

7574

2011-2012 Regular Sessions

I N A S S E M B L Y

May 10, 2011

Introduced by M. of A. GANTT -- read once and referred 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 accordance
6 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 regulations.
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

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

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1 constituting an equal degree of disability (specifying the particular
2 condition) so as to prevent such person from getting around without
3 great difficulty in accordance with subdivision two of this section; or

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

16 4-B. CERTIFICATION OF DISABILITY BY AN OPTOMETRIST. AN OPTOMETRIST
17 DULY LICENSED TO PRACTICE OPTOMETRY IN THIS STATE MAY CERTIFY ONLY THOSE
18 CONDITIONS WHICH HE OR SHE TREATS IN THE COURSE OF THE PRACTICE OF OPTO-
19 METRY, AS DEFINED IN SECTION SEVENTY-ONE HUNDRED ONE OF THE EDUCATION
20 LAW.

21 S 2. Paragraph (i) of subdivision 1 and subdivision 3 of section
22 1203-a of the vehicle and traffic law, paragraph (i) of subdivision 1 as
23 amended by chapter 180 of the laws of 1996 and subdivision 3 as amended
24 by chapter 220 of the laws of 1984, are amended to read as follows:

25 (i) any resident of New York state who is a severely disabled person,
26 as defined in subdivision three of section four hundred four-a of this
27 chapter, upon application of such person or such person's parent or
28 guardian, provided, however, that an issuing agent shall issue permits
29 only to residents of the city, town or village in which such issuing
30 agent is located, except that, an issuing agent, in his or her
31 discretion, may issue a permit to a severely disabled person who is not
32 a resident of the city, town, or village in which such issuing agent is
33 located where such person resides in a city, town, or village in which
34 the governing body has not appointed an issuing agent; and an issuing
35 agent, in his or her discretion, may issue a temporary special vehicle
36 identification parking permit, as authorized by subdivision three of
37 this section, to a person who is temporarily unable to ambulate without
38 the aid of an assisting device, as certified by a physician OR AN OPTO-
39 METRIST PURSUANT TO SUBDIVISION FOUR-B OF SECTION FOUR HUNDRED FOUR-A OF
40 THIS CHAPTER, who resides in a city, town, or village in which the issu-
41 ing agent does not issue temporary special vehicle identification park-
42 ing permits, or who is not a resident of the United States and is tempo-
43 rarily visiting the state; or

44 3. Notwithstanding any provision of this chapter to the contrary, any
45 municipality may issue a temporary special vehicle identification park-
46 ing permit to any person who is temporarily unable to ambulate without
47 the aid of an assisting device, as certified by a physician OR AN OPTO-
48 METRIST PURSUANT TO SUBDIVISION FOUR-B OF SECTION FOUR HUNDRED FOUR-A OF
49 THIS CHAPTER. Such temporary special vehicle identification parking
50 permit shall be valid for not more than six months and shall be recog-
51 nized statewide.

52 S 3. This act shall take effect on the thirtieth day after it shall
53 have become a law.