S T A T E  O F  N E W  Y O R K

893

2009-2010 Regular Sessions

I N  A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to allowing chiropractors to certify disabilities for severely disabled persons to register their vehicles

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

Section 1. Subdivision 4 of section 404-a of the vehicle and traffic law, as amended by chapter 686 of the laws of 1994, the opening paragraph and paragraph (c) as amended by chapter 228 of the laws of 2008, is amended to read as follows:

4. Issue of plates. The commissioner shall issue sets of plates to such person in accordance with subdivision two of this section with proof of such disability of such person or such members of his family certified by a physician, physician assistant or nurse practitioner, to the extent authorized by law, including the education law, and consistent with any applicable written practice agreement, or podiatrist pursuant to subdivision four-a of this section, OR CHIROPRACTOR PURSUANT TO SUBDIVISION FOUR-B OF THIS SECTION, to the satisfaction of the commissioner who is empowered to carry out the effects of this section by formulating rules and regulations.

For the purposes of this section, a "severely disabled person" shall mean any person having any one or more of the following impairments, disabilities or conditions which are permanent in nature:

(a) Has limited or no use of one or both lower limbs;

(b) Has a neuro-muscular dysfunction which severely limits mobility;

(c) Has a physical or mental impairment or condition which is other than those specified above, but is of such nature as to impose unusual hardship in utilization of public transportation facilities and such condition is certified by a physician, physician assistant or nurse

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

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practitioner, to the extent authorized by law, including the education law, and consistent with any applicable written practice agreement, duly licensed to practice medicine in this state, or, pursuant to subdivision four-a of this section, a podiatrist duly licensed to practice podiatry in this state, OR, PURSUANT TO SUBDIVISION FOUR-B OF THIS SECTION A CHIROPRACTOR DULY LICENSED TO PRACTICE IN THIS STATE as constituting an equal degree of disability (specifying the particular condition) so as to prevent such person from getting around without great difficulty in accordance with subdivision two of this section; or

(d) A blind person.

S 2. Section 404-a of the vehicle and traffic law is amended by adding a new subdivision 4-b to read as follows:

4-B. CERTIFICATION OF DISABILITY BY A CHIROPRACTOR. A CHIROPRACTOR DULY LICENSED TO PRACTICE CHIROPRACTICS IN THIS STATE MAY CERTIFY ONLY THOSE CONDITIONS WHICH HE OR SHE TREATS IN THE COURSE OF THE PRACTICE OF CHIROPRACTICS, AS DEFINED BY SECTION SIXTY-FIVE HUNDRED ONE OF THE EDUCATION LAW.

S 3. Paragraph (b) of subdivision 5 of section 404-a of the vehicle and traffic law, as amended by chapter 228 of the laws of 2008, is amended to read as follows:

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

S 4. This act shall take effect immediately.