

WITHDRAWN AS OF 12/18/2012

Intro. Res. No. 2061-2012

Laid on Table 11/7/2012

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2012, ADOPTING LOCAL LAW
NO. -2012, A LOCAL LAW TO ESTABLISH THE
SUFFOLK COUNTY TRAFFIC AND PARKING VIOLATIONS
AGENCY**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on _____, 2012, a proposed local law entitled, "**A LOCAL LAW TO ESTABLISH THE SUFFOLK COUNTY TRAFFIC AND PARKING VIOLATIONS AGENCY;**" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2012, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ESTABLISH THE SUFFOLK COUNTY
TRAFFIC AND PARKING VIOLATIONS AGENCY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature finds and determines that legislation has been passed by the Legislature of the State of New York and approved by the Governor which amends the General Municipal Law to enable the County of Suffolk to establish a traffic and parking violations agency as of April 1, 2013.

This Legislature further finds and determines that the State enabling legislation requires the enactment of a local law to establish a traffic and parking violations agency.

This Legislature further finds and determines that it is in the best interest of the County to establish such an agency to assist the Suffolk County District Court in the administration and disposition of traffic and parking violations.

Therefore, the purpose of this local law is to establish the "Suffolk County Traffic and Parking Violations Agency" pursuant to New York General Municipal Law article fourteen-B.

Section 2. Establishment of the Suffolk County Traffic and Parking Violations Agency.

Subject to the provisions of article fourteen-B of the General Municipal Law, there shall be a department of the Suffolk County Government known as the Suffolk County Traffic and Parking Violations Agency (Agency), which shall operate under the control and direction of the County Executive to assist the Suffolk County District Court in the disposition and administration of infractions of traffic and parking laws, ordinances, rules and regulations, and the adjudication of liability of owners for violations of subdivision (d) of section eleven hundred eleven of the Vehicle and Traffic Law in accordance with section eleven hundred eleven-b of such law, except that said Agency shall not have jurisdiction over those matters which are specifically excluded by section 371 (2) of the General Municipal Law.

Section 3. Executive Director.

The County Executive shall, subject to the confirmation of the County Legislature, appoint a person to serve as the Executive Director of the Suffolk County Traffic and Parking Violations Agency (Executive Director). The Executive Director shall be responsible for the oversight and administration of the Agency and shall hire such staff, subject to the appropriations therefor and subject to the provisions of section 4. of this law governing the qualifications of traffic prosecutors, and shall establish such rules, regulations, procedures and forms as he or she may deem necessary to carry out the functions of the Agency, including but not limited to the requirements of subdivision three of section 371 of the General Municipal Law. The Executive Director shall be prohibited from appearing in any capacity in any part of the Suffolk County District Court on any matter relating to traffic or parking violations and shall be further prohibited from appearing in any capacity in any other court or administrative tribunal on any matter relating to traffic or parking violations.

Section 4. Traffic Prosecutor selection and oversight.

The Executive Director of the Agency shall select and may contract with or hire one or more persons who are attorneys, duly admitted to the practice of law in New York State, for the prosecution of any traffic and parking infraction, except such violations described in paragraphs (a), (b), (c), (d), (e) and (f) of section 371 (2) of the General Municipal Law, to be heard, tried, or otherwise disposed of by the District Court of Suffolk County. Such persons shall be known as "traffic prosecutors," as that term is defined in section 370-a of the General Municipal Law and shall be subject to the provisions of section 374 (a) of the General Municipal Law.

Section 5. Disposition of Traffic Infractions.

A.) A person charged with an infraction to be disposed of by the Agency may be permitted to answer, within a specified time, at the Agency either in person or by written power of attorney in such form herein prescribed, by paying a prescribed fine and, in writing, waiving a hearing in court, pleading guilty to the charge or admitting liability as an owner for the violation of subdivision (d) of section eleven hundred eleven of the vehicle and traffic law, as the case may be, and authorizing the person in charge of the bureau or agency to enter such a plea or admission and accept payment of said fine.

B.) The power of attorney referred to in subdivision (A) of this section shall be in the following form:

"POWER OF ATTORNEY: The undersigned pleads guilty to the charge noted herein and encloses herewith the sum of \$_____ cash, check or money order to pay the necessary fine (circle the one used).

I hereby appoint the Clerk of the Suffolk County Traffic and Parking Violations Agency as my attorney-in-fact to appear for me in said Agency, to waive a hearing on such violation(s), to enter a plea of guilty on my behalf and to pay the fine."

PRINT NAME

SIGNATURE

NOTARY

Section 6. Applicability.

Notwithstanding that the Agency is authorized to commence operations not sooner than April 1, 2013, this law shall apply to all actions on or after the effective date of this law and to all actions otherwise taken heretofore related to the establishment, maintenance and operation of the Agency.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 8. SEQRA Determination.

This Legislature, being the State Environment Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20) and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 10. Effective Date.

This law shall take effect immediately upon filing with the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: