

**PROPOSED LOCAL LAW FOR THE INCORPORATED VILLAGE OF NEW HYDE
PARK AMENDING SECTION 189-48, ENTITLED “MANDATORY LATE-PAYMENT
AND SURCHARGE”**

§ 189-48. Mandatory late-payment penalty and surcharge.

A. Whenever any person charged with a traffic infraction under the provisions of this chapter shall fail to answer the summons or appearance ticket issued in connection with such offense on or before the original ~~return~~ **issued** date set forth and indicated upon the face of such instrument, then upon the conviction of that person for such offense there shall be levied against and collected from such person. ~~in addition to any fine or other sentence required or permitted by law, a mandatory surcharge in the amount of \$15.~~

B. In the event that the failure to answer any summons or appearance ticket described under the preceding subsection shall continue for any period of 30 days or more following the original ~~return~~ **issued** date specified in such instrument, then upon a conviction of the person charged in such instrument there shall be levied. ~~in addition to any fine or other sentence required or permitted by law and in addition to the mandatory surcharge prescribed under the preceding subsection, a mandatory late-payment penalty in the amount of \$10 for each additional and successive thirty-day period (or portion thereof) of neglected payment following the expiration of said original return date.~~

C. Both the mandatory surcharge provided for under Subsection **A** of this section, and the mandatory additional late-payment penalty provided for under Subsection **B** of this section, if either or both are applicable, shall be paid to the Clerk of the court at the time of conviction. For the purposes of this subdivision, in determining the amount of mandatory surcharge and additional late-payment penalty to be applied and collected, the date upon which either a judgment of conviction has been rendered by the court or a plea of guilty has been voluntarily entered by the defendant, as the case may be, shall be deemed and construed as the date of conviction, provided that on or before such date, the total amount of all applicable fines is or has been paid in full.

D. If, pursuant to processing under the computer scofflaw program administered by the Department of Motor Vehicles of the State of New York, any summons or appearance ticket issued for an offense under the provisions of this chapter shall result in a bar to renewal of registration of a vehicle owned by the person charged in such instrument, such person shall be liable to a separate, additional, administrative fine, ~~in the amount of \$20~~, which such fine shall be levied and collected by the Clerk of the Village Justice Court prior to the issuance of any instrument or other document on behalf of the Court which has the legal effect of releasing such bar to registration renewal.