

# STATE OF NEW YORK

7710

2023-2024 Regular Sessions

## IN ASSEMBLY

June 6, 2023

Introduced by M. of A. DURSO -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to authorizing the creation of a brain tumor awareness license plate; and to amend the state finance law, in relation to creating the brain tumor 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-ff to read as follows:

3 § 404-ff. Distinctive brain tumor awareness license plates. 1. Any  
4 person residing in this state shall, upon request, be issued a distinc-  
5 tive license plate in support of brain tumor awareness and research  
6 bearing the phrase "Brain Tumor Awareness". Applications for said  
7 license plate shall be filed with the commissioner in such form and  
8 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 service charge of twenty-five  
13 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 "brain tumor  
16 research and education fund" established pursuant to section ninety-  
17 nine-rr of the state finance law and shall be used to fund research and  
18 education programs undertaken pursuant to section ninety-nine-rr of the  
19 state finance law.

20 § 2. The state finance law is amended by adding a new section 99-rr to  
21 read as follows:

22 § 99-rr. Brain tumor 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.

LBD11689-01-3

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

3 2. Such fund shall consist of all revenues received pursuant to  
4 section four hundred four-ff 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 3. 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 brain tumor research and education fund during the preceding calen-  
15 dar year as the result of revenue derived pursuant to section four  
16 hundred four-ff of the vehicle and traffic law and from grants, gifts  
17 and bequests.

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

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

28 (ii) recipients of awards from the fund;

29 (iii) the amount awarded to each recipient;

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

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

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

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

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

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

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

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

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