

# STATE OF NEW YORK

2712--B

2023-2024 Regular Sessions

## IN SENATE

January 24, 2023

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 paying drug-impaired driving surcharges to counties to reduce drug-impaired driving incidences

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

1 Section 1. Paragraph (a) of subdivision 1 of section 1197 of the vehi-  
2 cle and traffic law, as separately amended by chapters 196 and 688 of  
3 the laws of 1996 and subparagraph 3 as amended by chapter 345 of the  
4 laws of 2007, is amended to read as follows:  
5 (a) Where a county establishes a special traffic options program for  
6 driving while intoxicated, pursuant to this section, it shall receive  
7 fines and forfeitures collected by any court, judge, magistrate or other  
8 officer within that county, including, where appropriate, a hearing  
9 officer acting on behalf of the commissioner[-]: (1) imposed for  
10 violations of subparagraphs (ii) and (iii) of paragraph (a) of subdivi-  
11 sion two or subparagraph (i) of paragraph (a) of subdivision three of  
12 section five hundred eleven of this chapter; (2) imposed in accordance  
13 with the provisions of section eleven hundred ninety-three and civil  
14 penalties imposed pursuant to subdivision two of section eleven hundred  
15 ninety-four-a of this article, including, where appropriate, a hearing  
16 officer acting on behalf of the commissioner, from violations of  
17 sections eleven hundred ninety-two, eleven hundred ninety-two-a and  
18 findings made under section eleven hundred ninety-four-a of this arti-  
19 cle; and (3) imposed upon a conviction for: aggravated vehicular

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

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1 assault, pursuant to section 120.04-a of the penal law; vehicular  
2 assault in the first degree, pursuant to section 120.04 of the penal  
3 law; vehicular assault in the second degree, pursuant to section 120.03  
4 of the penal law; aggravated vehicular homicide, pursuant to section  
5 125.14 of the penal law; vehicular manslaughter in the first degree,  
6 pursuant to section 125.13 of the penal law; and vehicular manslaughter  
7 in the second degree, pursuant to section 125.12 of the penal law, as  
8 provided in section eighteen hundred three of this chapter. In addition,  
9 any surcharges imposed pursuant to section eighteen hundred nine-c and  
10 paragraph b of subdivision one of section eighteen hundred nine-e of  
11 this chapter shall be paid to such county in such manner and for such  
12 purposes as provided for in this section. Upon receipt of these moneys,  
13 the county shall deposit them in a separate account entitled "special  
14 traffic options program for driving while intoxicated" and they shall be  
15 under the exclusive care, custody and control of the chief fiscal offi-  
16 cer of each county participating in the program.

17 § 2. Subdivision 9 of section 1803 of the vehicle and traffic law, as  
18 amended by chapter 196 of the laws of 1996 and the opening paragraph as  
19 amended by chapter 345 of the laws of 2007, is amended to read as  
20 follows:

21 9. a. Where a county establishes a special traffic options program for  
22 driving while intoxicated, approved by the commissioner [~~of motor vehi-~~  
23 ~~cles~~], pursuant to section eleven hundred ninety-seven of this chapter,  
24 all fines, penalties and forfeitures: (1) imposed and collected [~~from~~  
25 ~~for~~ violations of subparagraphs (ii) and (iii) of paragraph (a) of  
26 subdivision two or subparagraph (i) of paragraph (a) of subdivision  
27 three of section five hundred eleven~~], all fines, penalties and forfei-~~  
28 ~~tures~~ of this chapter; (2) imposed and collected in accordance with  
29 section eleven hundred ninety-three of this chapter [~~collected from~~ for  
30 violations of section eleven hundred ninety-two of this chapter; [~~and~~  
31 ~~any fines or forfeitures~~ (3) collected by any court, judge, magistrate  
32 or other officer imposed upon a conviction for: aggravated vehicular  
33 assault, pursuant to section 120.04-a of the penal law; vehicular  
34 assault in the first degree, pursuant to section 120.04 of the penal  
35 law; vehicular assault in the second degree, pursuant to section 120.03  
36 of the penal law; aggravated vehicular homicide, pursuant to section  
37 125.14 of the penal law; vehicular manslaughter in the first degree,  
38 pursuant to section 125.13 of the penal law; and vehicular manslaughter  
39 in the second degree, pursuant to section 125.12 of the penal law; and  
40 (4) civil penalties imposed pursuant to subdivision two of section elev-  
41 en hundred ninety-four-a of this chapter, shall be paid to such county.  
42 In addition, any surcharges imposed pursuant to section eighteen hundred  
43 nine-c and paragraph b of subdivision one of section eighteen hundred  
44 nine-e of this chapter shall be paid to such county in such manner and  
45 for such purposes as provided for in section eleven hundred ninety-seven  
46 of this chapter.

