

STATE OF NEW YORK

1374

2019-2020 Regular Sessions

IN SENATE

January 14, 2019

Introduced by Sens. RITCHIE, GALLIVAN, HELMING, O'MARA -- 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 allowing county clerks to retain fees collected for motor vehicle related services through a department of motor vehicles' website

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

1 Section 1. Subdivision 3 of section 205 of the vehicle and traffic
2 law, as amended by section 3 of part G of chapter 59 of the laws of
3 2008, is amended to read as follows:

4 3. (a) Each such county clerk shall retain from fees collected for any
5 motor vehicle related service described in subdivision one of this
6 section processed by such county clerk an amount based on a percentage
7 of gross receipts collected. For purposes of this section, the term
8 "gross receipts" shall include all fines, fees and penalties collected
9 pursuant to this chapter by a county clerk acting as agent of the
10 commissioner or department of motor vehicles' website, but shall not
11 include any state or local sales or compensating use taxes imposed under
12 or pursuant to the authority of articles twenty-eight and twenty-nine of
13 the tax law and collected by such clerk or department of motor vehicles'
14 website on behalf of the commissioner of taxation and finance. The
15 retention percentage shall be 12.7 percent and shall take effect April
16 first, nineteen hundred ninety-nine; provided, however, the retention
17 percentage shall be thirty percent of the thirty dollar fee established
18 in paragraph (e) of subdivision two of section four hundred ninety-one
19 and paragraph [~~f-one~~] (f-1) of subdivision two of section five hundred
20 three of this chapter.

21 (b) The commissioner shall remit on a quarterly basis to each such
22 county clerk from fees collected for any motor vehicle related service
23 described in subdivision one of this section that are processed through

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

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1 the department of motor vehicles' website the retention percentage of
2 gross receipts collected, as such retention percentage is described in
3 paragraph (a) of this subdivision which such county clerk would have
4 been entitled to retain pursuant to this subdivision if such fees had
5 been processed in the county of record of the registrant.

6 § 2. This act shall take effect April 1, 2020; provided, however, that
7 effective immediately, the addition, amendment and/or repeal of any rule
8 or regulation necessary for the implementation of this act on its effec-
9 tive date are authorized and directed to be made and completed on or
10 before such effective date.