STATE OF NEW YORK

1371

2019-2020 Regular Sessions

IN SENATE

January 14, 2019

Introduced by Sens. RITCHIE, AKSHAR, O'MARA, ORTT, SERINO, SEWARD -- 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 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:

Section 1. Subdivisions 3 and 3-a of section 205 of the vehicle and traffic law, subdivision 3 as amended by section 3 of part G of chapter 59 of the laws of 2008 and subdivision 3-a as added by section 1 of part F of chapter 58 of the laws of 2012, are amended to read as follows:

3. Each such county clerk shall retain from fees collected for any motor vehicle related service described in subdivision one of this section processed by such county clerk an amount based on a percentage of gross receipts collected. For purposes of this section, the term "gross receipts" shall include all fines, fees and penalties collected pursuant to this chapter by a county clerk acting as agent of the commissioner, but shall not include any state or local sales or compensating use taxes imposed under or pursuant to the authority of articles twenty-eight and twenty-nine of the tax law and collected by such clerk on behalf of the commissioner of taxation and finance. The retention percentage shall be [~~12.7~~] twenty-five percent and shall take effect [~~April~~] January first, [~~nineteen hundred ninety-nine~~] two thousand twenty; provided, however, the retention percentage shall be [~~thirty~~] sixty percent of the thirty dollar fee established in paragraph (e) of subdivision two of section four hundred ninety-one and paragraph f-one of subdivision two of section five hundred three of this chapter.

3-a. In addition to the fees retained pursuant to subdivision three of this section, each county clerk acting as the agent of the commissioner pursuant to subdivision one of this section shall retain [~~four~~] eight

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

LBD03917-01-9

percent of "enhanced internet and electronic partner revenue" collected by the commissioner. For the purposes of this subdivision, "enhanced internet and electronic partner revenue" shall mean the amount of gross receipts attributable to all transactions conducted on the internet by residents of such county and by designated partners of the department on behalf of such residents for the current calendar year that exceeds the amount of such revenue collected by the commissioner during calendar year two thousand eleven. The commissioner shall certify the amounts to be retained by each county clerk pursuant to this subdivision. [~~Provided, however, that if the aggregate amount of fees retained by county clerks pursuant to this subdivision in calendar years two thousand twelve and two thousand thirteen combined exceeds eighty-eight million five hundred thousand dollars, then the percentage of fees to be retained thereafter shall be reduced to a percentage that, if applied to the fees collected during calendar years two thousand twelve and two thousand thirteen combined, would have resulted in an aggregate retention of eighty-eight million five hundred thousand dollars or 2.5 percent of enhanced internet and electronic partner revenue, whichever is higher. If the aggregate amount of fees retained by county clerks pursuant to this subdivision in calendar years two thousand twelve and two thousand thirteen combined is less than eighty-eight million five hundred thousand dollars, then the percentage of fees to be retained thereafter shall be increased to a percentage that, if applied to the fees collected during calendar years two thousand twelve and two thousand thirteen combined, would have resulted in an aggregate retention of eighty-eight million five hundred thousand dollars, or six percent of enhanced internet and electronic partner revenue, whichever is less. On and after April first, two thousand sixteen, the percent of enhanced internet and electronic partner revenue to be retained by county clerks shall be the average of the annual percentages that were in effect between April first, two thousand twelve and March thirty-first, two thousand sixteen.~~]

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.