two thousand nine hundred
44 eighty-five of the public authorities law or sections sixteen-a,
45 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
46 laws of nineteen hundred fifty.

47 (iii) For the purposes of this paragraph, the term "school traffic
48 safety and speed zone" shall mean a distance not to exceed one thousand
49 three hundred twenty feet on a highway passing a school building,
50 entrance or exit of a school abutting on the highway for which a maximum
51 school speed limit has been established as authorized in section sixteen
52 hundred twenty, sixteen hundred twenty-two, sixteen hundred thirty,
53 sixteen hundred forty-three or sixteen hundred sixty-two-a of this chap-
54 ter.

§ 6. Subdivision 1 of section 1809 of the vehicle and traffic law, as amended by section 10-d of chapter 222 of the laws of 2015, 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 accordance with section eleven hundred eleven-d 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-e 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.

§ 7. This act shall take effect on the first of November next succeeding the date on which it shall have become a law and shall apply to violations occurring on and after such effective date; provided that:

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

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

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

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

17 e. the amendments to subdivision 1 of section 1809 of the vehicle and
18 traffic law made by section six of this act shall not affect the expira-
19 tion of such subdivision and shall expire and be deemed repealed there-
20 with.