

7391

I N S E N A T E

May 14, 2014

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

AN ACT to amend the vehicle and traffic law, the navigation law and the
state finance law, in relation to establishing and funding the dere-
lict vessel abatement fund

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

1 Section 1. Subdivision 3 of section 2251 of the vehicle and traffic
2 law, as amended by section 5 of part G of chapter 59 of the laws of
3 2009, is amended to read as follows:
4 3. Fees. A. The triennial fee for registration of a vessel shall be:
5 twenty-two dollars and fifty cents and a vessel surcharge of three
6 dollars and seventy-five cents, if less than sixteen feet in length;
7 forty-five dollars and a vessel surcharge of twelve dollars and fifty
8 cents, if sixteen feet or over but less than twenty-six feet in length;
9 seventy-five dollars and a vessel surcharge of eighteen dollars and
10 seventy-five cents, if twenty-six feet or over. All funds derived from
11 the collection of the vessel access surcharge pursuant to this subdivi-
12 sion are to be deposited in a subaccount of the "I love NY waterways"
13 vessel access account established pursuant to section ninety-seven-
14 nn of the state finance law. [The vessel access surcharge shall not be consid-
15 ered a registration fee for purposes of section seventy-nine-b of the
16 navigation law.]
17 B. Notwithstanding any inconsistent provision of this section, the
18 difference collected between the fees set forth in this subdivision in
19 effect on and after September first, two thousand nine and the fees set
20 forth in this subdivision prior to such date shall be deposited to the
21 credit of the [dedicated highway and bridge trust] DERELICT VESSEL
22 ABATEMENT fund.
23 C. Notwithstanding any inconsistent provision of this section, the
24 difference collected between the vessel surcharge set forth in this
25 subdivision in effect on and after September first, two thousand nine
26 and the vessel surcharge set forth in this subdivision in effect prior

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

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1 to such date shall be deposited to the credit of the [dedicated highway
2 and bridge trust] DERELICT VESSEL ABATEMENT fund.

3 S 2. Section 136 of the navigation law is amended to read as follows:

4 S 136. Detention of wreck. All sheriffs, and all persons employed by
5 them, and all other persons aiding and assisting in the recovery and
6 preservation of wrecked property, shall be entitled to a reasonable
7 allowance as salvage for their services, and to all expenses incurred by
8 them in the performance of such services, out of the property saved, and
9 the officer having the custody of such property shall detain the same
10 until such salvage and expenses shall be paid and the salvage claimed in
11 any case shall not exceed one-half of the value of the property or
12 proceeds, and every agreement, order or adjustment allowing a greater
13 salvage shall be void. IF ADDITIONAL EXPENSES ARE OWED, THE SHERIFF MAY
14 APPLY TO THE COMPTROLLER FOR PAYMENT FROM THE DERELICT VESSEL FUND
15 ESTABLISHED PURSUANT TO SECTION NINETY-NINE-W OF THE STATE FINANCE LAW.

16 S 3. The state finance law is amended by adding a new section 99-w to
17 read as follows:

18 S 99-W. DERELICT VESSEL ABATEMENT FUND. 1. THERE IS HEREBY ESTABLISHED
19 IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF
20 TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE "DERELICT VESSEL
21 ABATEMENT FUND".

22 2. THE FUND SHALL CONSIST OF FEES COLLECTED PURSUANT TO SECTION ONE
23 HUNDRED THIRTY-SIX OF THE NAVIGATION LAW.

24 3. MONEYS OF THE FUND, FOLLOWING APPROPRIATION BY THE LEGISLATURE,
25 SHALL BE MADE AVAILABLE TO COUNTY SHERIFFS ONLY FOR COSTS INCURRED WHEN
26 IMPLEMENTING ARTICLE TEN OF THE NAVIGATION LAW.

27 4. THE MONEYS OF THE FUND SHALL BE PAID OUT ON THE AUDIT AND WARRANT
28 OF THE COMPTROLLER. AT THE END OF EACH YEAR ANY MONEYS REMAINING IN THE
29 FUND SHALL BE RETAINED IN THE FUND AND SHALL NOT REVERT TO THE GENERAL
30 FUND. THE INTEREST AND INCOME EARNED ON MONEY IN THE FUND, AFTER
31 DEDUCTING ANY APPLICABLE CHARGES, SHALL BE CREDITED TO THE FUND.

32 S 4. This act shall take effect on the first of November next succeed-
33 ing the date upon which it shall have become a law.