STATE OF NEW YORK

7937

2023-2024 Regular Sessions

IN ASSEMBLY

August 4, 2023

Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to limiting mandatory surcharges and local driver responsibility fees to ten percent of the amount of the fine imposed for a traffic offense or infraction

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

Section 1. Paragraph (c) of subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by section 8 of chapters 421, 460, and 773 of the laws of 2021, is amended to read as follows:

(c) Whenever 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 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, or parking or violations by pedestrians or bicyclists and except as otherwise provided by subdivision one-a of this section, 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~~] **ten percent of the amount of the fine imposed against a person for such offense or infraction**.

§ 2. Paragraph (c) of subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by section 8-a of chapters 421, 460, and 773 of the laws of 2021, is amended to read as follows:

(c) Whenever 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 a traffic infraction under this chapter, or a local law, ordinance, rule or regulation adopted pursuant to this chapter, other

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

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than a traffic infraction involving standing, stopping, or parking or violations by pedestrians or bicyclists and except as otherwise provided by subdivision one-a of this section, 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~~] **ten percent of the amount of the fine imposed against a person for such offense or infraction**.

§ 3. Subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by section 8-b of chapters 421, 460, and 773 of the laws of 2021, is amended to read as follows:

1. 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 and except as otherwise provided by subdivision one-a of this section, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of [~~twenty-five dollars~~] **ten percent of the amount of the fine imposed against a person for such crime or infraction**.

§ 4. Subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by section 8-c of chapters 421, 460, and 773 of the laws of 2021, is amended to read as follows:

1. 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 and except as otherwise provided by subdivision one-a of this section, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of [~~seventeen dollars~~] **ten percent of the amount of the fine imposed against a person for such crime or infraction**.

§ 5. Subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by section 8-d of chapters 421, 460, and 773 of the laws of 2021, is amended to read as follows:

1. 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 and except as otherwise provided by subdivision one-a of this section, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of [~~seventeen dollars~~] **ten percent of the amount of the fine imposed against a person for such crime or infraction**.

§ 6. Subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by section 8-e of chapters 421, 460, and 773 of the laws of 2021, is amended to read as follows:

1. 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 and except as otherwise provided by subdivision one-a of this section, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of [~~seventeen dollars~~] **ten percent of the amount of the fine imposed against a person for such crime or infraction**.

§ 7. Subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by section 8-f of chapters 421, 460, and 773 of the laws of 2021, is amended to read as follows:

1. 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 and except as otherwise provided by subdivision one-a of this section, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of [~~seventeen dollars~~] **ten percent of the amount of the fine imposed against a person for such crime or infraction**.

§ 8. Subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by section 8-g of chapters 421, 460, and 773 of the laws of 2021, is amended to read as follows:

1. 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 and except as otherwise provided by subdivision one-a of this section, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of [~~seventeen dollars~~] **ten percent of the amount of the fine imposed against a person for such crime or infraction**.

§ 9. Subdivision 1 of section 1809 of the vehicle and traffic law, as separately amended by section 8-h of chapters 421, 460, and 773 of the laws of 2021, is amended to read as follows:

1. 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 and except as otherwise provided by subdivision one-a of this section, there shall be levied a mandatory surcharge, in addition to any sentence required or permitted by law, in the amount of [~~seventeen dollars~~] **ten percent of the amount of the fine imposed against a person for such crime or infraction**.

§ 10. 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. The amount of any local driver responsibility fee imposed by a municipality against a person who is convicted of or found liable for a violation pursuant to subdivision one of this section shall not exceed ten percent of the amount of the fine imposed against such person for such violation.

§ 11. This act shall take effect immediately; provided, however, that:

(a) the amendments to paragraph (c) of subdivision 1 of section 1809 of the vehicle and traffic law made by section one of this act shall not affect the expiration of such subdivision and shall be deemed to expire

therewith, when upon such date the provisions of section two of this act shall take effect;

(b) the amendments to paragraph (c) of subdivision 1 of section 1809 of the vehicle and traffic law made by section two of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith, when upon such date the provisions of section three of this act shall take effect;

(c) the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section three of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith, when upon such date the provisions of section four of this act shall take effect;

(d) the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section four of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith, when upon such date the provisions of section five of this act shall take effect;

(e) the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section five of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith, when upon such date the provisions of section six of this act shall take effect;

(f) the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section six of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith, when upon such date the provisions of section seven of this act shall take effect;

(g) the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section seven of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith, when upon such date the provisions of section eight of this act shall take effect; and

(h) the amendments to subdivision 1 of section 1809 of the vehicle and traffic law made by section eight of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith, when upon such date the provisions of section nine of this act shall take effect.