



**STATE OF THE DEPARTMENT OF
THE ORLEANS COUNTY CLERK'S OFFICE
and
THE ORLEANS COUNTY
MOTOR VEHICLE BUREAU**

Respectfully submitted,

AUGUST, 2012

**Karen Lake-Maynard
Orleans County Clerk**

The Orleans County Clerk's Office is staffed with four full time persons being one Deputy County Clerk and three Special Deputy Clerks. The office hours are Monday through Friday from 9:00 am to 5:00 pm, except during the months of July and August when the hours are from 8:30 am to 4:00 pm. The office is located at Courthouse Square in the Village of Albion. My goal for the department is to provide the best possible customer service to each and every resident in Orleans County and the general public.

Duties of the County Clerk are numerous. Internally, my office is responsible for maintaining a postage machine which serves the other departments located in the building, the Legislator's Office and the Real Property Tax Office. I am responsible for maintaining adequate postage and insuring proper working order, as well as the responsibility for rental payments from the County Clerk's budget. Additionally, my office serves the Real Property Tax Office by providing executed Real Property Transfer Tax Reports together with a copy of the recorded deed and all survey maps that are filed in the office. These are provided weekly and at the end of each month.

The County Clerk's Office serves as landlord to three in-house abstract companies, Stewart Title, Crossroads Abstract and Orleans Abstract at a rental fee of \$2,400.00 per year per company.

Probably the most well known responsibility of the County Clerk is that of Recording Officer. I am responsible for filing deeds, mortgages, leases, assignments, discharges, maps, census records, ag districts, business certificates, judgments, federal tax liens, military discharges, inquests, separation agreements and divorce decrees for the entire county. The documents are presented, reviewed, filed, indexed and scanned and are maintained as public records which, with the exception of Separation Agreements,

Divorce Decrees and Military Discharges, are accessible to the general public. My office also maintains Census Records from the years 1850, 1855, 1865, 1870, 1880, 1892 and 1905. I also maintain naturalization indexes and records.

As an agent for the Federal Government, my office is responsible for maintaining the Federal Tax Lien Docket. We are paid \$40.00 for each lien or release filed. My office is also established as a Federal Passport Acceptance Facility, whereby the County generates full revenue from this service at the rate of \$25.00 per passport application. As a service to the public, we offer passport photos for a fee of \$10.00 per two photos as required by the U.S. Department of State.

All Supreme Court documents are the records of the County Clerk. My office is responsible to the Supreme Court as well as the Office of Court Administration in maintaining all active and closed civil and criminal files, money judgments, small claim assessment reviews, In-Rem Proceedings, mandatory surcharges and collection of all state imposed court fees.

The County Clerk's office is the collector of all state transfer tax on deeds, which is \$4.00 per thousand, mortgage tax on mortgages, which is 1%, and must be familiar with the varying exemption, rules and any applicable affidavits relating to said exemptions and rules. In this capacity, my office is directly involved with the New York State Department of Taxation and Finance.

As a service to the New York State Department of Environmental Conservation my office maintains a hazardous waste site information index.

As a representative of the New York State Department of State, the County Clerk maintains the records for all Orleans County Notaries Public. The office collects

applicable appointment fees upon a notary's renewal, processes the renewal application, and when requested, will issue certificates of authentication. In addition to the maintenance of notary information, we also file all Orleans County Certificates of Incorporation which are provided to us by New York State.

In March of 2003, my office began recording and imaging documents on an ACS computer system which has allowed the public, abstractors, surveyors and staff to retrieve a document on any one of the monitors throughout the office, three are available to the public and one terminal is assigned to each staff member. Prior to 2003, all documents were recorded, microfilmed and preserved in deed, mortgage, assignment, discharge, lis pendens, miscellaneous and record books which are, of course, still retrievable. A backfile conversion project was completed, now there are recorded document images on the computer system from 1999 through present. In the future, I would like to add more images to the system. I would also like to explore the possibility of having records available on the internet. This would involve setting up accounts for those interested and setting a monthly fee for being able to search records. This thought process is in the early stages, but I believe that doing this would provide additional revenue to the County after the initial set up expense.

