

Introduced by: President Officer Richard Nicoletto, Deputy Pres. Officer Howard Kopel,
Alt. Dep. Pres. Officer Denise Ford, Minority Leader Kevan Abrahams, and Legislators
Gaylor, Muscarella, Kennedy, McKeivitt, Schaefer, Ferretti, Walker, Rhoads, Bynoe,
Solages, Mule, Birnbaum, DeRiggi-Whitton, Drucker and Lafazan

LOCAL LAW NO. 12-2021

A LOCAL LAW TO AMEND THE MISCELLANEOUS LAWS OF NASSAU COUNTY IN RELATION TO THE IMPOSITION OF A PUBLIC SAFETY FEE AND DRIVER RESPONSIBILITY FEE FOR VIOLATIONS ISSUED PURSUANT TO TITLE 86 THEREOF

Passed by the Nassau County Legislature on June 28, 2021
Voting: ayes: 18, nays: 0, absent: 1 (Muscarella)
Became a law on July 1, 2021 with the approval of the
County Executive

APPROVED AS TO FORM

Majority Counsel

WHEREAS, Title 86 of the Miscellaneous Laws of Nassau County entitled "VEHICLE OWNER LIABILITY FOR FAILURE OF OPERATOR TO STOP FOR A SCHOOL BUS DISPLAYING A RED VISUAL SIGNAL AND STOP ARM", authorizes the County to establish a demonstration program imposing monetary liability on owners of vehicles for failure of the operators thereof to comply with section 1174 of the New York Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in subdivisions 20 and 21-c of section 375 of the New York Vehicle and Traffic Law in Nassau County; and

WHEREAS, this demonstration program utilizes school bus photo violation monitoring systems to identify drivers that illegally pass school buses in violation of section 1174 of the New York Vehicle and Traffic Law; and

WHEREAS, Title 86 of the Miscellaneous Laws of Nassau County establishes a statutory penalty for such violations; and

WHEREAS, the magnitude of the minimum fine pursuant to section 1174 renders the imposition of the public safety fee and driver responsibility fee unnecessary; NOW
THEREFORE

BE IT ENACTED by the Legislature of the County of Nassau as follows:

Section 1. § 3 of Title 86 of the Miscellaneous Laws of Nassau County is amended as follows:

§ 3. Penalties

An owner liable for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law pursuant to this local law shall be liable for monetary penalties in accordance with the following schedule of fines and penalties:

- a. Two hundred fifty dollars for a first violation;
- b. Two hundred seventy-five dollars for a second violation committed within eighteen months of the first violation;
- c. Three hundred dollars for a third or subsequent violation all of which were committed within eighteen months from the first violation; and
- d. An additional penalty of twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period.
- e. Notwithstanding the foregoing or any local law, ordinance, or resolution to the contrary, the Public Safety Fee established by Nassau County Administrative Code § 8-33.0 and the Driver Responsibility Fee set forth by Ordinance No. 168-2017, as may be amended from time to time, shall not be assessed against an owner liable for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law pursuant to this local law.

§ 2. Severability

If any section or subdivision of this title is held to be wholly or partially invalid by a final decree or a court of competent jurisdiction, the remainder of this title shall be valid, and no other section or subsection shall be deemed invalid.

§ 3. SEQRA Determination

If is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly is of a class of actions which do not have a significant effect on the environment, and no further review is required.

§ 4. Effective Date

This law shall take effect immediately.

APPROVED

County Executive

Date July 1, 2021