

5618

2013-2014 Regular Sessions

I N S E N A T E

May 29, 2013

Introduced by Sen. BOYLE -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the civil rights law, in relation to the rights of persons with disabilities in public places and places of public accommodation

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

1 Section 1. Subdivision 2 of section 47 of the civil rights law is
2 renumbered subdivision 7 and five new subdivisions 2, 3, 4, 5 and 6 are
3 added to read as follows:
4 2. A PERSON WITH A DISABILITY HAS THE SAME RIGHTS AS OTHER PERSONS TO
5 THE FULL AND FREE USE OF THE STREETS, HIGHWAYS, SIDEWALKS, WALKWAYS,
6 PUBLIC BUILDINGS, PUBLIC FACILITIES, AND OTHER PUBLIC PLACES.
7 3. A PERSON WITH A DISABILITY IS ENTITLED TO FULL AND EQUAL ACCOMMO-
8 DATIONS, ADVANTAGES, FACILITIES, AND PRIVILEGES OF ALL COMMON CARRIERS,
9 AIRPLANES, MOTOR VEHICLES, RAILROAD TRAINS, MOTOR BUSES, STREETCARS,
10 SUBWAYS, BOATS OR ANY OTHER PUBLIC CONVEYANCES OR MODES OF TRANSPORTA-
11 TION, RESTAURANTS, HOTELS, LODGING PLACES, PLACES OF PUBLIC ACCOMMO-
12 DATION, AMUSEMENT OR RESORT, PUBLIC ENTITIES INCLUDING SCHOOLS, AND
13 OTHER PLACES TO WHICH THE GENERAL PUBLIC IS INVITED SUBJECT ONLY TO THE
14 CONDITIONS AND LIMITATIONS ESTABLISHED BY LAW AND APPLICABLE ALIKE TO
15 ALL PERSONS.
16 4. EACH TOWN, CITY OR COUNTY, INDIVIDUALLY OR THROUGH TRANSPORTATION
17 DISTRICT COMMISSIONS, SHALL ENSURE THAT PERSONS WITH DISABILITIES HAVE
18 ACCESS TO THE PUBLIC TRANSPORTATION WITHIN ITS JURISDICTION BY EITHER
19 (I) USE OF THE SAME TRANSPORTATION FACILITIES OR CARRIERS AVAILABLE TO
20 THE GENERAL PUBLIC OR (II) PROVISION OF PARATRANSIT OR SPECIAL TRANSPOR-
21 TATION SERVICES FOR PERSONS WITH DISABILITIES OR (III) BOTH. ALL PERSONS
22 WITH DISABILITIES IN THE JURISDICTION'S SERVICE AREA WHO, BY REASON OF
23 THEIR DISABILITIES, ARE UNABLE TO USE THE SERVICE FOR THE GENERAL PUBLIC

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

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1 SHALL BE ELIGIBLE TO USE SUCH PARATRANSIT OR SPECIAL TRANSPORTATION
2 SERVICE. NO FEE THAT EXCEEDS THE FEE CHARGED TO THE GENERAL PUBLIC SHALL
3 BE CHARGED A PERSON WITH A DISABILITY FOR THE USE OF THE SAME TRANSPOR-
4 TATION FACILITIES OR CARRIERS AVAILABLE TO THE GENERAL PUBLIC. PARATRAN-
5 SIT OR SPECIAL TRANSPORTATION SERVICE FOR PERSONS WITH DISABILITIES MAY
6 CHARGE FEES TO SUCH PERSONS COMPARABLE TO THE FEES CHARGED TO THE GENER-
7 AL PUBLIC FOR SIMILAR SERVICE IN THE JURISDICTION SERVICE AREA, TAKING
8 INTO ACCOUNT ESPECIALLY THE TYPE, LENGTH AND TIME OF TRIP. ANY VARIANCE
9 BETWEEN SPECIAL SERVICE AND REGULAR SERVICE FARES SHALL BE JUSTIFIABLE
10 IN TERMS OF ACTUAL DIFFERENCES BETWEEN THE TWO KINDS OF SERVICE
11 PROVIDED.

12 5. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE RETROFITTING
13 OF ANY PUBLIC TRANSIT EQUIPMENT OR TO REQUIRE THE RETROFITTING, RENO-
14 VATION, OR ALTERATION OF BUILDINGS OR PLACES TO A DEGREE MORE STRINGENT
15 THAN THAT REQUIRED BY THE APPLICABLE BUILDING CODE IN EFFECT AT THE TIME
16 THE BUILDING PERMIT FOR SUCH BUILDING OR PLACE IS ISSUED.

17 6. EVERY TOTALLY OR PARTIALLY BLIND PERSON SHALL HAVE THE RIGHT TO BE
18 ACCOMPANIED BY A DOG, IN HARNESS, TRAINED AS A GUIDE DOG, EVERY DEAF OR
19 HEARING-IMPAIRED PERSON SHALL HAVE THE RIGHT TO BE ACCOMPANIED BY A DOG
20 TRAINED AS A HEARING DOG ON A BLAZE ORANGE LEASH, AND EVERY MOBILITY-IM-
21 PAIRED PERSON OR PERSON DIAGNOSED AS BEING ON THE AUTISM SPECTRUM OR
22 OTHERWISE DISABLED PERSON SHALL HAVE THE RIGHT TO BE ACCOMPANIED BY A
23 DOG, TRAINED AS A SERVICE DOG, IN A HARNESS, BACKPACK, OR VEST IDENTIFY-
24 ING THE DOG AS A TRAINED SERVICE DOG, IN ANY OF THE PLACES LISTED IN
25 SUBDIVISION THREE OF THIS SECTION WITHOUT BEING REQUIRED TO PAY AN EXTRA
26 CHARGE FOR THE DOG, PROVIDED THAT HE SHALL BE LIABLE FOR ANY DAMAGE DONE
27 TO THE PREMISES OR FACILITIES BY SUCH DOG. THE PROVISIONS OF THIS
28 SECTION SHALL APPLY TO PERSONS ACCOMPANIED BY A DOG THAT IS IN TRAINING,
29 AT LEAST SIX MONTHS OF AGE, AND IS (I) IN HARNESS, PROVIDED SUCH PERSON
30 IS AN EXPERIENCED TRAINER OF GUIDE DOGS OR IS CONDUCTING CONTINUING
31 TRAINING OF A GUIDE DOG; (II) ON A BLAZE ORANGE LEASH, PROVIDED SUCH
32 PERSON IS AN EXPERIENCED TRAINER OF HEARING DOGS OR IS CONDUCTING
33 CONTINUING TRAINING OF A HEARING DOG; (III) IN A HARNESS, BACKPACK, OR
34 VEST IDENTIFYING THE DOG AS A TRAINED SERVICE DOG, PROVIDED SUCH PERSON
35 IS AN EXPERIENCED TRAINER OF SERVICE DOGS OR IS CONDUCTING CONTINUING
36 TRAINING OF A SERVICE DOG; (IV) WEARING A JACKET IDENTIFYING THE RECOG-
37 NIZED GUIDE, HEARING OR SERVICE DOG ORGANIZATION, PROVIDED SUCH PERSON
38 IS AN EXPERIENCED TRAINER OF THE ORGANIZATION IDENTIFIED ON THE JACKET;
39 OR (V) THE PERSON IS PART OF A THREE-UNIT SERVICE DOG TEAM AND IS
40 CONDUCTING CONTINUING TRAINING OF A SERVICE DOG.

41 S 2. This act shall take effect immediately.