

# STATE OF NEW YORK

5419

2023-2024 Regular Sessions

## IN SENATE

March 3, 2023

Introduced by Sens. KENNEDY, BRESLIN, MANNION, RYAN -- 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 and the parks, recreation and historic preservation law, in relation to fees for snowmobile trail development and maintenance

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 4-a of section 2222 of the vehicle and traffic  
2 law, as amended by chapter 609 of the laws of 2005, is amended to read  
3 as follows:  
4 4-a. Additional fee. In addition to the other fees provided for in  
5 paragraphs (a), (b) and (c) of subdivision four of this section the  
6 commissioner shall, upon application in such cases for the registration  
7 of a snowmobile or the renewal thereof, collect the annual [~~ninety~~] one  
8 hundred twenty-five dollar fee for residents and [~~ninety~~] one hundred  
9 twenty-five dollar fee for nonresidents and a [~~thirty-five~~] fifty-five  
10 dollar fee for residents and [~~thirty-five~~] fifty-five dollar fee for  
11 nonresidents who provide proof, at the time of registration, that such  
12 individual is a member of an organized New York state snowmobile club  
13 that is a member of the New York state snowmobile association or is a  
14 member of an organized New York state snowmobile club that is a trail  
15 maintenance entity and a member of the New York state snowmobile associ-  
16 ation which are imposed by section 21.07 of the parks, recreation and  
17 historic preservation law. In the event that an individual seeking snow-  
18 mobile club membership is unable, for any reason, to secure such club  
19 membership, he or she may contact the New York state snowmobile associ-  
20 ation, who shall secure such membership for such person. This fee shall  
21 also be collected from dealers at the time of original registration and  
22 at the time of each renewal. The commissioner shall effectuate regu-  
23 lations regarding what is required as proof of membership in an organ-

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

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1 ized New York state snowmobile club that is a trail maintenance entity  
2 and a member of the New York state snowmobile association for the  
3 purposes of this subdivision.

4 § 2. Section 21.07 of the parks, recreation and historic preservation  
5 law, as amended by chapter 609 of the laws of 2005, is amended to read  
6 as follows:

7 § 21.07 Fee for snowmobile trail development and maintenance. 1. A  
8 fee of [~~ninety~~] one hundred twenty-five dollars is hereby imposed upon  
9 the resident, and [~~ninety~~] one hundred twenty-five dollars upon the  
10 nonresident, owner of a snowmobile for the snowmobile trail development  
11 and maintenance fund to be paid to the commissioner of motor vehicles  
12 upon the registration thereof in addition to the registration fee  
13 required by the vehicle and traffic law, the payment of which fee hereby  
14 imposed shall be a condition precedent to such individual resident,  
15 individual nonresident or dealer registration.

16 2. Notwithstanding the fee as established in subdivision one of this  
17 section, an individual resident or nonresident registering a snowmobile  
18 who provides proof at the time of registration, that such individual is  
19 a member of an organized New York state snowmobile club that is a member  
20 of the New York state snowmobile association or is a member of an organ-  
21 ized New York state snowmobile club that is a trail maintenance entity  
22 and a member of the New York state snowmobile association, shall pay  
23 [~~thirty-five~~] fifty-five dollars for each snowmobile for the snowmobile  
24 trail development and maintenance fund in addition to the registration  
25 required by the vehicle and traffic law. In the event that an individual  
26 seeking snowmobile club membership is unable, for any reason, to secure  
27 such club membership, he or she may contact the New York state snowmo-  
28 bile association, who shall secure such membership for such person.

