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:

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

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

2. A distinctive plate issued pursuant to this section shall be issued in the same manner as other number plates upon payment of the regular registration fee 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 plates.

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

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

§ 97-pppp. Lupus research and education fund. 1. There is hereby 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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finance and the comptroller a fund to be known as the "lupus research and education fund".

2. Such fund shall consist of all revenues received pursuant to 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.

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

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

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

(ii) recipients of awards from the fund;

(iii) the amount awarded to each;

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

(v) a summary financial plan for such moneys which shall include estimates of all receipts and all disbursements for the current and succeeding fiscal years, along with the actual results from the prior fiscal year.

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

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

5. To the extent practicable, the commissioner of health shall ensure that all moneys 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 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 of motor vehicles shall have received prior to 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 service charges collected pursuant to this section shall be deposited pursuant to the provisions of section 404-oo of the vehicle and traffic law to the credit of the department of motor vehicles distinctive plate development fund established by section 95-g 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 95-g.

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 of motor vehicles 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; and 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.