It has been an exciting time for me this year in introducing a program new to Orleans County. In March of 2012, I was proud to introduce the "Thank a Veteran Discount Program". To qualify, the veteran must have a DD 214 recorded at the clerk's office and provide proof of residency in the county. All eligible Veterans receive a photo ID card from the County Clerk distinguishing them as an honorably discharged Veteran.

Many county merchants have agreed to honor the card by providing holders with a discount on purchases or services varying from 5% to 50%. To date we have issued over 200 cards and have 29 participating businesses.

This is just one small, but very special, way for us to say “Thank You” and show our deep appreciation to the men and women who have protected us, who continue to protect us and allow the freedom we all enjoy.

My office is one of few in the County which generates revenue. I am proud to state that both offices pay for themselves and consistently deposit additional revenue back into the general fund. Below you will see a County Clerk/DMV Yearly Revenue Expense Report for the years 2006 through 2011.

	Projected Revenue	Actual Revenue	Projected Expense	Actual Expense	Profit
2006	\$ 903,500	905,968.48	626,259.12	616,929.38	289,039.10
2007	\$ 903,000	939,525.49	636,007.00	611,496.74	328,028.75
2008	\$ 903,500	877,551.70	681,073.76	674,726.24	202,825.46
2009	\$1,010,896	1,057,064.32	692,615.93	673,303.06	383,761.26
2010	\$1,071,500	1,078,475.97	710,467.00	666,521.67	411,954.30
2011	\$1,071,500	1,146,119.00	738,436.00	685,037.55	461,081.45

I am responsible to the previously mentioned State agencies on a monthly basis to provide each with reports on all money collected for the month as well as payment to that agency of money collected. My monthly reports are as follows:

1. Orleans County Treasurer: A monthly revenue check is submitted to the County Treasurer together with monthly revenue for a Clerk Hire Fee in

the amount of \$8,287.50. This is paid to the County from the State for the service of collecting and disbursing all mortgages taxes. This fee was increased in April of 2011 from \$6,500.00. Each month, I deposit with the Treasurer a basic mortgage tax amount which is based on one-half of mortgage tax collected. Then, on a semiannual basis, a report is generated and provided to the Treasurer with mortgage tax figures allocated to the appropriate townships so that money can be disbursed to those districts.

2. NYS Office of Real Property Services is provided with a monthly report and check for money collected from Equalization and Assessment form in connection with the filing of deeds. The cost of filing the assessment form is \$125.00 or \$250.00 depending on the type of property being transferred. The County retains \$9.00 on each RP-5217 filed.
3. New York State Department of Taxation and Finance receives a report and payment for all transfer tax collected in connection with the filing of deeds. The cost for filing the form is \$5.00 and the County retains \$1.00 on each TP-584 filed.
4. Mortgage tax is collected and disbursed to the Rochester Regional Transportation Authority (1/4 Additional Mortgage Tax) and the State of New York Mortgage Agency (1/4 Special Additional Mortgage Tax).
5. New York State Department of Education receives a monthly report together with a check for a portion of all Index number fees and general recording fees.

6. New York State Department of State is provided with a monthly report together with notary renewal fees in the amount of \$40.00 per renewal. County retains \$20.00 of that renewal fee.
7. The Office of Court Administration receives a monthly report together with a check which represents money collected in connection with all Supreme and Criminal Court actions.

The Pistol Permit program has been well received by pistol permit holders as well as new applicants. To update an existing permit to the new plastic card, the fee is \$15.00. In most cases, new photos for updating to the new system are required. The County Clerk offers this service at a cost of \$10.00 for two photos. A newly approved applicant will automatically receive the plastic permit. Anyone wishing to amend their permit is requested by the Pistol Permit Clerk to update to the new plastic card. Amendments include any transfers into Orleans County as well as a change of name, address and the addition or deletion of any weapon. The cost of an amendment is \$5.00. The Pistol Permit Clerk is currently Bambi Fearby, Judge Punch's secretary with my Deputy, Diane Champine, as a backup if Bambi is unavailable. Diane has been trained to handle these responsibilities. The office of the Pistol Permit Clerk is located in the Courthouse. There has been a drastic increase in pistol permit applications. In 2011 we issued 109 permits. So far in 2012, 83 applications have been handed out and approved.

