STATE OF NEW YORK

4325

2023-2024 Regular Sessions

IN SENATE

February 7, 2023

Introduced by Sen. LANZA -- 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 establishing distinctive "POW-MIA" license plates; and to amend the state finance law, in relation to establishing the "POW-MIA awareness 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-ff to read as follows:

§ 404-ff. Distinctive "POW-MIA" license plates. 1. Any person residing in this state shall, upon request, be issued a distinctive "POW-MIA" motor vehicle or motorcycle license plate of a design approved by the commissioner. Application for said license plate shall be filed 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 the 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 plate. Such additional service charge shall be deposited pursuant to 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 marketing of distinctive number plates; provided, however, that additional annual service charges collected in excess of six thousand dollars shall be deposited to the credit of the POW-MIA awareness fund established pursuant to section ninety-seven-ccc of the state finance law.

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

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

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§ 97-ccc. POW-MIA awareness fund. 1. There is hereby established in the joint custody of the commissioner of taxation and finance and the state comptroller, a special fund to be known as the "POW-MIA awareness fund".

2. Such fund shall consist of all moneys collected pursuant to section four hundred four-ff of the vehicle and traffic law, and all other moneys appropriated, credited or transferred thereto from any other fund or source pursuant to law.

3. Moneys of the fund shall be expended only for POW-MIA public education and awareness campaigns and veteran services by Rolling Thunder New York chapters, which are approved by the New York state division of veterans' services.

4. Monies shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the state director of veterans' services.

§ 3. 1. A distinctive plate established pursuant to section 404-ff 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 of motor vehicles 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 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 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. 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 to be made and completed on or before such effective date.