

This summary has been prepared after researching the county law on the \$30 "Driver Responsibility Fee", and identifying problematic issues on how it is currently being applied. T

he current Nassau County law, Ordinance No. 190-2012 is that the \$30 Driver Responsibility Fee applies to any ticket where the motorist appearing before the TPVA's Court has been adjudicated to a final disposition of "other than not guilty." Based on my interpretation of the law,

- If a motorist appears at the TPVA Court and the ticket is "dismissed," the motorist would have to pay the \$30 driver responsibility fee.
- If a motorist appears at the TPVA Court and gets a "guilty" disposition, the motorist would have to pay the \$30 Driver Responsibility Fee.
- If a motorist appears at the TPVA Court and gets a "not guilty" disposition, the motorist would NOT have to pay the \$30 Driver Responsibility fee.

It appears that based on the history of the law as it has changed through the years (its initial enactment and later modifying such as increasing the fee and adding some items, etc.), the legislative intent of the law was to recoup Traffic Court (TPVA) administrative and court costs from motorists whose tickets are dismissed but required the driver to produce documentation of driver's license, insurance or registration that was unavailable at the time of issuance of the ticket but benefitted by coming to TPVA Court to show proof and got a "dismissal" of the ticket.

Unfortunately, one identified 'public' frustrations with the way the current law is written, is that all cases appearing before the TPVA that are adjudicated to a final disposition of "other than not guilty" will have to pay the Driver Responsibility Fee. Consider this – you get a ticket for not having your valid drivers license, not having your insurance card, or registration with you at the time of being ticketed. You have the documents and later provide them to the court, and the court 'dismisses' the violation. Some believe it is rightful that these "proof of documentation" are fair because the driver's error of not having them at the time caused the ticket to be issued, so you pay the fee. Some believe that other cases that are 'dismissed' based on factors of through no fault of the driver are unfairly being assessed the fee. Examples: there were not proper signs posted for the infraction, ticket written has factual errors. In essence the ticket was issued erroneously and is dismissed by the court. However, as the law currently reads, if a motorist gets a "dismissal" rather than a "not guilty" in Court, they still must pay the Driver Responsibility Fee. Some believe the law should clearly be amended to not include these erroneously issued ticket cases where the motorist had no fault but it does appear to be the current law.

Currently, the TPVA is also charging the Driver Responsibility Fee to motorists who plead guilty by signing the ticket and mail in the fine. It is my argument, collecting the \$30 Driver Responsibility in these cases is not authorized by the current law.

The language of the preamble to Ordinance No. 190-2012, the enacting legislation reads, in relevant part as follows: "WHEREAS, the current fee charged to motorists appearing before TPVA whose cases have been adjudicated to a final disposition other than not guilty is currently below the actual cost of adjudicating those cases....". The full name of the fee is "Final Disposition Other Than Not Guilty Fee ("Driver Responsibility Fee"), which clearly ties to the preamble language of the legislators and demonstrates that in the situation where the mail in payment of an asserted violation without the necessity of devoting time and manpower to adjudicating the asserted violation at the TPVA court, the fee is inappropriate, invalid and uncollectible.

Unfortunately, although I disagree with the law's current application, for me, to challenge the \$30 Driver Responsibility Fee for the "mail in guilty" traffic ticket in Court is too time consuming and costly (approx. \$200 Supreme Court fees). I did challenge this law under the TPVA parking violation's write in program "Guilty Plea with an Explanation - Request" and got a reduction in the fine but oddly still had to pay the \$30 Driver Responsibility Fee and no explanation was given for the reduction.

This information is provided as background for others interested in this issue.

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Attmts:
Ord 16-2011
Ord 62-08
Ord 75-14
Ord 186-10
Ord 190-12