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I N   A S S E M B L Y

June 8, 2010

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Schroeder, Koon) -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to creating a waiver for intrastate operation for deaf persons

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

1     Section 1. Section 502 of the vehicle and traffic law is amended by  
2     adding a new subdivision 1-a to read as follows:  
3     1-A. WAIVER FOR INTRASTATE OPERATION. (A) NOTWITHSTANDING ANY OTHER  
4     SUBDIVISION OF THIS SECTION, A DRIVER WHO IS CURRENTLY THE HOLDER OF A  
5     VALID COMMERCIAL DRIVER'S LICENSE OR PERMIT AND WHO OPERATES INTRASTATE  
6     EXCLUSIVELY IN A COMMERCIAL MOTOR VEHICLE REQUIRING A COMMERCIAL DRIV-  
7     ER'S LICENSE TO OPERATE, WHO HAS OTHERWISE MET THE REQUIREMENTS AS SET  
8     FORTH IN PUBLIC LAW 99-570, TITLE XII, AND TITLE 49 OF THE CODE OF  
9     FEDERAL REGULATIONS, AND ALL REGULATIONS PROMULGATED BY THE UNITED  
10    STATES SECRETARY OF TRANSPORTATION UNDER THE HAZARDOUS MATERIALS TRANS-  
11    PORTATION ACT, MAY, UPON RENEWAL OF SUCH LICENSE, OBTAIN A PERMANENT  
12    WAIVER FOR THE HEARING REQUIREMENT OF THE PHYSICAL EXAMINATION AS SET  
13    FORTH IN 49 CFR 391.41(B)(11) WHICH SHALL EXEMPT THE DRIVER FROM THE  
14    HEARING REQUIREMENT OF SUCH PHYSICAL EXAMINATION WHILE THE DRIVER IS A  
15    HOLDER OF A VALID COMMERCIAL DRIVER'S LICENSE OR PERMIT. PERSONS WHO  
16    HAVE RECEIVED SUCH WAIVER SHALL NOT BE REQUIRED TO WEAR A HEARING AID.  
17    (B) SUCH WAIVER SHALL BE OF SUCH DESIGN AND TYPE AS THE COMMISSIONER  
18    AND THE NEW YORK STATE INTERAGENCY COORDINATING COUNCIL FOR SERVICES TO  
19    PERSONS WHO ARE DEAF, DEAF-BLIND, OR HARD OF HEARING SHALL DEEM TO BE  
20    SUITABLE AND APPROPRIATE FOR THE PURPOSES THEREOF AND SHALL BE:  
21    (I) VALID WHILE THE DRIVER IS THE HOLDER OF A VALID COMMERCIAL DRIV-  
22    ER'S LICENSE OR PERMIT;  
23    (II) KEPT ON FILE WITH THE DEPARTMENT;  
24    (III) KEPT BY AND MADE READILY AVAILABLE BY THE HOLDER OF THE COMMER-  
25    CIAL DRIVER'S LICENSE; AND  
26    (IV) KEPT ON FILE BY THE MOTOR CARRIER EMPLOYING THE DRIVER.  
27    S 2. This act shall take effect on the one hundred eightieth day after  
28    it shall have become a law.

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

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