In the first part of this report, I talked about the inner workings of the Recording Office of the County Clerk Department. Who we serve, who we act as agents for, how

we provide other departments with information through the transactions we process, how monies are distributed from the collection of fees connected with these transactions and in general what kind of work is done each day in this office. Now I would like to discuss the other office that is part of the County Clerk Department, which is the Motor Vehicle Bureau.

As County Clerk, I am the Agent for the Commissioner of Motor Vehicles in Orleans County. This means I am responsible for and in charge of the operation of the Orleans County Motor Vehicle Bureau. This office is located at 14016 Rt. 31 in Albion on the first floor of the County Administration Building. The office is open to the public from 9:00 am to 4:30* pm, Monday through Friday except during July and August when the hours are 8:30 am to 3:30* pm. (* The remaining minutes of the work day are used to complete transactions for customers that were in the office prior to closing and to perform tasks that need to be done before the staff leaves and the office is secured for the evening.) I have eight employees that work in this office. There are five full time employees and two part time employees. There is a Deputy County Clerk who reports directly to me and is also the immediate supervisor for the five full time Motor Vehicle Application Examiners and the two part time employees.

Like the County Clerk's recording office, the Orleans County Motor Vehicle Bureau strives to provide excellent customer service. The Motor Vehicle office also generates revenue for the county. Prior to 1997, the county was reimbursed for being the agent for the Commissioner of Motor Vehicles by a "so-much-per-transaction" retention fee. In 1997, the state began giving the counties a percentage of the gross receipts for doing the DMV work. The percentage at that time was 8.6%. In 1998, the State decided

that they would raise the percentage rate to 12.7%; this was great news for the counties but it was good news that was short lived. Later that same year, the state redirected the renewal processing for all registrations and driver's licenses to a NYS DMV facility located in Utica. The processing of our county residents mail made up 35%-38% of the revenue for our Motor Vehicle Bureau. Needless to say this move by the State had a huge impact on our revenues. We needed to find a way to recoup the money for those lost transactions. One way was to try and recapture as much of the mail as possible. We have had some success in this area but until people have a problem and realize they haven't received their new registration or driver's license they don't think twice about where they've mailed the payment to, only the fact that now their driver's license or registration is expired and they don't have an updated document. Once we solve their problem, we also take the opportunity to explain to them that they can mail their renewals directly to us or come into the office with them to be processed. Once they understand, by doing so, now a portion of the fee they are paying to renew their registration or license is kept to support the Motor Vehicle Bureau in Orleans County.

We have always felt we can do the work faster, better and cheaper than the State and each day we try our best to give all our customers that kind of service. Over the years, by keeping customer service as our main focus, we have been rewarded for this effort by continued support from our county residents and all the Orleans County automobile dealers and we continue to experience a steady number of customers that drive the extra miles to come to our office rather than one in their own county. We have also been able to establish a strong base of customers from the automobile dealers in Monroe County. Our biggest automobile dealer customer is Bob Johnson Chevrolet

located in Rochester. We process approximately 500 registration transactions a month for them. Processing their work has allowed us to compensate for the revenue we lost when the State re-directed all the registration and driver's license renewals to Utica. There is a trade off in doing dealer work versus processing the mail. The mail is easier to process because all you are doing is updating an already established record. When doing the dealer work it requires many things to be checked, certain rules have to be followed and many times you are creating a new record for a vehicle and entering that information into the system. Once the work has been checked for accuracy and completeness it can be edited and set up for processing.

The Orleans County Motor Vehicle Bureau offers more services than just the opportunity to renew your driver's license or registrations. The Orleans County Motor Vehicle Bureau is a "full" service office. That means all motor vehicle transactions can be processed locally in our office for any customer no matter where they live in New York State. These services include the registration and transfer of all classes of vehicles and vessels, the licensing of all types of operators from learner's permits to commercial driver's license, resolution of financial security issues (insurance problems), enforcement transactions (conditional or restricted use licenses) and the issuance of non-driver identification cards. We accept cash, personal checks or major credit cards when paying for DMV transaction fees. We welcome the business from anywhere because the more customers we can assist will translate into more fees being collected which will result in increased revenue for Orleans County.

