



NEW YORK STATE
Unified Court System

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DFM Bulletin

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TO : Holders of the Financial Planning and Control Manual

SUBJECT : Revenue Manual Update - Chapter 59, Laws of 2009

Legislation has been enacted as part of the 2009-10 budget process amending Environmental Conservation Law (ECL) to establish a mandatory surcharge for all ECL violation/misdemeanor convictions. Additionally, Vehicle and Traffic Law has been amended to increase the Termination of Suspension Fee.

Attached please find a schedule detailing these changes and the relevant sections of law. Also, sections 3.120 and 3.130 of Part IV of the Unified Court System Financial Planning and Control Manual have been amended to reflect these new provisions and are available on the Division of Financial Management's CourtNet website:

<http://www.nycourts.gov/admin/financialops/FPCM.shtml>

Please ensure distribution of this bulletin to all personnel within your respective jurisdictions who may be responsible for the collection, recording or classification of UCS revenues, or the monitoring of internal controls relating thereto. Thank you for your cooperation.

NYS UNIFIED COURT SYSTEM
FOR ADMINISTRATIVE
PURPOSES ONLY


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Surcharges on Environmental Conservation Law Offenses

1. Violations of Sportfishing Regulations (as defined in 6 NYCRR §§ 10.1 - 10.9)

\$25

2. Violations of Article 17 (Water Pollution Control), Article 19 (Air Pollution Control) and Article 27 (Collection, Treatment and Disposal of Refuse and Other Solid Waste)

6% of fine or \$75, whichever is greater

3. All other ECL violations/misdemeanors

\$75

Please utilize object code **35359** and your respective revenue cost centers for these surcharges. Surcharges apply for offenses committed on or after April 1, 2009 (conviction on or after April 6, 2009).

Termination of Suspension Fee

The fine is increased from \$35 to **\$70** (effective July 6, 2009). Please utilize the following in classifying this fee:

<u>Dept.</u>	<u>Rev CC</u>	<u>Var</u>	<u>Yr</u>	<u>Amount</u>	<u>Object</u>	<u>Credit</u>
02	813908	01	44	\$35	35277	Indigent Legal Services
05	Rev CC		FY	\$35	35340	General Fund

Aggregate Cap - paid to a single court on a single day - **\$400**

Further changes to the VTL involve an **increased cap of \$180** on the mandatory surcharge and the CVA fee imposed on traffic and equipment infractions, taking effect in matters of offenses committed on or after 7/6/2009. Once the cap is met, the courts may impose the additional surcharges provided for under VTL 1809-e (\$20) and VTL 1809-c (\$25 for DWAI's).

Environmental Conservation Law

§ 71-0213. Mandatory surcharge.

1. Whenever proceedings result in a conviction for an offense under this chapter there shall be levied, in addition to any sentence required or permitted by law, the following mandatory surcharges: (a) in the amount of twenty-five dollars for violations of sportfishing regulations set forth in 6 NYCRR 10; (b) in the amount of seventy-five dollars for all other offenses under this chapter provided, however, that convictions for offenses under articles seventeen, nineteen or twenty-seven of this chapter shall be subject to a mandatory surcharge equal to the greater of seventy-five dollars or six percent of any penalty or fine imposed. The mandatory surcharge shall be paid to the clerk of the court who shall remit such mandatory surcharge to the state comptroller provided, however, that in cases where the conviction was rendered by a town or a village justice court, the clerk of such court shall pay twenty-five dollars of such surcharge to the chief fiscal officer of the town or village in the case of surcharges resulting from paragraph (b) of this subdivision and ten dollars in the case of surcharges resulting from paragraph (a) of this subdivision and shall pay the remaining amounts of such mandatory surcharges to the state comptroller in the same manner as provided in section 71-0211 of this article. The comptroller shall pay such monies into the state treasury to the credit of the general fund.

2. Any person who has paid a mandatory surcharge under the authority 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. The state comptroller shall require such proof as is necessary to determine whether a refund is required by law.

Vehicle and Traffic Law

Article 19, § 503(2)(j-1)(i)

(j-1) (i) When a license issued pursuant to this article, or a privilege of operating a motor vehicle or of obtaining such a license, has been suspended based upon a failure to answer an appearance ticket or a summons or failure to pay a fine, penalty or mandatory surcharge, pursuant to subdivision three of section two hundred twenty-six, subdivision four of section two hundred twenty-seven, subdivision four-a of section five hundred ten or subdivision five-a of section eighteen hundred nine of this chapter, such suspension shall remain in effect until a termination of a suspension fee of seventy dollars is paid to the court or tribunal that initiated the suspension of such license or privilege. In no event may the aggregate of the fees imposed by an individual court pursuant to this paragraph for the termination of all suspensions that may be terminated as a result of a person's answers, appearances or payments made in such cases pending before such individual court exceed four hundred dollars. For the purposes of this paragraph, the various locations of the administrative tribunal established under article two-A of this chapter shall be considered an individual court.

(ii) Any such fee collected by any court, judge, magistrate or other officer specified in subdivision one of section thirty-nine of the judiciary law, establishing a unified court budget, shall be paid to the state commissioner of taxation and finance on a monthly basis no later than ten days after the last day of each month. All such monies collected under this subdivision shall be deposited to the indigent legal services fund established by section ninety-eight-b of the state finance law.

(iii) Any such fee collected by any other court, judge, magistrate or other officer shall, except as provided in paragraph (k) of this subdivision, be paid to the state comptroller within the first ten days of the month following collection. Every such payment to the comptroller shall be accompanied by a statement in such form and detail as the comptroller shall provide. All such monies collected under this subdivision shall be deposited to the indigent legal services fund established by section ninety-eight-b of the state finance law.

(iv) Notwithstanding any other provision of this paragraph, fifty percent of all fees collected pursuant to this paragraph shall be deposited to the credit of the general fund.