

7486

I N   S E N A T E

April 14, 2010

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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.