REGISTRATION OF VEHICLES:

We have over thirty classes of vehicles that we can issue plates and provide registrations for when the appropriate criteria for that particular class is met. I won't list them all but here are some examples of those registration classes:

**Passenger Commercial Trailers All-Terrain Vehicles Agriculture Farm
Historical Motorcycle Official Dealer Bus Taxi Ambulance
Handicap**

We also process registrations for vessels (boats) and snowmobiles. We issue In-Transit Permits for customers, usually for out-of-state residents that need to take a newly acquired vehicle to another state or jurisdiction for the purpose of obtaining a registration in their home state or jurisdiction. Registration transactions are broken down into the following categories:

Originals - issuance of new registration and new plates.

Renewals- updating a record for a vehicle that is currently registered through it's predetermined or fixed expiration date.

Re-Registration Activities- transferring plates from one vehicle to another.

Registration Activities- replacing plates, changing a name, changing any other type of vehicle information or putting the same vehicle back on the road after a voluntary surrender of plates.

Duplicates- replacing a registration that has been lost, stolen or mutilated.

All of the above registration transactions require certain forms to be completed and signed by the applicant. Depending on what transaction is being processed will also determine if proof of ownership is required, if proof of insurance is needed and if any

sales tax has to be collected. Customers may also incur a new plate fee, a registration transfer fee or a title fee. In most instances, registration fees are based on the weight of the vehicle. Boat fees are determined by the length of the vessel. In some classes of registration such as motorcycles or snowmobiles the fee is a fixed amount that will not change no matter what point during the registration period the transaction is processed. Any registration transactions that are presented to us for processing must meet our identification requirements before the transaction can be completed.

REGISTRATION-BASED ENFORCEMENT OF EMISSIONS INSPECTION REQUIREMENTS

On September 4, 2007, the New York State Department of Motor Vehicles expanded Registration-based Enforcement (RBE) of the annual vehicle inspection program to the Upstate Region of New York State. This ensures that we are in compliance with the federal Clean Air Act and regulations of the Environmental Protection Agency (EPA). Motorists in the Upstate region of NYS, in addition to those in the New York Metropolitan Area, will only be able to renew their vehicle registrations if the vehicle has had the emissions inspection within the last twelve months. The emissions inspection is required and completed at the time of the annual vehicle safety inspection. All motor vehicles more than two model years old, but less than twenty five years are required to have the emissions inspection each year. Safety and emissions inspections are also required whenever the ownership of the vehicle changes.

The enforcement system will flag certain registration transactions that we process when it can not find a current inspection recorded with Vehicle Safety. When this occurs we have to obtain acceptable proof of inspection from the customer or within the

inspection file on our computer system in order to move forward in processing the transaction. In cases where we have to process an override of the system we must have a copy of the inspection report showing that the vehicle passed the required emission test. Every time a an override is used there is a report that must be printed and signed which is kept on file in our DMV office until the next Field Audit is conducted by NYS DMV auditors.

ORLEANS COUNTY VEHICLE USER FEE:

The Orleans County Legislature adopted Local Law No. 5 on December 3, 2003, which established an Orleans County Motor Vehicle User Fee. An agreement was made between the County Legislature and the Commissioner of Motor Vehicles for the collection of the County User Fee. The user fee applies to all registration originals and registration renewals for vehicles that fall under the “Passenger” or Commercial” registration classification. The user fee is calculated for passenger vehicles based on the unladen weight. Vehicles weighing 3500 lbs. or less are charged \$5.00/year. Vehicles weighing more than 3500 lbs. are charged \$10.00/year. Since most registrations that are considered to be in the “Passenger” registration class are issued for two years the user fee collected on each transaction will be \$10.00 and \$20.00 respectively. The user fee for commercial motor vehicles, regardless of the gross weight is \$10.00/year. Commercial vehicles that are issued a two-year registration will result in the collection of the user fee in the amount of \$20.00.

The State of New York keeps \$.31 per transaction for administering the collection of the user fee. The user fees collected are sent from the State Comptroller’s Office to

the Orleans County Treasurer on a monthly basis. I receive a report each month from the Comptroller's office to tell me how much money has been transferred by the State to the County Treasurer.

DRIVER LICENSING:

Our DMV office issues learner's permits for all non-commercial vehicles such as cars, light trucks and motorcycles. We also issue learner's permits for commercial vehicles. These permits are also known as CDL permits.

