

STATE OF NEW YORK

5892

2023-2024 Regular Sessions

IN SENATE

March 21, 2023

Introduced by Sen. KENNEDY -- 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 the distribution of fines from speed violation monitoring systems in work zones

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

1 Section 1. Subdivisions 11 and 12 of section 1803 of the vehicle and
2 traffic law, as added by chapter 421 of the laws of 2021, are amended to
3 read as follows:

4 11. [~~Except as otherwise provided in paragraph e of subdivision one of~~
5 ~~this section, where~~] Where the commissioner of transportation has estab-
6 lished a demonstration program imposing monetary liability on the owner
7 of a vehicle for failure of an operator thereof to comply with subdivi-
8 sion (b), (d), (f) or (g) of section eleven hundred eighty of this chap-
9 ter in accordance with section eleven hundred eighty-e of this chapter,
10 any fine or penalty collected by a court, judge, magistrate or other
11 officer for an imposition of liability which occurs pursuant to such
12 program shall be paid to the state comptroller within the first ten days
13 of the month following collection, except as otherwise provided in
14 subdivision three of section ninety-nine-a of the state finance law.
15 Every such payment shall be accompanied by a statement in such form and
16 detail as the comptroller shall provide. [~~The comptroller shall pay~~]
17 Notwithstanding the provisions of subdivision five of this section,
18 eighty percent of any such fine or penalty imposed for such liability
19 shall be paid to the general fund, and twenty percent of any such fine
20 or penalty shall be paid to the city, town or village in which the
21 violation giving rise to the liability occurred, provided, however, that
22 within a county that has established a traffic and parking violations
23 agency pursuant to section three hundred seventy of the general municip-
24 al law and such liability is disposed of by such agency, eighty percent
25 of any such fine or penalty imposed for such liability shall be paid to

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

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1 the general fund, and twenty percent of any such fine or penalty shall
2 be paid to the county in which the violation giving rise to the liabil-
3 ity occurred. With respect to the percentage of fines or penalties paid
4 to the general fund, no less than sixty percent shall be dedicated to
5 department of transportation work zone safety projects after deducting
6 the expenses necessary to administer such demonstration program,
7 provided, however, that such funds provided pursuant to this subdivision
8 shall be payable on the audit and warrant of the comptroller and shall
9 only be used to supplement and not supplant current expenditures of
10 state funds on work zone safety projects. For the purposes of this
11 subdivision, "work zone safety projects" shall apply to work zones under
12 the jurisdiction of the department of transportation and shall include,
13 but not be limited to, inspection and implementation of work zone
14 design, maintenance, traffic plans and markings, worker safety training,
15 contractor outreach, enforcement efforts, radar speed display signs at
16 major active work zones and police presence at major active work zones,
17 as provided in section twenty-two of the transportation law. All fines,
18 penalties and forfeitures paid to a county, city, town or village pursu-
19 ant to the provisions of this subdivision shall be credited to the
20 general fund of such county, city, town or village, unless a different
21 disposition is prescribed by charter, special law, local law or ordi-
22 nance.

23 12. [~~Except as otherwise provided in paragraph e of subdivision one of~~
24 ~~this section, where~~] Where the chair of the New York state thruway
25 authority has established a demonstration program imposing monetary
26 liability on the owner of a vehicle for failure of an operator thereof
27 to comply with subdivision (b), (d), (f) or (g) of section eleven
28 hundred eighty of this chapter in accordance with section eleven hundred
29 eighty-e of this chapter, any fine or penalty collected by a court,
30 judge, magistrate or other officer for an imposition of liability which
31 occurs pursuant to such program shall be paid to the state comptroller
32 within the first ten days of the month following collection, except as
33 otherwise provided in subdivision three of section ninety-nine-a of the
34 state finance law. Every such payment shall be accompanied by a state-
35 ment in such form and detail as the comptroller shall provide. [~~The~~
36 ~~comptroller shall pay~~] Notwithstanding the provisions of subdivision
37 five of this section, eighty percent of any such fine or penalty imposed
38 for such liability shall be paid to the thruway authority, and twenty
39 percent of any such fine or penalty shall be paid to the city, town or
40 village in which the violation giving rise to the liability occurred,
41 provided, however, that within a county that has established a traffic
42 and parking violations agency pursuant to section three hundred seventy
43 of the general municipal law and such liability is disposed of by such
44 agency, eighty percent of any such fine or penalty imposed for such
45 liability shall be paid to the thruway authority, and twenty percent of
46 any such fine or penalty shall be paid to the county in which the
47 violation giving rise to the liability occurred. With respect to the
48 percentage of fines or penalties paid to the thruway authority, no less
49 than sixty percent shall be dedicated to thruway authority work zone
50 safety projects after deducting the expenses necessary to administer
51 such demonstration program, provided, however, that such funds provided
52 pursuant to this subdivision shall be payable on the audit and warrant
53 of the comptroller and shall only be used to supplement and not supplant
54 current expenditures of state funds on work zone safety projects. For
55 the purposes of this subdivision, "work zone safety projects" shall
56 apply to work zones under the jurisdiction of the thruway authority and

1 shall include, but not be limited to, inspection and implementation of
2 work zone design, maintenance, traffic plans and markings, worker safety
3 training, contractor outreach, enforcement efforts, radar speed display
4 signs at major active work zones and police presence at major active
5 work zones, as provided in section twenty-two of the transportation law.
6 For the purposes of this subdivision, the term "thruway authority" shall
7 mean the New York state thruway authority, a body corporate and politic
8 constituting a public corporation created and constituted pursuant to
9 title nine of article two of the public authorities law. All fines,
10 penalties and forfeitures paid to a county, city, town or village pursu-
11 ant to the provisions of this subdivision shall be credited to the
12 general fund of such county, city, town or village, unless a different
13 disposition is prescribed by charter, special law, local law or ordi-
14 nance.

15 § 2. This act shall take effect immediately; provided, however, that
16 the amendments to subdivisions 11 and 12 of section 1803 of the vehicle
17 and traffic law made by section one of this act shall not affect the
18 expiration and repeal of such subdivisions and shall be deemed repealed
19 therewith.