

STATE OF NEW YORK

3397--A

2017-2018 Regular Sessions

IN ASSEMBLY

January 27, 2017

Introduced by M. of A. BRINDISI, BARCLAY, BARRETT, BLANKENBUSH, FINCH, GIGLIO, GOODELL, HAWLEY, LIFTON, LUPARDO, MAGEE, McDONALD, OAKS, PALMESANO, SKARTADOS, STECK, WOERNER, JONES, JOHNS, LAWRENCE -- Multi-Sponsored by -- M. of A. CROUCH, JENNE, SIMON, STEC -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 nine-
17 teen; provided, however, the retention percentage shall be [~~thirty~~]
18 sixty percent of the thirty dollar fee established in paragraph (e) of

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

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1 subdivision two of section four hundred ninety-one and paragraph f-one
2 of subdivision two of section five hundred three of this chapter.

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

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

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