§ 363. Expenses of administering article. 1. The total amount of expenses incurred in connection with the administration of this article shall be paid by all insurance carriers which issue policies or contracts of automobile bodily injury insurance risks subject to this article resident or located in this state in accordance with the provisions of this section.

2. Estimate of expenses. (a) The commissioner annually, as soon as practicable, shall estimate the total amount of expenses which shall be incurred during the succeeding fiscal year in connection with the administration of this article. Such expenses, in addition to the direct costs of personal service, shall include the costs of maintence and operation, the cost of retirement contributions made and workers' compensation premiums paid by the state for or on account of personnel, rentals for space occupied in state-owned or state-leased buildings, the amounts paid to a city, county, town, village or the division of state police for the enforcement of orders issued pursuant to this article and all other direct or indirect costs.

(b) The commissioner shall on or before February first assess the total amount of such expenses, as so estimated, pro rata upon all insurance carriers subject to the provisions of this section in proportion to the premiums reported by such carriers to the department of financial services for policies or contracts of automobile bodily injury insurance on risks subject to this article resident or located in this state for the year prior to the previous calendar year.

(c) For fiscal years beginning on or after April first, nineteen hundred eighty-three, each such insurance carrier shall make partial payments of the assessment levied against it as follows, one-quarter of the total on March tenth of the preceding fiscal year, one-quarter on June tenth, one-quarter on September tenth, and the balance on December tenth of the fiscal year, or on such other dates as the director of the budget may prescribe. Provided, however, that the payment due March tenth, nineteen hundred eighty-three for the fiscal year beginning April first, nineteen hundred eighty-three shall not be required to be paid until June tenth, nineteen hundred eighty-three. If the total amount due from any such carrier is less than one hundred dollars, partial payments shall not be made and the total amount shall be paid on or before

September thirtieth of the fiscal year.

3. Final assessment. (a) The commissioner and the comptroller annually, as soon as practicable after April first, shall ascertain the total amount of expenses incurred during the preceding fiscal year in connection with the administration of this article. An itemized statement of the expenses so ascertained shall be open to public inspection in the office of the commissioner for thirty days after notice to those liable to be assessed for such expenses.

(b) As soon as practicable after January first, each insurance carrier subject to the provisions of this section shall file with the commissioner a report of the total amount of gross direct premiums, less return premiums thereon received during the preceding calendar year for policies or contracts of automobile bodily injury insurance on risks subject to this article resident or located in this state.

(c) The commissioner shall then determine the amount of expenses due from each insurance carrier subject to the provisions of this section based upon the final determination of total expenses and the final amount of premiums filed by the insurance carriers and shall notify each such insurance carrier of such assessment. Within thirty days of receipt of such notification each such carrier shall pay the total amount of such assessment less the total amount paid as a result of the estimated assessments. If the total amount of the final assessment is less than the amount already paid, such excess payment shall be refunded to such insurance carrier or at the option of the assessed applied to assessments for the succeeding fiscal year as requested by such insurance carrier.

4. The commissioner shall levy and collect such assessments and pay the same into the state treasury, subject to the provisions of section one hundred twenty-one of the state finance law.