29 § 3. Subdivisions 3 and 5 of section 27.17 of the parks, recreation  
30 and historic preservation law, subdivision 3 as amended by section 2 of  
31 part G of chapter 82 of the laws of 2002 and subdivision 5 as amended by  
32 chapter 88 of the laws of 1988, are amended to read as follows:

33 3. Every county or, where applicable, any city, town or village within  
34 such county, shall be eligible for a grant for the development and main-  
35 tenance of a system of snowmobile trails and a program with relation  
36 thereto within its boundaries. Such grants shall be made by the commis-  
37 sioner and may constitute up to one hundred percent of the cost of such  
38 program including expenditures incurred for signs and markers of snowmo-  
39 bile trails. Any county or, where applicable, any city, town or village  
40 within such county, applying for such grant shall submit to the commis-  
41 sioner by September first of each year an [~~estimate of such expenditures~~  
42 ~~for the current fiscal year,~~] application in such form and containing  
43 such information as the commissioner may require. No city, town or  
44 village may apply for such grant where the county within which it is  
45 contained has submitted an application for the same fiscal year. For the  
46 purpose of this section, "fiscal year" shall mean the period from April  
47 first through March thirty-first. The commissioner shall review all such  
48 applications and shall determine the amount of state aid to be allocated  
49 to each county or, where applicable, any city, town or village within  
50 such county in accordance with the provisions of subdivision five of  
51 this section. Of the amount the commissioner determines each county or,  
52 where applicable, any city, town or village within such county is eligi-  
53 ble to receive, seventy percent shall be made available for distribution  
54 by November first and thirty percent for distribution upon demonstration  
55 of completion, submitted by June first[~~, of the program~~] following the  
56 project year, or such date as contained in the application.

1 5. The amount of state aid to be allocated to each county or, where  
2 applicable, any city, town or village within such county, shall be drawn  
3 upon the monies remaining in the snowmobile trail development and main-  
4 tenance fund after withdrawal pursuant to subdivisions two and four of  
5 this section and shall be determined by the commissioner as hereinafter  
6 provided. ~~[The commissioner shall determine the percentage proportion~~  
7 ~~which the authorized expenditures of each individual county or, where~~  
8 ~~applicable, any city, town or village within such county shall bear to~~  
9 ~~the total authorized expenditures of all the counties, cities, towns or~~  
10 ~~villages for snowmobile trail development and maintenance pursuant to~~  
11 ~~this section during the fiscal year. Such percentage proportion shall~~  
12 ~~then be applied against the amount received in additional fees imposed~~  
13 ~~by section 21.07 of this chapter for registration of snowmobiles during~~  
14 ~~such fiscal year, to the extent only and not exceeding the balance of~~  
15 ~~such fund remaining after the payment of expenses as set forth in this~~  
16 ~~section. The amount thus determined shall constitute the maximum amount~~  
17 ~~of state aid to which each county or, where applicable, any city, town~~  
18 ~~or village within such county, shall be entitled. The commissioner shall~~  
19 ~~certify to the comptroller the amount thus determined for each county~~  
20 ~~or, where applicable, any city, town or village within such county, as~~  
21 ~~the amount of state aid to be apportioned to such county or, where~~  
22 ~~applicable, any city, town or village within such county.]~~ The commis-  
23 sioner shall estimate an amount that is available for state aid, and  
24 shall define and establish a base rate per mile of trail, which shall  
25 constitute the base grant to each local sponsor. For the purposes of  
26 this section, local sponsor shall mean a county engaging and assisting  
27 in the development and maintenance of a system of snowmobile trails and  
28 a program with relation thereto within its boundaries to encourage safe-  
29 ty, tourism and utilization, or in the event a county does not undertake  
30 such a program or system of trails, any city, town or village within  
31 such county which undertakes the same. Such state aid shall be provided  
32 as described in subdivision one of this section. The commissioner shall  
33 pay over to the municipal sponsor the thirty percent of the outstanding  
34 base grant upon completion of the project. The commissioner, in consul-  
35 tation with the division of budget, may pay expenses in excess of the  
36 base grant when the municipal sponsor can demonstrate that approved  
37 expenses exceeded amounts provided for in the combined payments, and  
38 additional funds are available from the snowmobile trail development and  
39 maintenance fund. The commissioner shall calculate all expenses submit-  
40 ted in excess of the base grant and may distribute additional aid on a  
41 prorated basis to support such expenses.

42 § 4. This act shall take effect on the ninetieth day after it shall  
43 have become a law. Effective immediately, the addition, amendment and/or  
44 repeal of any rule or regulation necessary for the implementation of  
45 this act on its effective date are authorized to be made and completed  
46 on or before such effective date.