

4989

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. BRODSKY, PAULIN, LATIMER, GALEF -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the production of and the assessment of a surcharge for distinctive "The Westchester Way" license plates; and to amend the state finance law, in relation to establishing the New York state "Westchester Way fund"

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

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

3 S 404-X. ISSUANCE OF DISTINCTIVE "THE WESTCHESTER WAY" LICENSE PLATES.  
4 1. ANY PERSON RESIDING IN THIS STATE SHALL, UPON REQUEST, BE ISSUED A  
5 DISTINCTIVE "THE WESTCHESTER WAY" LICENSE PLATE. THE DESIGN OF SUCH  
6 DISTINCTIVE PLATE SHALL BE DEVELOPED BY THE COMMISSIONER IN COOPERATION  
7 WITH THE WESTCHESTER COUNTY OFFICE OF TOURISM, A RECOGNIZED TOURISM  
8 PROMOTION AGENCY PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF THE  
9 ECONOMIC DEVELOPMENT LAW, AND SHALL UTILIZE THE "THE WESTCHESTER WAY"  
10 LOGO, AS WELL AS ANY OTHER LANGUAGE OR INFORMATION APPROPRIATE TO THE  
11 PROMOTION OF TOURISM FOR THE COUNTY OF WESTCHESTER. APPLICATION FOR  
12 SAID LICENSE PLATE SHALL BE FILED WITH THE COMMISSIONER IN SUCH FORM AND  
13 DETAIL AS THE COMMISSIONER SHALL PRESCRIBE.

14 2. A DISTINCTIVE "THE WESTCHESTER WAY" LICENSE PLATE ISSUED PURSUANT  
15 TO THIS SECTION SHALL BE ISSUED IN THE SAME MANNER AS OTHER NUMBER  
16 PLATES UPON THE PAYMENT OF THE REGULAR REGISTRATION FEES PRESCRIBED BY  
17 SECTION FOUR HUNDRED ONE OF THIS ARTICLE; PROVIDED, HOWEVER, THAT AN  
18 ADDITIONAL ANNUAL SERVICE CHARGE OF TWENTY-FIVE DOLLARS SHALL BE CHARGED  
19 FOR SUCH PLATE. SUCH ANNUAL SERVICE CHARGE SHALL BE DEPOSITED PURSUANT  
20 TO THE PROVISIONS OF SECTION FOUR HUNDRED FOUR-00 OF THIS ARTICLE, TO  
21 THE CREDIT OF THE DEPARTMENT OF MOTOR VEHICLES DISTINCTIVE PLATE DEVEL-  
22 OPMENT FUND ESTABLISHED BY SECTION NINETY-FIVE-G OF THE STATE FINANCE  
23 LAW, AND SHALL BE USED FOR THE PRODUCTION, DESIGN, ADVERTISING AND

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

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1 MARKETING OF DISTINCTIVE LICENSE PLATES PURSUANT TO SUCH SECTION NINE-  
2 TY-FIVE-G; PROVIDED, HOWEVER, THAT ANNUAL SERVICE CHARGES COLLECTED IN  
3 EXCESS OF SIX THOUSAND DOLLARS SHALL BE DEPOSITED TO THE CREDIT OF "THE  
4 NEW YORK STATE 'THE WESTCHESTER WAY' FUND" ESTABLISHED PURSUANT TO  
5 SECTION NINETY-SEVEN-JJJJ OF THE STATE FINANCE LAW AND SHALL BE USED FOR  
6 TOURISM PROMOTION PROJECTS PURSUANT TO SUCH SECTION NINETY-SEVEN-JJJJ  
7 WITHIN THE COUNTY OF WESTCHESTER.

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

10 S 97-JJJJ. THE NEW YORK STATE "THE WESTCHESTER WAY FUND". 1. THERE IS  
11 HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION  
12 AND FINANCE AND THE COMPTROLLER A SPECIAL FUND TO BE KNOWN AS THE NEW  
13 YORK STATE "THE WESTCHESTER WAY FUND".

14 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED PURSUANT TO THE  
15 PROVISIONS OF SECTION FOUR HUNDRED FOUR-X OF THE VEHICLE AND TRAFFIC LAW  
16 AND ALL OTHER MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM  
17 ANY OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED IN THIS  
18 SECTION SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS, OR  
19 BEQUESTS FOR THE PURPOSES OF THE FUND, AS DEFINED IN THIS SECTION, AND  
20 DEPOSITING THEM INTO THE FUND ACCORDING TO LAW.

21 3. MONIES OF THE FUND SHALL BE EXPENDED ONLY FOR TOURISM PROMOTION  
22 PROJECTS WHICH PROMOTE TOURISM IN THE COUNTY OF WESTCHESTER. MONIES OF  
23 THE FUND SHALL BE AVAILABLE FOR TOURISM PROMOTION PURPOSES, EXCLUSIVE OF  
24 ADMINISTRATIVE EXPENSES, TO AN ENTITY DESIGNATED BY LOCAL LAW OF THE  
25 COUNTY OF WESTCHESTER AS RESPONSIBLE FOR TOURISM PROMOTION FOR THE COUN-  
26 TY OF WESTCHESTER; PROVIDED, HOWEVER, THAT SUCH DESIGNATED ENTITY SHALL  
27 CAUSE TO BE DEVELOPED ANNUALLY A PLAN FOR TOURISM PROMOTION APPROVED BY  
28 THE COMMISSIONER OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT. SUCH TOURISM  
29 PROMOTION PLAN SHALL INCLUDE, BUT NOT BE LIMITED TO, PROPOSED EXPENDI-  
30 TURES FOR TOURISM PROMOTION PROJECTS PROMOTING TOURISM IN THE COUNTY OF  
31 WESTCHESTER AND EVIDENCE THAT SUCH PLAN WILL NOT DUPLICATE TOURISM  
32 PROMOTION CONDUCTED BY THE LOCAL TOURISM PROMOTION AGENCY.

33 4. MONIES SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF  
34 THE COMPTROLLER, ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER  
35 OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT.

36 5. TO THE EXTENT PRACTICABLE, THE COMMISSIONER OF THE DEPARTMENT OF  
37 ECONOMIC DEVELOPMENT SHALL ENSURE THAT ALL MONIES RECEIVED DURING A  
38 FISCAL YEAR ARE EXPENDED PRIOR TO THE END OF THAT FISCAL YEAR.

39 S 3. This act shall take effect on the one hundred twentieth day after  
40 it shall have become a law; provided that any and all rules and regu-  
41 lations necessary to implement any provision of this act on its effec-  
42 tive date may be promulgated on or before the effective date of such  
43 provision.