

**To Impose A Special Motor Vehicle Use Fee In Ulster County And Authorize The Collection Of Said Fee By The Commissioner Of The New York State Department Of Motor Vehicles On Behalf Of Ulster**

The Ways and Means Committee (Chairman Lomita and Legislators Bartels, Berardi, Gregorius, Provenzano, Zimet, Cummings, Gerentine and Noonan) offers the following:

WHEREAS, Tax Law S1202 allows the Commissioner of the New York State Department of Motor Vehicles to collect a special motor vehicle use fee imposed by the County, and

WHEREAS, the purpose of this resolution is to impose a special Motor Vehicle Use fee on vehicle registration and authorize the collection of said fee by the New York State Department of Motor Vehicles, and

WHEREAS, the Ways and Means Committee has met and reviewed said request with a majority of the members voting approval.

RESOLVED,

I. Definitions

- A. "Passenger Motor Vehicle". Any motor vehicle subject to the registration fee as provided for in Section 401 subdivision six of the Vehicle and Traffic Law.
- B. "Buses". The term buses shall have the same meaning as defined in Section 104 of the Vehicle and Traffic Law as amended.
- C. "Truck". The term truck shall have the same meaning as defined in Section 158 of the Vehicle and Traffic Law as amended.

II. Imposition of Use Fee

- A. Pursuant to the Vehicle and Traffic Law and Section 1201(e) and 1202(c) of the Tax Law, a special motor vehicle use fee on vehicle registrations is hereby imposed on motor vehicles registered within Ulster County. Such fee shall be charged in accordance with the following schedule:
  - 1. A fee of Five dollars (\$5.00) per year for passenger motor vehicles of a type commonly used for non-commercial purposes owned by residents of Ulster County, and weighing thirty-five hundred pounds or less.

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2. A fee of Ten dollars (\$10.00) per year for passenger motor vehicles of a type commonly used for non-commercial purposes owned by residents of Ulster County, and weighing more than thirty-five hundred pounds.
  3. A fee of Ten dollars (\$10.00) per year for trucks, buses and other such commercial motor vehicles used principally in connection with a business carried on within Ulster County, except when owned and used in connection with the operation of a farm by the owner or tenant thereof.
- B. The fee shall be paid for all registrations and renewals of registrations for which the registration fee is established in Section 401(6)(a) or (7) of the Vehicle and Traffic Law.
1. The fee shall be applicable to an original or renewal registration transaction only, and not to a re-registration transaction. If no fee for a registration transaction is due, no County motor vehicle use fee shall be due on that transaction.
  2. The applicability of such fee shall be determined based upon the information on the application for registration, as well as any additional documentation required by the Commissioner of Motor Vehicles.
  3. The receipt for payment of such fee, may be the registration certificate, whether or not it indicates the amount of the fee paid.
- III. Exemptions
- A. The fee imposed by this resolution shall not be imposed upon any vehicle exempt from the registration fee pursuant to the Vehicle and Traffic Law.
  - B. The fee imposed by this resolution shall not be imposed upon non-profit religious, charitable or educational organizations qualified for exemption with the New York State Department of Taxation and Finance.

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- IV. Administration and Collection of Fee by Commissioner of the New York State Department of Motor Vehicles
  - A. As authorized under Tax Law Section 1202(c), the motor vehicle use fee shall be administered and collected on behalf of Ulster County by the Commissioner of the New York State Department of Motor Vehicles or his agents.
  - B. Pursuant to Tax Law Section 1202(c), the New York State Commissioner of Motor Vehicles is authorized, on behalf of Ulster County, to make the payment of such fee a condition precedent to the registration or registration renewal of any vehicle subject to the fee imposed by this resolution.
  - C. The Chairman of the Ulster County Legislature is hereby authorized and directed to negotiate and enter into an agreement with the Commissioner of the New York State Department of Motor Vehicles for the implementation of this resolution, and such agreement shall provide for the exclusive method of collection, custody and remittal of the proceeds of any such fee and for the payment by the County, of the reasonable expenses incurred by the New York State Department of Motor Vehicles in connection with the collection and administration of said fee. Such agreement shall also provide that the Ulster County Treasurer, upon request, not more frequently than once in each calendar year, at a time agreed upon by the State Comptroller, shall audit the accuracy of the payments, distributions and remittances to Ulster County pursuant to this resolution.
  - D. The above agreement shall set forth, in detail, policies and procedure for collection for underpayment and for refunds. Such agreement shall also set forth procedures for deposit and retention of funds and indemnification
- V. Judicial Review

Any determination made hereunder by the County of Ulster shall be reviewable pursuant to Article 78 of the Civil Practice Law and Rules.

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VI. Recovery of Fee

- A. Whenever any person fails to pay the fee due hereunder, proceedings to recover such fees, as well as any applicable penalties and/or interest, shall be the responsibility of Ulster County, as set forth in the agreement. The final penalty schedule shall be subject to the approval of the Ulster County Legislature.
- B. The fees collected hereunder and remitted to Ulster County shall be used for purposes of highway maintenance, construction and reconstruction, and for the County Clerk Motor functions. The amount shall be applied as follows: 65% to Highway Budget; and 35% to the Motor Vehicle Budget to help offset the amount to be raised through property tax.

VII. Severability

If any clause, sentence, paragraph, subdivision, section or part of this resolution or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

VIII. SEQRA Determination

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Sections 617.13(D) (15) and 617.13(D) (21) of Volume 6 of the NEW YORK CODE OF RULES AND REGULATIONS (NYCRR), as routine or continuing agency administration and management, not including new programs or major reordering of priorities. Therefore no further environmental review is necessary.

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IX. Effective Date

This resolution shall take effect immediately upon filing in the Office of the Secretary of State,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

FINANCIAL IMPACT:

\$960,000.00 – ANNUAL COUNTY REVENUE DOLLARS

\$330,000.00 – ADDITIONAL COUNTY REVENUE DOLLARS TO YEAR END

0516

**WITHDRAWN BY SPONSOR**