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

4097

2011-2012 Regular Sessions

I N A S S E M B L Y

February 1, 2011

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 visor communication cards for the deaf and hard of hearing; and to amend the state finance law, in relation to establishing the New York state deaf and hard of hearing 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. VISOR COMMUNICATION CARD FOR THE NEW YORK STATE DEAF AND HARD OF HEARING. 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) "HARD OF HEARING PERSON" SHALL MEAN ANY PERSON WHO, BECAUSE OF HEARING LOSS, HAS A DIMINISHED CAPACITY TO DISCRIMINATE SPEECH WHEN SPOKEN IN A NORMAL CONVERSATIONAL TONE.

(C) "VISOR COMMUNICATION CARD" SHALL MEAN SUCH IDENTIFICATION AS ISSUED BY THE DEPARTMENT WHICH IDENTIFIES THE DRIVER AS DEAF OR HARD OF HEARING, AS DEFINED IN THIS SECTION, AND WHICH DETAILS THE APPROPRIATE PROCEDURES FOR ASSISTING A DEAF OR HARD OF HEARING DRIVER DURING A TRAFFIC STOP AS PROMULGATED BY THE DEPARTMENT PURSUANT TO THIS SECTION.

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

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

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3. A VISOR COMMUNICATION CARD ISSUED PURSUANT TO THIS SECTION SHALL BE ISSUED 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 TEN DOLLARS SHALL BE CHARGED FOR SUCH VISOR COMMUNICATION CARD. SUCH ANNUAL SERVICE CHARGE SHALL BE DEPOSITED TO THE CREDIT OF THE "NEW YORK STATE DEAF AND HARD OF HEARING FUND" ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-KKKK OF THE STATE FINANCE LAW AND SHALL BE USED FOR PROGRAMS FOR THE DEAF AND HARD OF HEARING PURSUANT TO SECTION NINETY-SEVEN-KKKK 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 VISOR COMMUNICATION CARDS.

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

S 97-KKKK. THE NEW YORK STATE DEAF AND HARD OF HEARING 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 HARD OF HEARING 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 HARD OF HEARING.

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 it 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.