**§ 27.12 Mandatory surcharge required in certain cases.** 1. Whenever an administrative tribunal, empowered to do so, or a criminal court of this state imposes a fine or a penalty assessment or orders a bail forfeiture as a penalty for violating a provision of this chapter or for violating a rule or regulation adopted pursuant to this chapter, there shall be levied, in addition to any fine or penalty authorized by subdivision two of section 27.11 of this article, except for traffic infractions relating to motor vehicles unlawfully parked or standing, a mandatory surcharge in the amount of fifteen dollars.

2. Where a person is convicted of two or more crimes or violations committed through a single act or omission, or through an act or omission which itself constituted one of the crimes or violations and also was a material element of the other, the court shall impose only one mandatory surcharge pursuant to subdivision one of this section.

3. Any person who has paid a mandatory surcharge pursuant to the provisions of this section which is ultimately determined not to be required by this section shall be entitled to a refund of such mandatory surcharge upon application to the state comptroller, who shall require such proof as is necessary in order to determine whether a refund is required by law.

4. Notwithstanding any other provision of this section, where a person has made restitution or reparation pursuant to section 60.27 of the penal law, such person shall not be required to pay a mandatory surcharge.

5. Notwithstanding any other provision of this section, where a mandatory surcharge is imposed pursuant to the provisions of section 60.35 of the penal law or section one thousand eight hundred nine of the vehicle and traffic law, no mandatory surcharge shall be imposed pursuant to the provisions of this section.

6. Notwithstanding any other provision of law to the contrary the mandatory surcharge provided for in subdivision one of this section shall be paid to the clerk of the court or administrative tribunal that

rendered the conviction. Within the first ten days of the month following collection of the mandatory surcharge, the collecting authority shall determine the amount of mandatory surcharge collected and pay such amount to the state comptroller who shall deposit such money in the miscellaneous special revenue fund to be credited to the agency's patron services account.