STATE OF NEW YORK

758

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

Introduced by M. of A. PRETLOW -- 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:

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

§ 404-y. Issuance of distinctive "The Westchester Way" license plates. 1. Any person residing in this state shall, upon request, be issued a distinctive "The Westchester Way" license plate. The design of such distinctive plate shall be developed by the commissioner in cooperation with the Westchester county office of tourism, a recognized tourism promotion agency pursuant to section one hundred sixty-three of the economic development law, and shall utilize the "The Westchester Way" logo, as well as any other language or information appropriate to the promotion of tourism for the county of Westchester. Application for said license plate shall be filed with the commissioner in such form and detail as the commissioner shall prescribe.

2. A distinctive "The Westchester Way" license plate issued pursuant to this section shall be issued in the same manner as other number plates upon the payment of the regular registration fees prescribed by section four hundred one of this article; provided, however, that an additional annual service charge of twenty-five dollars shall be charged for such plate. Such annual service charge shall be deposited pursuant to the provisions of section four hundred four-oo of this article, to the credit of the department of motor vehicles distinctive plate development fund established by section ninety-five-g of the state finance 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.

LBD05209-01-7

marketing of distinctive license plates pursuant to such section ninety-five-g; provided, however, that annual service charges collected in excess of six thousand dollars shall be deposited to the credit of "The New York state 'The Westchester Way' fund" established pursuant to section ninety-seven-pppp of the state finance law and shall be used for tourism promotion projects pursuant to such section ninety-seven-pppp within the county of Westchester.

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

§ 97-pppp. The New York state "The Westchester Way fund". 1. There is hereby established in the joint custody of the commissioner of taxation and finance and the comptroller a special fund to be known as the New York state "The Westchester Way fund".

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

3. Monies of the fund shall be expended only for tourism promotion projects which promote tourism in the county of Westchester. Monies of the fund shall be available for tourism promotion purposes, exclusive of administrative expenses, to an entity designated by local law of the county of Westchester as responsible for tourism promotion for the county of Westchester; provided, however, that such designated entity shall cause to be developed annually a plan for tourism promotion approved by the commissioner of the department of economic development. Such tourism promotion plan shall include, but not be limited to, proposed expenditures for tourism promotion projects promoting tourism in the county of Westchester and evidence that such plan will not duplicate tourism promotion conducted by the local tourism promotion agency.

4. Monies shall be payable from the fund on the audit and warrant of the comptroller, on vouchers approved and certified by the commissioner of the department of economic development.

5. To the extent practicable, the commissioner of the department of economic development shall ensure that all monies received during a fiscal year are expended prior to the end of that fiscal year.

§ 3. 1. A distinctive plate established pursuant to section 404-y of the vehicle and traffic law as added by section one of this act shall only be designed, produced and issued upon the delivery to the department of motor vehicles of a surety bond in the amount of six thousand dollars, which shall be executed by a surety company authorized by the department of financial services to transact business in this state. Provided, however, that if the commissioner shall have received prior to the plate design, production and issuance at least two hundred orders for such distinctive plate together with the additional annual service charge applicable to each such order, which shall be non-refundable, no such surety bond shall be required. All such service charges shall be deposited pursuant to the provisions of section four hundred four-oo of the vehicle and traffic law to the credit of The New York state "The Westchester Way fund" established by section ninety-seven-pppp of the state finance law and shall be used for the design, production, advertising and distribution of distinctive license plates in accordance with such section ninety-seven-pppp.

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

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