47 [~~(a)~~] b. Any such fine, penalty, or forfeiture collected by any court,  
48 judge, magistrate or other officer referred to in subdivision one of  
49 section thirty-nine of the judiciary law, establishing a unified court  
50 budget, shall be paid to that county within the first ten days of the  
51 month following collection.

52 [~~(b)~~] c. Any such fine, penalty, or forfeiture collected by any other  
53 court, judge, magistrate or other officer, including, where appropriate,  
54 a hearing officer acting on behalf of the commissioner, shall be paid to  
55 the state comptroller within the first ten days of the month following  
56 collection. Every such payment to the comptroller shall be accompanied

1 by a statement in such form and detail as the comptroller shall provide.  
2 The comptroller shall pay these funds to the county in which the  
3 violation occurs.

4 [~~(e)~~] d. Upon receipt of any monies referred to in this section, the  
5 county shall deposit them in a separate account entitled "special traf-  
6 fic options program for driving while intoxicated".

7 § 3. Subdivisions 1 and 2 of section 1809-c of the vehicle and traffic  
8 law, as added by section 37 of part J of chapter 62 of the laws of 2003,  
9 are amended to read as follows:

10 1. Notwithstanding any other provision of law, whenever proceedings in  
11 a court of this state result in a conviction pursuant to section eleven  
12 hundred ninety-two of this chapter or subparagraphs (ii) and (iii) of  
13 paragraph (a) of subdivision two or subparagraph (i) of paragraph (a) of  
14 subdivision three of section five hundred eleven of this chapter, there  
15 shall be levied, in addition to any sentence or other surcharge required  
16 or permitted by law, an additional surcharge of twenty-five dollars.

17 2. The additional surcharge provided for in subdivision one of this  
18 section shall be paid to the clerk of the court that rendered the  
19 conviction. Within the first ten days of the month following collection  
20 of the surcharge the collecting authority shall determine the amount of  
21 surcharge collected and it shall pay such money to the state comptroller  
22 who shall deposit such money in the state treasury pursuant to section  
23 one hundred twenty-one of the state finance law to the credit of the  
24 general fund; provided, however, commencing April first, two thousand  
25 twenty-four, all such moneys shall be paid to counties in such manner  
26 and for such purposes as provided for in section eleven hundred ninety-  
27 seven of this chapter.

28 § 4. Paragraph b of subdivision 1 and subdivision 2 of section 1809-e  
29 of the vehicle and traffic law, as added by section 1 of part EE of  
30 chapter 56 of the laws of 2008, are amended to read as follows:

31 b. Notwithstanding any other provision of law, whenever proceedings in  
32 a court of this state result in a conviction pursuant to section eleven  
33 hundred ninety-two of this chapter or subparagraphs (ii) and (iii) of  
34 paragraph (a) of subdivision two or subparagraph (i) of paragraph (a) of  
35 subdivision three of section five hundred eleven of this chapter, there  
36 shall be levied, in addition to any sentence or other surcharge required  
37 or permitted by law, an additional surcharge of one hundred seventy  
38 dollars.

39 2. The additional surcharges provided for in subdivision one of this  
40 section shall be paid to the clerk of the court or administrative tribu-  
41 nal that rendered the conviction. Within the first ten days of the month  
42 following collection of such surcharges, the collecting authority shall  
43 pay such money to the state comptroller to be deposited to the general  
44 fund; provided, however, commencing April first, two thousand twenty-  
45 four, the surcharge provided for in paragraph b of subdivision one of  
46 this section shall be paid to counties in such manner and for such  
47 purposes as provided for in section eleven hundred ninety-seven of this  
48 chapter.

49 § 5. The commissioner of motor vehicles shall annually certify to the  
50 division of the budget that all program plans eligible for funding  
51 pursuant to this act are in full compliance with the provisions of  
52 section 1197 of the vehicle and traffic law establishing the special  
53 traffic options program for driving while intoxicated, the rules promul-  
54 gated pursuant to 15 NYCRR 172 relating to such program and the  
55 provisions of this act.

56 § 6. This act shall take effect April 1, 2024.