Non-Commercial Learner's Permits (Automobile/Motorcycle)

In New York State, an individual may make an application to obtain a learner's permit at age 16. They may hold a regular operator permit or a motorcycle permit. If they are under the age of 18, consent is required from the parent or legal guardian. There are specific requirements pertaining to proof of date of birth and identification. When those requirements are met, the applicant must complete and sign an application for a learner's permit. They must also pass an eye test and a written test before a permit can be issued. Most regular operator permits are co-terminus. That means they are issued up to five years and the fees for most of the licensing process are collected at the time the learner's permit is issued. The only additional fee that is not included at the time the co-terminus permit is issued is the cost of the required five hour class room training or driver education program. The individual may choose which one they would like to take. On February 22, 2010, the rules regarding graduated licenses changed for drivers that are 16 and 17 years old. Now all drivers under 18 must hold their NYS learner's permit for a minimum of 6 months and have certification that they have had at least 50 hours of

behind the wheel driving experience, 15 of those hours must be after sunset. A parent, legal guardian or Driver Education instructor must sign off on the certification. This certification must be presented to the road test examiner before the road test may be conducted. The other requirement before a road test can be administered is the completion of the five hour class. A road test appointment may be scheduled at a test site of the individual's choice. Road tests are conducted in Albion, the days are randomly assigned by the NYS DMV Testing and Investigation Unit located in Rochester. Once the individual passes their road test they are automatically issued a driver's license from Albany. Depending on what stage of the co-terminous license system the client is in will determine what photo documents they are sent from Albany. Upon reaching the age of 18 (or age 17 and having completed a New York State Driver Education program) these individuals are granted full privileges for a regular operator's license.

MOTORCYCLE PERMITS:

An individual may also apply for a learner's permit for a motorcycle after they are licensed as a regular operator or have a commercial driver's license. The requirements to obtain a motorcycle permit are similar to those of the regular operator's permit. The applicant must present proof of date of birth and the required identification. They must complete and sign a license application. They must take and pass an eye test and a written test. Then the applicant must pay the fee for the issuance of the permit. The permit is valid for one year or two attempts at the road test. Once a road test is taken and passed the applicant must return to the office to add the motorcycle endorsement to their driver's license and pay the required amendment fee.

**COMMERCIAL LEARNER'S PERMITS: (Combination Vehicles/Straight Trucks/
School Buses and Coach Buses)**

To be issued a CDL learner's permit the applicant must be able to complete the following requirements:

- * The applicant must be at least 18 years old.
- * The applicant must hold a valid New York State Driver's License.
- * Present proof of date of birth and the required identification.
- * Complete and sign a license application.
- * Meet the Federal DOT physical requirements.
- * Take and pass an eye test.
- * Take and pass a written test(s).
- * Pay the appropriate fees for the written test(s).
- * Pay the fee for the issuance of the CDL learner's permit.

Before an appointment for a skills test (road test) can be scheduled a fee of \$40.00 must be paid. Once a skills test is taken and passed then the applicant may return to an office and amend their driver's license to reflect the new class of license they have been qualified for.

DRIVER'S LICENSE RENEWALS:

New York State driver's licenses are renewable for eight years at a time. The class of license that the individual holds will determine the fee that will be charged to renew the license. When renewing a commercial driver's license the applicant must again certify that they meet the federal DOT physical requirements before a license can

be renewed. If they can not meet the medical requirements they may not hold a commercial driver's license. They must go back to a regular operator class license. If a commercial license holder has a hazardous materials endorsement on their license they must take and pass another written test about hazardous materials. They are also required to be fingerprinted by L-1 Identity Solutions and be put through two background checks that are performed by the State and the Federal governments. The fee for this is \$152.25. The applicant must pay L-1 Identity Solutions the \$152.25 fee and then submit proof of citizenship and file an application for the endorsement. Once everything has been checked out, cleared and processed then the Hazardous Materials is added again to the applicant's license. This portion of the Hazardous Materials certification is valid for 5 years.

The Orleans County Motor Vehicle Bureau processes many other types of driver's license transactions besides the issuance of learner's permits and the renewal of driver's licenses. These transactions are:

Learner Permit Renewals- updating a permit record so that the permit privilege may continue.

Driver's License or Learner's Permit Amendments- making a change in information that is presently on a record now. An example of that would be a name change.

