

STATE OF NEW YORK

1703

2017-2018 Regular Sessions

IN SENATE

January 10, 2017

Introduced by Sen. PARKER -- 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, in relation to authorizing the creation of a lupus awareness license plate; and to amend the state finance law, in relation to creating the lupus research and education 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-y to read as follows:

3 § 404-y. Distinctive lupus awareness license plates. 1. Any person
4 residing in this state shall, upon request, be issued a distinctive
5 license plate in support of lupus awareness and research bearing the
6 phrase "Lupus Awareness". Application for said license plate shall be
7 filed with the commissioner in such form and detail as the commissioner
8 shall prescribe.

9 2. A distinctive plate issued pursuant to this section shall be issued
10 in the same manner as other number plates upon payment of the regular
11 registration fee prescribed by section four hundred one of this article;
12 provided, however, that an additional annual service charge of twenty-
13 five dollars shall be charged for such plates.

14 3. Each twenty-five dollars received as the annual service charge
15 under this section shall be deposited to the credit of the "lupus
16 research and education fund" established pursuant to section ninety-sev-
17 en-pppp of the state finance law and shall be used for research and
18 education programs undertaken pursuant to section ninety-seven-pppp of
19 the state finance law.

20 § 2. The state finance law is amended by adding a new section 97-pppp
21 to read as follows:

22 § 97-pppp. Lupus research and education fund. 1. There is hereby
23 established in the joint custody of the commissioner of taxation and

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

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1 finance and the comptroller a fund to be known as the "lupus research
2 and education fund".

3 2. Such fund shall consist of all revenues received pursuant to
4 section four hundred four-y of the vehicle and traffic law, and all
5 other moneys appropriated, credited or transferred thereto from any
6 other fund or source pursuant to law. Nothing contained in this section
7 shall prevent the state from receiving grants, gifts or bequests for the
8 purposes of the fund as defined in this section and depositing them into
9 the fund according to law.

10 2-a. On or before the first day of February each year, the comptroller
11 shall certify to the governor, temporary president of the senate, speak-
12 er of the assembly, chair of the senate finance committee and chair of
13 the assembly ways and means committee, the amount of money deposited in
14 the lupus research and education fund during the preceding calendar year
15 as the result of revenue derived pursuant to section four hundred four-y
16 of the vehicle and traffic law and from grants, gifts and bequests.

17 2-b. On or before the first day of February each year, the commission-
18 er of health shall provide a written report to the temporary president
19 of the senate, speaker of the assembly, chair of the senate finance
20 committee, chair of the assembly ways and means committee, chair of the
21 senate committee on health, chair of the assembly health committee, the
22 state comptroller and the public. Such report shall include how the
23 monies of the fund were utilized during the preceding calendar year, and
24 shall include:

25 (i) the amount of money disbursed from the fund and the award process
26 used for such disbursements;

27 (ii) recipients of awards from the fund;

28 (iii) the amount awarded to each;

29 (iv) the purposes for which such awards were granted; and

30 (v) a summary financial plan for such moneys which shall include esti-
31 mates of all receipts and all disbursements for the current and succeed-
32 ing fiscal years, along with the actual results from the prior fiscal
33 year.

34 3. Moneys of the fund shall be expended only for lupus research
35 projects and lupus education projects approved by the department of
36 health in New York state. As used in this section, the term "lupus
37 research project" means scientific research approved by the department
38 of health into the causes and/or treatment of lupus, and the term "lupus
39 education project" means a project approved by the department of health
40 aimed toward educating the general public about the causes, symptoms,
41 and treatment of lupus.

42 4. Moneys shall be payable from the fund on the audit and warrant of
43 the comptroller on vouchers approved and certified by the commissioner
44 of health.

45 5. To the extent practicable, the commissioner of health shall ensure
46 that all moneys received during a fiscal year are expended prior to the
47 end of that fiscal year.

48 § 3. 1. A distinctive plate established pursuant to section 404-y of
49 the vehicle and traffic law shall only be designed, produced and issued
50 upon the delivery to the department of motor vehicles of a surety bond
51 in the amount of six thousand dollars, which shall be executed by a
52 surety company authorized by the department of financial services to
53 transact business in this state. Provided, however, that if the commis-
54 sioner of motor vehicles shall have received prior to plate design,
55 production and issuance at least two hundred orders for such distinctive
56 plate together with the additional annual service charge applicable to

1 each such order, which shall be non-refundable, no such surety bond
2 shall be required. All service charges collected pursuant to this
3 section shall be deposited pursuant to the provisions of section 404-00
4 of the vehicle and traffic law to the credit of the department of motor
5 vehicles distinctive plate development fund established by section 95-g
6 of the state finance law and shall be used for the design, production,
7 advertising and distribution of distinctive license plates in accordance
8 with such section 95-g.

9 2. If, upon the expiration of two years following the date upon which
10 distinctive plates in the series are first available for sale two
11 hundred or more sets of such plates are sold, a bond delivered pursuant
12 to this section shall be discontinued. If fewer than two hundred sets of
13 such plates are sold by such time, the department of motor vehicles
14 shall be entitled to recover against the bond in an amount proportionate
15 to such shortfall.

16 § 4. This act shall take effect on the one hundred eightieth day after
17 it shall have become a law; provided, however, that section three of
18 this act shall take effect immediately; and provided further, however
19 that effective immediately, the addition, amendment and/or repeal of any
20 rule or regulation necessary for the implementation of this act on its
21 effective date are authorized and directed to be made and completed on
22 or before such effective date.