

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLS, LORIGO, RATH, MORTON, HARDWICK, & DIXON**

Re: Support of NYS Senate and Assembly Bills S4964B/A8201 Providing a More Equitable Share of County DMV Revenue

WHEREAS, in New York State 51 of 62 counties are mandated to operate a local Department of Motor Vehicles (DMV) Office; and

WHEREAS, local DMV offices provide customer service and process many no-fee transactions on behalf of New York State; and

WHEREAS, under current law New York State's share of all fees collected from the work performed by the county-operated DMVs is 87.3%; and

WHEREAS, the remaining 12.7% county-share has not been increase since 1999, yet the amount of work required by the local DMV Offices has increased in that same time period; and

WHEREAS, the New York State Governor and Legislature have repeatedly stated that lowering the property tax burden on local residents is a key priority; and

WHEREAS, increasing the county-share of the DMV revenue sharing rate with New York State will not result in any increased cost or fees to local residents or taxpayers, and will provide counties with the needed revenue to continue to provide necessary local government services; and

WHEREAS, there is a clear inequity present when a county DMV provides all services, including overhead and staffing to fulfill these DMV needs for state residents, yet the State is paid 87.3% of the revenue generated from providing said services; and

WHEREAS, the New York State Association of County Clerks (NYSACC) strongly supports S4964B (Ritchie)/A8201 (Brindisi) which would increase the DMV revenue to counties and provide a more equitable share in order to run DMV offices and help offset county property taxes.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature supports New York State Senate Bill S4964B and New York State Assembly Bill A8201, which would increase the counties' share of Department of Motor Vehicle (DMV) Revenue to provide a more equitable share for counties; and be it further

RESOLVED, that certified copies of this resolution be forwarded to Governor Andrew Cuomo, New York State Senator Patty Ritchie, New York State Assemblyman Anthony Brindisi, members of the Western New York Senate and Assembly delegation and the New York State Association of County Clerks.

Fiscal Impact: Positive for Erie County Residents

S T A T E O F N E W Y O R K

4964--B

2015-2016 Regular Sessions

I N S E N A T E

April 24, 2015

Introduced by Sens. RITCHIE, MARCHIONE, ORTT, SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to increasing the retention percentage collected for certain motor vehicle service fees

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivisions 3 and 3-a of section 205 of the vehicle and
2 traffic law, subdivision 3 as amended by section 3 of part G of chapter
3 59 of the laws of 2008 and subdivision 3-a as added by section 1 of part
4 F of chapter 58 of the laws of 2012, are amended to read as follows:
5 3. Each such county clerk shall retain from fees collected for any
6 motor vehicle related service described in subdivision one of this
7 section processed by such county clerk an amount based on a percentage
8 of gross receipts collected. For purposes of this section, the term
9 "gross receipts" shall include all fines, fees and penalties collected
10 pursuant to this chapter by a county clerk acting as agent of the
11 commissioner, but shall not include any state or local sales or compen-
12 sating use taxes imposed under or pursuant to the authority of articles
13 twenty-eight and twenty-nine of the tax law and collected by such clerk
14 on behalf of the commissioner of taxation and finance. The retention
15 percentage shall be [12.7] TWENTY-FIVE percent and shall take effect
16 [April] JANUARY first, [nineteen hundred ninety-nine] TWO THOUSAND
17 SEVENTEEN; provided, however, the retention percentage shall be [thirty]
18 SIXTY percent of the thirty dollar fee established in paragraph (e) of

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

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1 subdivision two of section four hundred ninety-one and paragraph f-one
2 of subdivision two of section five hundred three of this chapter.
3 3-a. In addition to the fees retained pursuant to subdivision three of
4 this section, each county clerk acting as the agent of the commissioner
5 pursuant to subdivision one of this section shall retain [four] EIGHT
6 percent of "enhanced internet and electronic partner revenue" collected
7 by the commissioner. For the purposes of this subdivision, "enhanced
8 internet and electronic partner revenue" shall mean the amount of gross
9 receipts attributable to all transactions conducted on the internet by
10 residents of such county and by designated partners of the department on
11 behalf of such residents for the current calendar year that exceeds the
12 amount of such revenue collected by the commissioner during calendar
13 year two thousand eleven. The commissioner shall certify the amounts to
14 be retained by each county clerk pursuant to this subdivision.
15 [Provided, however, that if the aggregate amount of fees retained by
16 county clerks pursuant to this subdivision in calendar years two thou-
17 sand twelve and two thousand thirteen combined exceeds eighty-eight
18 million five hundred thousand dollars, then the percentage of fees to be
19 retained thereafter shall be reduced to a percentage that, if applied to
20 the fees collected during calendar years two thousand twelve and two
21 thousand thirteen combined, would have resulted in an aggregate
22 retention of eighty-eight million five hundred thousand dollars or 2.5
23 percent of enhanced internet and electronic partner revenue, whichever
24 is higher. If the aggregate amount of fees retained by county clerks
25 pursuant to this subdivision in calendar years two thousand twelve and
26 two thousand thirteen combined is less than eighty-eight million five
27 hundred thousand dollars, then the percentage of fees to be retained
28 thereafter shall be increased to a percentage that, if applied to the
29 fees collected during calendar years two thousand twelve and two thou-
30 sand thirteen combined, would have resulted in an aggregate retention of
31 eighty-eight million five hundred thousand dollars, or six percent of
32 enhanced internet and electronic partner revenue, whichever is less. On
33 and after April first, two thousand sixteen, the percent of enhanced
34 internet and electronic partner revenue to be retained by county clerks
35 shall be the average of the annual percentages that were in effect
36 between April first, two thousand twelve and March thirty-first, two
37 thousand sixteen.]
38 S 2. This act shall take effect on the first of January next succeed-
39 ing the date on which it shall have become a law.