Driver's License or Learner's Permit Duplicates – when a customer has to replace a photo document that has been lost, stolen or mutilated.

NON-DRIVER IDENTIFICATION PHOTO DOCUMENTS:

The Orleans County Motor Vehicle Bureau issues identification cards for the non-driving public. To obtain a non-driver identification card an applicant must meet the following requirements:

- * They may not be a holder of a valid New York State Driver's License or Learner's Permit.
- * They must present proof of date of birth and the required identification.
- * They must have consent from a parent or legal guardian if they are under the age of 16.
- * They must complete and sign an application.
- * They must pay the required fee.

WESTERN HEMISPHERE TRAVEL INITIATIVE

A major initiative which affects us at the state and county level of DMV is the Federal Government's Western Hemisphere Travel Initiative (WHTI). WHTI is an act of Congress resulting from the Intelligence Reform and Prevention Act of 2004. Presently, WHTI requires all travelers to present federally approved documentation establishing citizenship (such as a passport) when traveling by land or sea to and from the United States and Canada, Mexico, the Caribbean and Bermuda. New York State DMV now offers another option for land/sea border crossing. New York residents have the ability to obtain an Enhanced Driver License or Enhanced Non-Driver Identification Card. The Enhanced Driver's License (EDL) will provide an efficient and convenient identification alternative to a passport or other documents so that travelers can meet the requirements for border crossings.

On January 24, 2008, NYS DMV installed our Document Scanning Workstation. This DSW is designed to enhance and assist in detecting fraudulent documents. The DSW is a necessary piece of the process we must use in order to issue an Enhanced photo document and comply with Homeland Security requirements. We are quick to point out that the DSW is essential but does not replace completely our expertise in physically looking and examining documents that are presented to us. If any of the items are discovered to have been tampered with or are fraudulent we have a procedure in place to deal with these circumstances when they arise.

REQUIREMENTS IN ORDER TO ISSUE AN ENHANCED DRIVER LICENSE

On May 27, 2008, Governor Paterson announced that Homeland Security had approved New York's Business Plan that allows us to issue the Enhanced Driver Licenses (EDL's). The ability to issue these licenses will assist interested and eligible New York State residents in complying with new land and sea border crossing requirements that went into effect on June 1, 2009.

In order to be eligible to issue the enhanced driver license we had to meet certain requirements set forth by Homeland Security. The requirements are as follows:

- Must be a U.S. citizen to issue an EDL (employee must submit proof of citizenship to County Clerk)
- State and Federal Criminal Fingerprint Background Check must be submitted to DCSJ for each employee.

In order to complete the second requirement of the fingerprinting and background check, I also had to obtain a written agreement with the CSEA Union notifying them that any

employee involved in issuing the enhanced driver license was subject to this request. I am pleased to report that the entire DMV staff and I were granted clearance to issue the Enhanced Driver License.

Homeland Security also requires us to follow the “two stop” processing model. This means when we process an enhanced driver license application, a DMV staff member is responsible for scanning and authenticating the documents on the DSW (document scanning workstation) and at the same time creating a checklist on the DSW screen showing the proofs of identity that have been presented by the applicant. When the applicant is processed on the WISE terminal, a second DMV staff person, (the DMV person that did the work at the DSW CANNOT process the applicant on the WISE terminal) will also complete a check list showing on the WISE computer screen what proofs of identity were presented by the applicant. The computer system will compare between the two lists to confirm that they match. When the lists don’t match, the transaction is stopped. The transaction is reviewed again to make sure everything that was presented for proofs is what each staff member authenticated/scanned and accepted as identification for that customer. This “2 stop process” helps insure the integrity of the enhanced document we are issuing.

ISSUANCE OF ENHANCED DRIVER LICENSES

On September 16, 2008, Orleans County Motor Vehicle Bureau began issuing the NYS Enhanced Driver License. To date we have processed 6000 enhanced driver license applications. The county retains 30% of the \$30.00 Enhanced Driver License fee that is incorporated into the cost of the license or identification card. That means for every

enhanced document that we issue we retain \$9.00 of that \$30.00 enhanced driver license fee.

In May of 2012, NYS DMV upgraded our DMV processing work stations with new computers and printers. In June of 2012, each of our processing work stations had a “verifone” installed. The verifones are not available for public use until later in 2013.

