S T A T E O F N E W Y O R K

8266

I N S E N A T E

June 18, 2010

Introduced by Sen. SMITH -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the vehicle and traffic law and the state finance law, in relation to issuing "West Indian American Day Carnival" distinctive license plates

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The vehicle and traffic law is amended by adding a new section 404-x to read as follows:

S 404-X. DISTINCTIVE "WEST INDIAN AMERICAN DAY CARNIVAL" LICENSE PLATES. 1. ANY PERSON RESIDING IN THIS STATE SHALL, UPON REQUEST, BE ISSUED A DISTINCTIVE "WEST INDIAN AMERICAN DAY CARNIVAL" LICENSE PLATE OF A DESIGN APPROVED BY THE COMMISSIONER. APPLICATION FOR SUCH LICENSE PLATE SHALL BE FILED WITH THE COMMISSIONER IN SUCH FORM AND DETAIL AS THE COMMISSIONER SHALL PRESCRIBE.

2. A DISTINCTIVE "WEST INDIAN AMERICAN DAY CARNIVAL" LICENSE PLATE ISSUED PURSUANT TO THIS SECTION SHALL BE ISSUED IN THE SAME MANNER AS OTHER NUMBER PLATES UPON THE PAYMENT OF THE REGULAR REGISTRATION FEE PRESCRIBED BY SECTION FOUR HUNDRED ONE OF THIS ARTICLE; PROVIDED, HOWEVER, THAT AN ADDITIONAL ANNUAL SERVICE CHARGE OF TWENTY-FIVE DOLLARS SHALL BE CHARGED FOR SUCH PLATE. SUCH ANNUAL SERVICE CHARGE SHALL BE DEPOSITED PURSUANT TO THE PROVISIONS OF SECTION FOUR HUNDRED FOUR-OO OF THIS ARTICLE, TO THE CREDIT OF THE DEPARTMENT OF MOTOR VEHICLES DISTINCTIVE PLATE DEVELOPMENT FUND ESTABLISHED BY SECTION NINETY-FIVE-G OF THE STATE FINANCE LAW AND SHALL BE USED FOR THE PRODUCTION, DESIGN, ADVERTISING AND MARKETING OF DISTINCTIVE LICENSE PLATES PURSUANT TO SUCH SECTION NINETY-FIVE-G; PROVIDED, HOWEVER, THAT ANNUAL SERVICE CHARGES COLLECTED IN EXCESS OF SIX THOUSAND DOLLARS SHALL BE DEPOSITED TO THE CREDIT OF THE "WEST INDIAN AMERICAN DAY CARNIVAL ASSOCIATION FUND" ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-JJJJ OF THE STATE FINANCE LAW AND SHALL BE USED IN SUPPORT OF THE ANNUAL WEST INDIAN AMERICAN DAY PARADE AND CARNIVAL PRODUCED BY THE WEST INDIAN AMERICAN DAY CARNIVAL ASSOCIATION, A NOT-FOR-PROFIT CORPORATION ORGANIZED AND OPERATED UNDER THE LAWS OF THIS STATE PURSUANT TO SUCH SECTION NINETY-SEVEN-JJJJ. SUCH

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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DEPOSITS SHALL NOT BE USED TO REPLACE, OFFSET, OR SUPPLANT ANY EXISTING FUNDING OF SUCH ASSOCIATION, BUT SHALL BE IN ADDITION THERETO.

S 2. The state finance law is amended by adding a new section 97-jjjj to read as follows:

S 97-JJJJ. WEST INDIAN AMERICAN DAY CARNIVAL ASSOCIATION FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE WEST INDIAN AMERICAN DAY CARNIVAL ASSOCIATION FUND.

2. SUCH FUND SHALL CONSIST OF ALL MONEYS COLLECTED PURSUANT TO SECTION FOUR HUNDRED FOUR-X OF THE VEHICLE AND TRAFFIC LAW, AND ALL OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW, PROVIDED THAT SECTION FOUR HUNDRED FOUR-X OF THE VEHICLE AND TRAFFIC LAW SHALL CONTROL THE METHOD OF PAYMENT FOR THE COSTS OF PRODUCING THE DISTINCTIVE LICENSE PLATES AUTHORIZED PURSUANT TO SUCH SECTION OF LAW.

3. MONEYS OF THE FUND SHALL BE EXPENDED ONLY FOR THE ACTUAL COSTS OF PRODUCING THE ANNUAL WEST INDIAN AMERICAN DAY PARADE AND CARNIVAL BY THE WEST INDIAN AMERICAN DAY CARNIVAL ASSOCIATION, EXCLUSIVE OF ADMINISTRATIVE EXPENSES. MONEYS SHALL BE PAID OUT OF THE FUND ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCHERS APPROVED BY THE GENERAL SECRETARY OF THE WEST INDIAN AMERICAN DAY CARNIVAL ASSOCIATION. ANY INTEREST RECEIVED BY THE COMPTROLLER ON MONEYS ON DEPOSIT IN THE WEST INDIAN AMERICAN DAY CARNIVAL ASSOCIATION FUND SHALL BE RETAINED IN AND BECOME PART OF SUCH FUND. NO MONEY FROM SUCH FUND MAY BE WITHDRAWN, TRANSFERRED, OR USED BY ANY PERSON FOR ANY PURPOSE OTHER THAN AS PERMITTED BY THIS SECTION.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Any rules and regulations required to implement the foregoing provisions of this act shall be promulgated on or before such date.