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

1340

2011-2012 Regular Sessions

I N S E N A T E

January 6, 2011

Introduced by Sens. DILAN, DIAZ -- 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:

Section 1. The opening paragraph and paragraph (c) of subdivision 4 and 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, are amended and a new subdivision 4-b is added to read as follows:

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 OPTOMETRIST 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.

(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 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, AN 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.

LBD03017-01-1

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

(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 OPTOMETRIST 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.

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

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

(i) any resident of New York state who is a severely disabled person, as defined in subdivision three of section four hundred four-a of this chapter, upon application of such person or such person's parent or guardian, provided, however, that an issuing agent shall issue permits only to residents of the city, town or village in which such issuing agent is located, except that, an issuing agent, in his or her discretion, may issue a permit to a severely disabled person who is not a resident of the city, town, or village in which such issuing agent is located where such person resides in a city, town, or village in which the governing body has not appointed an issuing agent; and an issuing agent, in his or her discretion, may issue a temporary special vehicle identification parking permit, as authorized by subdivision three of this section, to a person who is temporarily unable to ambulate without the aid of an assisting device, as certified by a physician OR AN OPTOMETRIST PURSUANT TO SUBDIVISION FOUR-B OF SECTION FOUR HUNDRED FOUR-A OF THIS CHAPTER, who resides in a city, town, or village in which the issuing agent does not issue temporary special vehicle identification parking permits, or who is not a resident of the United States and is temporarily visiting the state; or

3. Notwithstanding any provision of this chapter to the contrary, any municipality may issue a temporary special vehicle identification parking permit to any person who is temporarily unable to ambulate without the aid of an assisting device, as certified by a physician OR AN OPTOMETRIST PURSUANT TO SUBDIVISION FOUR-B OF SECTION FOUR HUNDRED FOUR-A OF THIS CHAPTER. Such temporary special vehicle identification parking permit shall be valid for not more than six months and shall be recognized statewide.

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