FINANCIAL SECURITY ISSUES (Insurance Problems):

The Orleans County Motor Vehicle Bureau assists motorists in resolving any type of insurance problem that may be affecting their vehicle registration and/or driver’s license. In New York State, the Vehicle and Traffic Law specifically states that in order to have a valid registration and plates for a vehicle you must maintain continuous liability insurance coverage. The insurance coverage must be in the same name that the registration and plates are issued in. When there is a lapse in coverage for any reason, an Insurance Enforcement System is notified. This system will generate letters to the motorist asking them what has happened to the insurance coverage. The motorist will have an opportunity to answer the question. If the letter is ignored then suspensions will be placed against that registration record and that individual’s driver’s license. Generally, the motorist has sixty days to provide proof of coverage before a suspension goes on the vehicle registration. If the lapse in coverage exceeds ninety days then a suspension is placed against the driver’s license as well. Our job is to assist the motorist in resolving these insurance problems. This process is often very time consuming and can be quite complicated. The DMV staff is very good in advising customers of the necessary steps that need to be taken in order to get a suspension removed from their

record. In situations where there is a lapse in coverage, the staff advises the customer what needs to be done in order to comply with the suspension and any other options they have in resolving the problem.

ENFORCEMENT TRANSACTIONS:

In 1996, the Orleans County Motor Vehicle Bureau began processing enforcement transactions. Up until that time, customers in need of these types of transactions had to travel to a state DMV located either in Rochester or Buffalo. These types of transaction are usually processed when a customer has a suspension or revocation of a driver's license or registration. These types of transaction can also be very complicated and time consuming. Many customers have extensive records that need to be carefully evaluated before it can be determined what type of privilege they may be eligible for. We process these transactions every day from 9:00 am until 3:00 pm and during July and August, we do these transactions from 8:30 am until 2:30 pm. We have a cutoff time for these transaction because of the possibility of needing additional help and assistance from Albany and also because there is often more paperwork to be completed to process these types of transactions.

TYPES OF ENFORCEMENT TRANSACTIONS:

There are many types of transactions that come under enforcement but the two most common ones are the restricted use license and the conditional use license.

Restricted Use Driver's License – Can be issued to an eligible client for suspensions or revocations for insurance not being in effect, failure to pay child support, accumulating

three speeding tickets or misdemeanors within an eighteen month period or operating without insurance. Once the time is served on the order and the appropriate fees are paid, a person may become unrestricted and resume regular driving privileges.

Conditional Use Driver's License – Can be issued to an eligible client for suspensions or revocations for alcohol convictions. When a conditional license is issued, the client must enroll in the Drinking Driver Program. If a client fails to complete the DDP classes and any required rehabilitation, their conditional license privilege will be revoked. Upon completion of the DDP classes and paying any applicable civil penalties and licensing fees, a client may be taken off the conditional license and return to regular driving privileges.

OTHER ENFORCEMENT TRANSACTIONS:

Bad Check Repayments –When a customer has a check returned for insufficient funds for a DMV transaction, they are required to make repayment. We can collect these repayments and issue notices of restorations for individuals that may already be under suspension for not making a repayment.

Driver Responsibility Assessment – These are fees assessed against drivers that accumulate six or more points in an eighteen month period or for any driver that has been convicted of an alcohol violation. Customers can make a minimum payment once a year over a three year period or pay the total assessment fee in one lump sum. The minimum payments range from \$100.00 to \$250.00 each year for three years.

Withdrawal of Consent – We assist the parent or legal guardian that would like to withdraw their original consent for their child that is still under the age of eighteen to hold a driver's license or a learner's permit.

Failure to Answer Summons or Failure to Pay Fine – Customers will come into our office looking for help with Scofflaws that may be suspending or about to suspend their driver's license. We will accept the correct receipts from the Justice Courts and fax that information to the appropriate unit in Albany to help expedite the clearance of the ticket.

When I am acting as agent for the Commissioner of Motor Vehicles, in doing so I am also an agent for several other agencies that coincide in the operation of the Orleans County Motor Vehicle.

