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TO: Town and Village Justices and Court Clerks

FROM: Tammi Coburn-Sossei
Manager, Justice Court Fund

SUBJECT: Reporting Surcharges and Fees to the Justice Court Fund

ISSUED: October 31, 2005

Recently, legislation was enacted that added an additional surcharge to offenses for speeding in construction zones. Detailed information on how to report this new surcharge is provided below. Additionally, we have noticed a few areas of increased reporting errors and have attached reminders explaining how to properly report these situations.

Surcharge Extended

Mandatory Surcharge and Crime Victims Fee

Chapter 56, Laws of 2005 has extended the current mandatory surcharge and crime victim assistance fee required to be levied for certain violations of vehicle and traffic law in accordance with Vehicle and Traffic Law (VTL), §1809(1). This provision, which was scheduled to sunset September 1, 2005, has been extended until September 1, 2007. The mandatory surcharge and crime victims assistance fee should continue to be levied for each conviction up to the \$100 limit as established by VTL, §1809(2).

New surcharge - EFFECTIVE NOVEMBER 1, 2005

Highway Construction Zone and Maintenance Work Area Mandatory Surcharge

Chapter 223, Laws of 2005 has added an additional \$50 mandatory surcharge to violations of maximum speed limits in highway construction or maintenance work areas. Violations of

Vehicle and Traffic Law (VTL), §1180(d)(2) and §1180(f) on or after November 1, 2005 are subject to this additional surcharge.

Report the new surcharge together with all other applicable surcharges and crime victim fees in the surcharge column. Be sure to reference the specific statutes and sections VTL 1180(d)(2) or 1180(f) on your report.

This new surcharge is **not** subject to the \$100 maximum pursuant to VTL, §1809(2). The \$100 maximum also does not include VTL, §1809(9) \$5 town and village surcharge and VTL, §1809(c)(1) additional \$25 surcharge on convictions of VTL, §1192 violations.

Other Reporting Issues

The following reminders address areas of reporting where we have seen a significant increase in reporting errors.

All Surcharges – Please remember that surcharges should **never** be reported in the Civil Fee column. All surcharges should be reported in the Mandatory Surcharge column.

DWI Special Surcharge – The DWI Special Surcharge (\$25) should be added to any other surcharge and/or Crime Victim Fee collected for the violation. The total of the applicable surcharges and fee should be reported as one lump surcharge amount for each case. The DWI Special Surcharge should **not** be reported separately in the civil column.

Termination of Suspension Fees – Termination of suspension fees should be reported in the civil fees column on a separate line referencing VTL 503. You may report these cases individually or in lump sum. If you are using a commercial vendor reporting package, contact your software vendor for instruction on how to properly record this fee.

Bail Pounding Fees – If you are using a commercial vendor reporting package, please set the indicator to “1” for bail fees or contact your software vendor for instruction on how to properly include the indicator.

Zero Tolerance civil penalty - You should **not** collect civil penalties under the Zero Tolerance Law. The \$125 civil penalty is imposed by Department of Motor Vehicles (DMV) and must be paid by the defendant directly to DMV. However, you must report the case referencing section VTL 1192-a or 1194-a and note “civil penalty” as the disposition.

We hope that this information is sufficient to address your reporting concerns. If you should have any questions, please contact us by email at courtfund@osc.state.ny.us or by phone at (518) 473-6438.