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:

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

11. [~~Except as otherwise provided in paragraph e of subdivision one of this section, where~~] **Where** the commissioner of transportation has established a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with subdivision (b), (d), (f) or (g) of section eleven hundred eighty of this chapter in accordance with section eleven hundred eighty-e of this chapter, any fine or penalty collected by a court, judge, magistrate or other officer for an imposition of liability which occurs pursuant to such program shall be paid to the state comptroller within the first ten days of the month following collection**, except as otherwise provided in subdivision three of section ninety-nine-a of the state finance law**. Every such payment shall be accompanied by a statement in such form and detail as the comptroller shall provide. [~~The comptroller shall pay~~] **Notwithstanding the provisions of subdivision five of this section,** eighty percent of any such fine or penalty imposed for such liability **shall be paid** to the general fund, and twenty percent of any such fine or penalty **shall be paid** to the city, town or village in which the violation giving rise to the liability occurred**, provided, however, that within a county that has established a traffic and parking violations agency pursuant to section three hundred seventy of the general municipal law and such liability is disposed of by such agency, eighty percent 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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the general fund, and twenty percent of any such fine or penalty shall be paid to the county in which the violation giving rise to the liability occurred. With respect to the percentage of fines or penalties paid to the general fund, no less than sixty percent shall be dedicated to department of transportation work zone safety projects after deducting the expenses necessary to administer such demonstration program, provided, however, that such funds provided pursuant to this subdivision shall be payable on the audit and warrant of the comptroller and shall only be used to supplement and not supplant current expenditures of state funds on work zone safety projects. For the purposes of this subdivision, "work zone safety projects" shall apply to work zones under the jurisdiction of the department of transportation and shall include, but not be limited to, inspection and implementation of work zone design, maintenance, traffic plans and markings, worker safety training, contractor outreach, enforcement efforts, radar speed display signs at major active work zones and police presence at major active work zones, as provided in section twenty-two of the transportation law. All fines, penalties and forfeitures paid to a **county,** city, town or village pursuant to the provisions of this subdivision shall be credited to the general fund of such **county,** city, town or village, unless a different disposition is prescribed by charter, special law, local law or ordinance.

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

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

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