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

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 derelict vessel abatement fund

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

Section 1. Subdivision 3 of section 2251 of the vehicle and traffic law, as amended by section 5 of part G of chapter 59 of the laws of 2009, is amended to read as follows:

3. Fees. A. The triennial fee for registration of a vessel shall be: twenty-two dollars and fifty cents and a vessel surcharge of three dollars and seventy-five cents, if less than sixteen feet in length; forty-five dollars and a vessel surcharge of twelve dollars and fifty cents, if sixteen feet or over but less than twenty-six feet in length; seventy-five dollars and a vessel surcharge of eighteen dollars and seventy-five cents, if twenty-six feet or over. All funds derived from the collection of the vessel access surcharge pursuant to this subdivision are to be deposited in a subaccount of the "I love NY waterways" vessel access account established pursuant to section ninety-seven-nn of the state finance law. [The vessel access surcharge shall not be considered a registration fee for purposes of section seventy-nine-b of the navigation law.]

B. Notwithstanding any inconsistent provision of this section, the difference collected between the fees set forth in this subdivision in effect on and after September first, two thousand nine and the fees set forth in this subdivision prior to such date shall be deposited to the credit of the [dedicated highway and bridge trust] DERELICT VESSEL ABATEMENT fund.

C. Notwithstanding any inconsistent provision of this section, the difference collected between the vessel surcharge set forth in this subdivision in effect on and after September first, two thousand nine 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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to such date shall be deposited to the credit of the [dedicated highway and bridge trust] DERELICT VESSEL ABATEMENT fund.

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

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

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

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

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

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

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

S 4. This act shall take effect on the first of November next succeeding the date upon which it shall have become a law.