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

5344

2011-2012 Regular Sessions

I N S E N A T E

May 10, 2011

Introduced by Sen. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the real property tax law, in relation to enabling chiropractors to certify disability; to amend the vehicle and traffic law, in relation to enabling chiropractors to certify disability for the purpose of issuance of handicapped license plates and registration; and to amend the education law, in relation to enabling chiropractors to be employed by school districts to provide school health services

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

Section 1. Subdivision 2 of section 459 of the real property tax law, as added by chapter 200 of the laws of 1983 and as further amended by section 1 of part W of chapter 56 of the laws of 2010, is amended to read as follows:

2. To qualify as physically disabled for the purposes of this section, an individual shall submit to the assessor a certified statement from a physician OR CHIROPRACTOR licensed to practice in the state on a form prescribed and made available by the commissioner which states that the individual has a permanent physical impairment which substantially limits one or more of such individual's major life activities, except that an individual who has obtained a certificate from the state commission for the blind and visually handicapped stating that such individual is legally blind may submit such certificate in lieu of a physician's certified statement.

S 2. Subdivision 4 and paragraph (b) of subdivision 5 of section 404-a of the vehicle and traffic law, subdivision 4 as amended by chapter 686 of the laws of 1994 and the opening paragraph and paragraph (c) of subdivision 4 and paragraph (b) of subdivision 5 as amended by chapter 228 of the laws of 2008, are amended to read as follows:

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

LBD05050-03-1

4. Issue of plates. 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 OR HER family certified by a physician, physician assistant, CHIROPRACTOR 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, to the satisfaction of the commissioner who is empowered to carry out the effects of this section by formulating rules and regulations.

For the purposes of this section, a "severely disabled person" shall mean any person having any one or more of the following impairments, disabilities or conditions which are permanent in nature:

(a) Has limited or no use of one or both lower limbs;

(b) Has a neuro-muscular dysfunction which severely limits mobility;

(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, as 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

(d) A blind person.

(b) The commissioner may require the applicant for registration to furnish such proof of his OR HER disability or such proof of disability of such members of his OR HER family from a physician, physician assistant, CHIROPRACTOR 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, 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.

S 3. Subdivision 1 of section 902 of the education law, as amended by chapter 477 of the laws of 2004, is amended to read as follows:

1. As used in this article "health professionals" means persons duly licensed or otherwise authorized to practice a health profession pursuant to applicable law, including, but not limited to, physicians, registered professional nurses, nurse practitioners, physicians assistants, optometrists, dentists, dental hygienists, CHIROPRACTORS, dietitians and nutritionists, and audiologists.

S 4. This act shall take effect on the sixtieth day after it shall have become a law.