

# **VEHICLE & TRAFFIC LAW SURCHARGE**

## **TOWN OF KIRKWOOD LOCAL LAW NO. 38 OF THE YEAR 2004**

### **A Local Law Imposing a Surcharge Pursuant to Vehicle and Traffic Law Section 1809-D**

**Adopted November 30, 2004**

Be it enacted by the Town Board of the Town of Kirkwood, as follows:

#### Section 1. Purpose

The purpose of this local law is to impose a local surcharge on convictions rendered in the Town Justice Court pursuant to the enabling authority of section 1809-D of the Vehicle and Traffic Law, as added by Chapter 56 of the Laws of 2004.

#### Section 2. Local Surcharge for Traffic Violations

A local surcharge shall be added to those convictions rendered in the Town Justice Court for certain Vehicle & Traffic violations committed between the effective date of this local law and September 1, 2005. A local surcharge of ten dollars (\$10.00) shall be imposed on convictions rendered in the Town Justice Court for violations of the Vehicle & Traffic Law of the State of New York other than those relating to parking, standing, stopping and pedestrian activities. Such local surcharge is in addition to the mandatory surcharge imposed pursuant to 1809 of the Vehicle and Traffic Law.

#### Section 3. Payment to Clerk of Court; Disposition of Surcharge

The surcharge authorized by subdivision one of this section shall be paid to the clerk of the court that rendered the conviction. Within the first ten days of the month next succeeding the collection of such surcharge, the court shall pay the surcharge upon application to the chief fiscal officer of the town which imposed such surcharge.

#### Section 4. Refunds

Any person who has paid a surcharge authorized by this section which is ultimately determined not to be required by this section shall be entitled to a refund of such surcharge upon application to the chief fiscal officer of the town which imposed such surcharge. Such chief fiscal officer shall require such proof as is necessary in order to determine whether a refund is required by law.

#### Section 5. Effective Date

This Local Law shall take effect immediately.

**NOTE:** Assembly bill A11845 and Senate bill S7757 were enacted and approved by the Governor, repealing Section 1890-d of the Vehicle and Traffic Law. This local law was never utilized and is null and void.