New York State Department of Taxation and Finance – I am responsible for collecting sales tax for casual sales of motor vehicles. I submit a monthly report along with a check for the sales tax that is collected during that month. These items along with all the sales tax forms that are processed during the month are sent directly to the Department of Taxation and Finance. For doing this work we are allowed to keep a retention fee based on the number of transactions that are processed by our office in that particular month.

New York State Department of Transportation – I am responsible for insuring that heavy weight vehicles are registered using the appropriate weight. These weights are determined by the number of axles and the distance from the front of the vehicle to the rear of the vehicle (wheelbase). To increase the weight on these vehicles we must see proof of overweight permits issued to the registrant from the New York State Department of Transportation.

Truck Mileage Tax Clearance – This tax clearance is required for any vehicle that has a gross weight that exceeds 18,000 pounds. Proof of payment of this tax must be presented by the registrant in order to process these registrations.

Internal Revenue Service – IRS Form 2290 is required to be filed for any vehicle that has a gross weight of 55,000 pounds or more. Proof of payment and/or exemption from the tax must be submitted by the registrant before vehicles in this weight category can be processed.

MONTHLY REPORTS:

Orleans County Treasurer – Each month I submit a report of the revenues together with a check for all money collected by the Orleans County Motor Vehicle Bureau.

New York State Department of Taxation and Finance – I submit a monthly report and a check to this department for sales tax that has been collected for the casual sales of motor vehicles.

AUDITS:

The Orleans County Motor Vehicle Bureau is held to the same standards of accountability as any state DMV office. We are subject to unannounced audits that are conducted by the Audit Services Staff of the New York State Department of Motor Vehicles. These audits are extensive and result in the complete review and appraisal of all aspects of the operation of the office. The Orleans County Motor Vehicle Bureau is also audited by the New York State Department of Taxation and Finance. This audit is

conducted to review compliance with tax law and procedure and the proper distribution of sales tax collected.

STRENGTHS:

In this area of the County Clerk Department I feel that one of biggest strengths is the combined 80 (eighty) years of experience that this staff has in doing DMV work. As a result of the retirement of a full time person I was able to create two part time positions in its place. This allows us to realize a savings for the department since we are not incurring the costs normally associated with a full time employee. I was also allowed another part time position in June of 2012 to help with the increased volume of dealer work. I feel that the DMV staff provides excellent customer service and they work extremely well together as a team.

In a job that is always changing because of new laws being enacted and new procedures being implemented and new technology being utilized, the DMV staff adapts extremely well to these constant changes.

OPPORTUNITIES:

The 2009 NYS Budget implemented a 25% increase in all drivers' license fees and a 25% increase in the photo document fee. The new fee to renew a Class D license is \$62.50. The retention amount for the County is now \$7.94.

The 2009 NYS Budget implemented a 25% increase on most vehicle registration fees. This is to include passenger, commercial vehicles (including trailers, buses and taxis), motorcycles, motor boats, ATV's, in-transit permits, custom plates and re-

registration fees. Registration fees are based on the weight of the vehicle. With this increase, the fees would range from \$25.75 up to \$128.00 for a 2 year renewal. The County would retain \$3.27 up to \$17.78 depending on the registration weight of the vehicle.

On April 1, 2010, the license plate fee was increased from \$15.00 for a two plate registration and \$7.50 for a single plate registration to \$25.00 and \$12.50 respectively. Again, the County retains 12.7% of the fees collected. With this increase the County will retain \$3.18 on two plate transactions and \$1.59 on single plate transactions.

Lastly, the 2009 NYS Budget increased the license suspension termination fee from \$25.00 to \$50.00. The County now retains \$6.35 for each suspension termination fee collected.

As a result of these new fees being implemented, the County will see an increase in the retention fees that we are allowed to keep. It will be an opportunity for more revenue for the County.

THREATS:

One of the major threats to the Orleans County Motor Vehicle Bureau is the continued implementation of different pilot programs initiated by the New York State DMV enabling more private sector groups to process DMV transactions. Another threat to be considered is the possible privatization of the license and registration renewal processing.

Most recently, NYS DMV has created a new system called MY DMV. It allows DMV customers secure access to online account services for NYS DMV. As technology

advances and more customers utilize the MY DMV accounts to process a wider range of transactions, our revenue system will diminish. NYS DMV returns little (4% per each online transaction) back to Orleans County in retention fees when online services are used.