

7486

I N S E N A T E

April 14, 2010

Introduced by Sen. DILAN -- 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 certifications of disability for severely disabled persons to obtain certain motor vehicle registrations, plates and permits

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The opening paragraph and paragraph (c) of subdivision 4
2 and paragraph (b) of subdivision 5 of section 404-a of the vehicle and
3 traffic law, as amended by chapter 228 of the laws of 2008, are amended
4 and a new subdivision 4-b is added to read as follows:
5 The commissioner shall issue sets of plates to such person in accord-
6 ance with subdivision two of this section with proof of such disability
7 of such person or such members of his family certified by a physician,
8 physician assistant or nurse practitioner, to the extent authorized by
9 law, including the education law, and consistent with any applicable
10 written practice agreement, or podiatrist pursuant to subdivision four-a
11 of this section OR OPTOMETRIST PURSUANT TO SUBDIVISION FOUR-B OF THIS
12 SECTION, to the satisfaction of the commissioner who is empowered to
13 carry out the effects of this section by formulating rules and regu-
14 lations.
15 (c) Has a physical or mental impairment or condition which is other
16 than those specified above, but is of such nature as to impose unusual
17 hardship in utilization of public transportation facilities and such
18 condition is certified by a physician, physician assistant or nurse
19 practitioner, to the extent authorized by law, including the education
20 law, and consistent with any applicable written practice agreement, duly
21 licensed to practice medicine in this state, or, pursuant to subdivision
22 four-a of this section, a podiatrist duly licensed to practice podiatry
23 in this state OR, PURSUANT TO SUBDIVISION FOUR-B OF THIS SECTION, AN
24 OPTOMETRIST DULY LICENSED TO PRACTICE OPTOMETRY IN THIS STATE, as
25 constituting an equal degree of disability (specifying the particular
26 condition) so as to prevent such person from getting around without
27 great difficulty in accordance with subdivision two of this section; or

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

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1 (b) The commissioner may require the applicant for registration to
2 furnish such proof of his disability or such proof of disability of such
3 members of his family from a physician, physician assistant or nurse
4 practitioner, to the extent authorized by law, including the education
5 law, and consistent with any applicable written practice agreement, or
6 podiatrist pursuant to subdivision four-a of this section OR OPTOMETRIST
7 PURSUANT TO SUBDIVISION FOUR-B OF THIS SECTION, as the commissioner
8 deems necessary either for initial registration or renewal thereof;
9 provided, however, that a handicapped or disabled permit issued by a
10 municipality to such applicant pursuant to section twelve hundred
11 three-a of this chapter shall be deemed sufficient proof of disability
12 for purposes of this paragraph.

13 4-B. CERTIFICATION OF DISABILITY BY AN OPTOMETRIST. AN OPTOMETRIST
14 DULY LICENSED TO PRACTICE OPTOMETRY IN THIS STATE MAY CERTIFY ONLY THOSE
15 CONDITIONS WHICH HE OR SHE TREATS IN THE COURSE OF THE PRACTICE OF OPTO-
16 METRY, AS DEFINED IN SECTION SEVENTY-ONE HUNDRED ONE OF THE EDUCATION
17 LAW.

18 S 2. Paragraph (i) of subdivision 1 and subdivision 3 of section
19 1203-a of the vehicle and traffic law, paragraph (i) of subdivision 1 as
20 amended by chapter 180 of the laws of 1996 and subdivision 3 as amended
21 by chapter 220 of the laws of 1984, are amended to read as follows:

22 (i) any resident of New York state who is a severely disabled person,
23 as defined in subdivision three of section four hundred four-a of this
24 chapter, upon application of such person or such person's parent or
25 guardian, provided, however, that an issuing agent shall issue permits
26 only to residents of the city, town or village in which such issuing
27 agent is located, except that, an issuing agent, in his or her
28 discretion, may issue a permit to a severely disabled person who is not
29 a resident of the city, town, or village in which such issuing agent is
30 located where such person resides in a city, town, or village in which
31 the governing body has not appointed an issuing agent; and an issuing
32 agent, in his or her discretion, may issue a temporary special vehicle
33 identification parking permit, as authorized by subdivision three of
34 this section, to a person who is temporarily unable to ambulate without
35 the aid of an assisting device, as certified by a physician OR AN OPTO-
36 METRIST PURSUANT TO SUBDIVISION FOUR-B OF SECTION FOUR HUNDRED FOUR-A OF
37 THIS CHAPTER, who resides in a city, town, or village in which the issu-
38 ing agent does not issue temporary special vehicle identification park-
39 ing permits, or who is not a resident of the United States and is tempo-
40 rarily visiting the state; or

41 3. Notwithstanding any provision of this chapter to the contrary, any
42 municipality may issue a temporary special vehicle identification park-
43 ing permit to any person who is temporarily unable to ambulate without
44 the aid of an assisting device, as certified by a physician OR AN OPTO-
45 METRIST PURSUANT TO SUBDIVISION FOUR-B OF SECTION FOUR HUNDRED FOUR-A OF
46 THIS CHAPTER. Such temporary special vehicle identification parking
47 permit shall be valid for not more than six months and shall be recog-
48 nized statewide.

49 S 3. This act shall take effect on the thirtieth day after it shall
50 have become a law.