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

1934

2009-2010 Regular Sessions

I N A S S E M B L Y

January 14, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to establishing distinctive plates for the deaf and hearing-impaired; and to amend the state finance law, in relation to establishing the New York state deaf and hearing-impaired fund

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

Section 1. The vehicle and traffic law is amended by adding a new section 404-x to read as follows:

S 404-X. DISTINCTIVE LICENSE PLATES FOR THE NEW YORK STATE DEAF AND HEARING-IMPAIRED. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "DEAF PERSON" SHALL MEAN ANY PERSON WHO, BECAUSE OF HEARING LOSS, IS NOT ABLE TO DISCRIMINATE SPEECH WHEN SPOKEN IN A NORMAL CONVERSATIONAL TONE REGARDLESS OF THE USE OF AMPLIFICATION DEVICES; AND

(B) "HEARING-IMPAIRED PERSON" SHALL MEAN ANY PERSON WHO, BECAUSE OF HEARING LOSS, HAS A DIMINISHED CAPACITY TO DISCRIMINATE SPEECH WHEN SPOKEN IN A NORMAL CONVERSATIONAL TONE.

2. ANY PERSON RESIDING IN THIS STATE, UPON REQUEST AND ACCOMPANIED BY A DOCTOR'S STATEMENT INDICATING SUCH PERSON IS EITHER DEAF OR HEARING-IMPAIRED, SHALL BE ISSUED A DISTINCTIVE LICENSE PLATE FOR THE DEAF AND HEARING-IMPAIRED OF A DESIGN APPROVED BY THE COMMISSIONER. APPLICATION FOR SUCH LICENSE PLATE SHALL BE FILED WITH THE COMMISSIONER IN SUCH FORM AND DETAIL AS THE COMMISSIONER SHALL PRESCRIBE.

3. A DISTINCTIVE LICENSE PLATE ISSUED PURSUANT TO THIS SECTION SHALL BE ISSUED IN THE SAME MANNER AS OTHER NUMBER PLATES UPON THE PAYMENT OF THE REGULAR REGISTRATION FEE PRESCRIBED BY SECTION FOUR HUNDRED ONE OF THIS ARTICLE, PROVIDED, HOWEVER, THAT AN ADDITIONAL ANNUAL SERVICE CHARGE OF TWENTY-FIVE DOLLARS SHALL BE CHARGED FOR SUCH PLATE. SUCH ANNUAL SERVICE CHARGE SHALL BE DEPOSITED PURSUANT TO THE PROVISIONS OF

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

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SECTION FOUR HUNDRED FOUR-OO OF THIS ARTICLE TO THE CREDIT OF THE DEPARTMENT OF MOTOR VEHICLES DISTINCTIVE PLATE DEVELOPMENT FUND ESTABLISHED BY SECTION NINETY-FIVE-G OF THE STATE FINANCE LAW AND SHALL BE USED FOR THE PRODUCTION, DESIGN, ADVERTISING AND MARKETING OF DISTINCTIVE LICENSE PLATES PURSUANT TO SECTION NINETY-FIVE-G OF THE STATE FINANCE LAW; PROVIDED, HOWEVER, THAT ANNUAL SERVICE CHARGES COLLECTED IN EXCESS OF SIX THOUSAND DOLLARS SHALL BE DEPOSITED TO THE CREDIT OF THE "NEW YORK STATE DEAF AND HEARING-IMPAIRED FUND" ESTABLISHED PURSUANT TO SECTION 97-JJJJ OF THE STATE FINANCE LAW AND SHALL BE USED FOR PROGRAMS FOR THE DEAF AND HEARING-IMPAIRED PURSUANT TO SECTION 97-JJJJ OF THE STATE FINANCE LAW. PROVIDED, HOWEVER, THAT ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION, FUNDS IN THE AMOUNT OF FIVE THOUSAND DOLLARS, OR SO MUCH THEREOF AS MAY BE AVAILABLE, SHALL BE ALLOCATED FROM SUCH FUND TO THE DEPARTMENT TO OFFSET COSTS ASSOCIATED WITH THE PRODUCTION OF SUCH LICENSE PLATES.

S 2. The state finance law is amended by adding a new section 97-jjjj to read as follows:

S 97-JJJJ. THE NEW YORK STATE DEAF AND HEARING-IMPAIRED FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE NEW YORK STATE DEAF AND HEARING-IMPAIRED FUND.

2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED PURSUANT TO AN APPROPRIATION BY THE LEGISLATURE, ALL MONEYS COLLECTED PURSUANT TO SECTION FOUR HUNDRED FOUR-X OF THE VEHICLE AND TRAFFIC LAW AND ALL OTHER MONEYS APPROPRIATED, CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO THE FUND ACCORDING TO LAW.

3. MONIES OF THE FUND SHALL BE EXPENDED ONLY FOR PROGRAMS FOR THE DEAF AND HEARING-IMPAIRED.

4. MONIES SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER OF MOTOR VEHICLES.

S 3. This act shall take effect on the one hundred eightieth day after is shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such effective date.