

RESOLUTION NO. 1230 -2013, ADOPTING LOCAL LAW NO. 6 -2014, A LOCAL LAW AMENDING LOCAL LAW NO. 38-2013 TO CLARIFY THE FEE STRUCTURE FOR THE TRAFFIC AND PARKING VIOLATIONS AGENCY

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on November 19, 2013, a proposed local law entitled, "**A LOCAL LAW AMENDING LOCAL LAW NO. 38-2013 TO CLARIFY THE FEE STRUCTURE FOR THE TRAFFIC AND PARKING VIOLATIONS AGENCY**;" now, therefore be it

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

LOCAL LAW NO. 6 -2014, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW AMENDING LOCAL LAW NO. 38-2013 TO CLARIFY THE FEE STRUCTURE FOR THE 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 hereby finds and determines that Local Law No. 9-2013 established the Suffolk County Traffic and Violations Agency to aid in the disposition and administration of traffic and parking violations.

This Legislature also finds and determines that Local Law No. 38-2013 codified the administrative fee structure associated with violations and infractions that come before the Traffic and Parking Violations Agency.

This Legislature further finds and determines that Local Law No. 38-2013 is silent on the application of administrative fees to violations and infractions that are dismissed by the Agency; presently, the Agency is assessing a \$50 surcharge on tickets that are dismissed.

This Legislature finds that individuals whose cases are dismissed or who are found not guilty following a hearing should not be charged an administrative fee.

This Legislature determines that Local Law No. 38-2013 should be clarified to ensure that members of the public are not charged fees by the Traffic and Violations Agency when they are found not to have violated the law.

Therefore, the purpose of this law is to amend Local Law No. 38-2013 to ensure that only parties found guilty of traffic or parking violations will pay administrative fees and to amend the existing fee structure to make this law revenue neutral.

Section 2. Amendments.

Section 2 of Local Law No. 38-2013 is hereby amended to read as follows:

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Section 2. TRAFFIC AND PARKING VIOLATIONS AGENCY FEES.

§ -1 **Fee Schedule:** A fee schedule for the Suffolk County Traffic and Parking Violations Agency is hereby established as follows:

Administrative Fee for Red Light Tickets	\$30.00
Administrative Fee for Traffic and Parking Tickets	50.00 <u>55.00</u>

No fee shall be collected from any person who cannot be fined pursuant to New York State Vehicle and Traffic Law §§ 319, 376-a, 401, or 509 or who is found not guilty of committing a violation following an Agency hearing.

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Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. 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 affect, 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 order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental 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), (21), 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 6. Effective Date.

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

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: December 17, 2013

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: January 2, 2014

After a public hearing duly held on December 30, 2013
Filed with the Secretary of State on January 27, 2014