

STATE OF NEW YORK

8020--A

IN SENATE

March 20, 2018

Introduced by Sens. O'MARA, ADDABBO, CROCI, FUNKE, GALLIVAN, GOLDEN, HELMING, KENNEDY, LARKIN, MARCHIONE, PERALTA, VALESKY, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to creating the distinctive Red Cross Spirit of Service license plates; and to amend the state finance law, in relation to the creation of the "disaster relief and emergency preparedness 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-ee to read as follows:

3 § 404-ee. Distinctive "Red Cross Spirit of Service" license plates. 1.
4 Any person residing in this state shall, upon request, be issued a
5 distinctive license plate in support of disaster relief and emergency
6 preparedness bearing the phrase "Red Cross Spirit of Service". Applica-
7 tion for said license plate shall be filed with the commissioner in such
8 form and detail as the commissioner 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 "disaster
16 relief and emergency preparedness fund" established pursuant to section
17 ninety-three-aa of the state finance law and shall be used for disaster
18 relief and emergency preparedness programs undertaken pursuant to
19 section ninety-three-aa of the state finance law.

20 § 2. The state finance law is amended by adding a new section 93-aa to
21 read as follows:

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

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1 § 93-aa. Disaster relief and emergency preparedness fund. 1. There is
2 hereby established in the joint custody of the commissioner of taxation
3 and finance and the comptroller, a special fund to be known as the
4 "disaster relief and emergency preparedness fund".

5 2. Such fund shall consist of all revenues received by the department
6 of motor vehicles pursuant to section four hundred four-ee of the vehi-
7 cle and traffic law, as added by the chapter of the laws of two thousand
8 eighteen that added this section, and all other moneys appropriated,
9 credited, or transferred thereto from any other fund or source pursuant
10 to law. Nothing contained in this section shall prevent the state from
11 receiving grants, gifts or bequests for the purposes of the fund as
12 defined in this section and depositing them into the fund according to
13 law. Any interest received by the comptroller on moneys on deposit in
14 such fund shall be retained in and become part of such fund.

15 2-a. On or before the first day of February each year, the commission-
16 er of the division of homeland security and emergency services shall
17 provide a written report to the temporary president of the senate,
18 speaker of the assembly, chair of the senate finance committee, chair of
19 the assembly ways and means committee, chair of the senate committee on
20 investigations and governmental operations, chair of the assembly
21 governmental operations committee, the state comptroller and the public.
22 Such report shall include how the monies of the fund were utilized
23 during the preceding calendar year, and shall include:

24 (a) the amount of money dispersed from the fund and the award process
25 used for such disbursements;

26 (b) recipients of awards from the fund;

27 (c) the amount awarded to each;

28 (d) the purposes for which such awards were granted; and

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

33 3. Moneys in such fund shall be expended only to provide grants to
34 emergency services organizations for the purpose of developing, imple-
35 menting, and executing disaster preparedness and emergency response
36 programs approved by the division of homeland security and emergency
37 services. For the purposes of this section, the term "emergency services
38 organization" shall have the same meaning as such term is defined by
39 subdivision two of section twenty of the executive law.

40 4. Monies shall be payable from the fund on the audit and warrant of
41 the comptroller on vouchers approved and certified by the commissioner
42 of the division of homeland security and emergency services.

43 5. To the extent practicable, the commissioner of the division of
44 homeland security and emergency services shall ensure that all monies
45 received during a fiscal year are expended prior to the end of that
46 fiscal year.

47 § 3. 1. A distinctive plate established pursuant to section 404-ee of
48 the vehicle and traffic law shall only be designed, produced and issued
49 upon the delivery to the department of motor vehicles of a surety bond
50 in the amount of six thousand dollars, which shall be executed by a
51 surety company authorized by the department of financial services to
52 transact business in this state. Provided, however, that if the commis-
53 sioner of motor vehicles shall have received prior to plate design,
54 production and issuance at least two hundred orders for such distinctive
55 plate together with the additional annual service charge applicable to
56 each such order, which shall be non-refundable, no such surety bond

1 shall be required. All service charges collected pursuant to this
2 section shall be deposited pursuant to the provisions of section 404-oo
3 of the vehicle and traffic law to the credit of the department of motor
4 vehicles distinctive plate development fund established by section 95-g
5 of the state finance law and shall be used for the design, production,
6 advertising and distribution of distinctive license plates in accordance
7 with such section 95-g.

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

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