

4407

2011-2012 Regular Sessions

I N S E N A T E

April 4, 2011

Introduced by Sen. ROBACH -- 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 creating a waiver for intrastate operation for deaf persons

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

1 Section 1. Section 502 of the vehicle and traffic law is amended by  
2 adding a new subdivision 1-a to read as follows:  
3 1-A. WAIVER FOR INTRASTATE OPERATION. (A) NOTWITHSTANDING ANY OTHER  
4 SUBDIVISION OF THIS SECTION, A DRIVER WHO IS CURRENTLY THE HOLDER OF A  
5 VALID COMMERCIAL DRIVER'S LICENSE OR PERMIT AND WHO OPERATES INTRASTATE  
6 EXCLUSIVELY IN A COMMERCIAL MOTOR VEHICLE REQUIRING A COMMERCIAL DRIV-  
7 ER'S LICENSE TO OPERATE, WHO HAS OTHERWISE MET THE REQUIREMENTS AS SET  
8 FORTH IN PUBLIC LAW 99-570, TITLE XII, AND TITLE 49 OF THE CODE OF  
9 FEDERAL REGULATIONS, AND ALL REGULATIONS PROMULGATED BY THE UNITED  
10 STATES SECRETARY OF TRANSPORTATION UNDER THE HAZARDOUS MATERIALS TRANS-  
11 PORTATION ACT, MAY, UPON RENEWAL OF SUCH LICENSE, OBTAIN A PERMANENT  
12 WAIVER FOR THE HEARING REQUIREMENT OF THE PHYSICAL EXAMINATION AS SET  
13 FORTH IN 49 CFR 391.41(B)(11) WHICH SHALL EXEMPT THE DRIVER FROM THE  
14 HEARING REQUIREMENT OF SUCH PHYSICAL EXAMINATION WHILE THE DRIVER IS A  
15 HOLDER OF A VALID COMMERCIAL DRIVER'S LICENSE OR PERMIT. PERSONS WHO  
16 RECEIVE SUCH WAIVER SHALL ALSO BE ELIGIBLE FOR AN "S" ENDORSEMENT.  
17 PERSONS WHO HAVE RECEIVED SUCH WAIVER SHALL NOT BE REQUIRED TO WEAR A  
18 HEARING AID PROVIDED, HOWEVER, SUCH PERSON'S DRIVER'S LICENSE SHALL  
19 CLEARLY INDICATE THAT SUCH PERSON HAS RECEIVED SUCH WAIVER IN A MANNER  
20 TO BE SET FORTH BY THE COMMISSIONER.  
21 (B) SUCH WAIVER SHALL BE OF SUCH DESIGN AND TYPE AS THE COMMISSIONER  
22 AND THE NEW YORK STATE INTERAGENCY COORDINATING COUNCIL FOR SERVICES TO  
23 PERSONS WHO ARE DEAF, DEAF-BLIND, OR HARD OF HEARING SHALL DEEM TO BE  
24 SUITABLE AND APPROPRIATE FOR THE PURPOSES THEREOF AND SHALL BE:

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

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1 (I) VALID WHILE THE DRIVER IS THE HOLDER OF A VALID COMMERCIAL DRIV-  
2 ER'S LICENSE OR PERMIT;  
3 (II) KEPT ON FILE WITH THE DEPARTMENT;  
4 (III) KEPT BY AND MADE READILY AVAILABLE BY THE HOLDER OF THE COMMER-  
5 CIAL DRIVER'S LICENSE; AND  
6 (IV) KEPT ON FILE BY THE MOTOR CARRIER EMPLOYING THE DRIVER.  
7 S 2. This act shall take effect on the one hundred eightieth day after  
8 it shall have become a law provided, however, effective immediately, the  
9 addition, amendment and/or repeal of any rules or regulations necessary  
10 for the implementation of the foregoing provisions of this act on its  
11 effective date are authorized and directed to be made and completed on  
12 or before such effective date.