STATE OF NEW YORK

8201

2015-2016 Regular Sessions

IN ASSEMBLY

June 11, 2015

Introduced by M. of A. BRINDISI -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to increasing the retention percentage collected for certain motor vehicle service fees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 3 and 3-a of section 205 of the vehicle and
2 traffic law, subdivision 3 as amended by section 3 of part G of chapter
3 59 of the laws of 2008 and subdivision 3-a as added by section 1 of part
4 F of chapter 58 of the laws of 2012, are amended to read as follows:
5 3. Each such county clerk shall retain from fees collected for any
6 motor vehicle related service described in subdivision one of this
7 section processed by such county clerk an amount based on a percentage
8 of gross receipts collected. For purposes of this section, the term
9 "gross receipts" shall include all fines, fees and penalties collected
10 pursuant to this chapter by a county clerk acting as agent of the
11 commissioner, but shall not include any state or local sales or compen-
12 sating use taxes imposed under or pursuant to the authority of articles
13 twenty-eight and twenty-nine of the tax law and collected by such clerk
14 on behalf of the commissioner of taxation and finance. The retention
15 percentage shall be [~~12.7~~] twenty-five percent and shall take effect
16 [~~April~~] January first, [~~nineteen hundred ninety-nine~~] two thousand
17 sixteen; provided, however, the retention percentage shall be [~~thirty~~]
18 sixty percent of the thirty dollar fee established in paragraph (e) of
19 subdivision two of section four hundred ninety-one and paragraph f-one
20 of subdivision two of section five hundred three of this chapter.
21 3-a. In addition to the fees retained pursuant to subdivision three of
22 this section, each county clerk acting as the agent of the commissioner
23 pursuant to subdivision one of this section shall retain [~~four~~] eight
24 percent of "enhanced internet and electronic partner revenue" collected

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

1 by the commissioner. For the purposes of this subdivision, "enhanced
2 internet and electronic partner revenue" shall mean the amount of gross
3 receipts attributable to all transactions conducted on the internet by
4 residents of such county and by designated partners of the department on
5 behalf of such residents for the current calendar year that exceeds the

6 amount of such revenue collected by the commissioner during calendar
7 year two thousand eleven. The commissioner shall certify the amounts to
8 be retained by each county clerk pursuant to this subdivision.
9 ~~[Provided, however, that if the aggregate amount of fees retained by
10 county clerks pursuant to this subdivision in calendar years two thou-
11 sand twelve and two thousand thirteen combined exceeds eighty-eight
12 million five hundred thousand dollars, then the percentage of fees to be
13 retained thereafter shall be reduced to a percentage that, if applied to
14 the fees collected during calendar years two thousand twelve and two
15 thousand thirteen combined, would have resulted in an aggregate
16 retention of eighty-eight million five hundred thousand dollars or 2.5
17 percent of enhanced internet and electronic partner revenue, whichever
18 is higher. If the aggregate amount of fees retained by county clerks
19 pursuant to this subdivision in calendar years two thousand twelve and
20 two thousand thirteen combined is less than eighty-eight million five
21 hundred thousand dollars, then the percentage of fees to be retained
22 thereafter shall be increased to a percentage that, if applied to the
23 fees collected during calendar years two thousand twelve and two thou-
24 sand thirteen combined, would have resulted in an aggregate retention of
25 eighty-eight million five hundred thousand dollars, or six percent of
26 enhanced internet and electronic partner revenue, whichever is less. On
27 and after April first, two thousand sixteen, the percent of enhanced
28 internet and electronic partner revenue to be retained by county clerks
29 shall be the average of the annual percentages that were in effect
30 between April first, two thousand twelve and March thirty-first, two
31 thousand sixteen.]~~

32 § 2. This act shall take effect on the first of January next succeed-
33 ing the date on which it shall have become a law.