STATE OF NEW YORK

7544

IN SENATE

January 23, 2018

Introduced by Sens. KLEIN, AVELLA -- 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 reimbursing overturned traffic fines and requiring annual updates for police officers on local traffic laws

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

Section 1. Section 1804 of the vehicle and traffic law, as amended by chapter 16 of the laws of 2016, is amended to read as follows:

§ 1804. Prohibition of imposition and collection of a fine, penalty, forfeiture, fee or surcharge. **1.** A municipality may only impose a fine, penalty, forfeiture, or any other fee or surcharge against a person charged with a violation of this chapter or any local law, ordinance, order, rule, regulation or administrative code adopted pursuant to this chapter if such person is convicted of or found liable for a violation of this chapter or any local law, ordinance, order, rule, regulation or administrative code adopted pursuant to this chapter in satisfaction of such charge.

2. A municipality that receives payment of a fine, penalty, forfeiture, fee or surcharge upon a conviction or finding of liability for a violation of this chapter or any local law, ordinance, order, rule, regulation or administrative code adopted pursuant to this chapter in satisfaction of such charge, shall reimburse such payment to the person who was convicted of such violation, where the conviction or finding of liability is overturned on appeal, including in a proceeding commenced pursuant to article seventy-eight of the civil practice law and rules.

3. A municipality shall reimburse a litigant for any costs and fees where a conviction or finding of liability pursuant to this section is overturned on appeal, including in a proceeding pursuant to article seventy-eight of the civil practice law and rules.

§ 2. The vehicle and traffic law is amended by adding a new section 1605 to read as follows:

§ 1605. Annual notification. Each municipal police department in the state shall annually notify its traffic enforcement agents, police offi-

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

LBD14181-01-8

cers or any other person with the authority to issue a traffic or park-ing summons under this chapter of any changes made in the previous year to local traffic and parking laws, rules and regulations.

§ 3. This act shall take effect immediately.