

2664--A

2013-2014 Regular Sessions

I N   S E N A T E

January 23, 2013

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Introduced by Sens. BALL, ADDABBO, LARKIN, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law and the vehicle and traffic law, in relation to establishing visor communication cards for persons with traumatic brain injuries; and to amend the state finance law, in relation to establishing the New York state traumatic brain injury fund

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

1     Section 1. Subdivisions 9 and 10 of section 2742 of the public health  
2     law, as added by chapter 196 of the laws of 1994, are amended and a new  
3     subdivision 11 is added to read as follows:  
4     9. to develop training programs for persons providing discharge plans  
5     and case management; [and]  
6     10. to develop standards for licensing or certifying residential and  
7     non-residential services for persons with traumatic brain injury to the  
8     extent that such services are not otherwise subject to the jurisdiction  
9     of another state agency[.]; AND  
10    11. TO DEVELOP PROCEDURES, STANDARDS, RULES AND REGULATIONS FOR THE  
11    ASSISTING OF OPERATORS OF MOTOR VEHICLES WITH A TRAUMATIC BRAIN INJURY  
12    DURING TRAFFIC STOPS AS PROVIDED IN SECTION FOUR HUNDRED FOUR-X OF THE  
13    VEHICLE AND TRAFFIC LAW.  
14    S 2. The vehicle and traffic law is amended by adding a new section  
15    404-x to read as follows:  
16    S 404-X. VISOR COMMUNICATION CARD FOR THE NEW YORK STATE PERSONS WITH  
17    TRAUMATIC BRAIN INJURIES. 1. AS USED IN THIS SECTION, THE FOLLOWING  
18    TERMS SHALL HAVE THE FOLLOWING MEANINGS:  
19    (A) A "PERSON WITH A TRAUMATIC BRAIN INJURY" SHALL MEAN ANY PERSON WHO  
20    HAS AN ACQUIRED INJURY TO THE BRAIN CAUSED BY AN EXTERNAL PHYSICAL FORCE

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

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1 RESULTING IN TOTAL OR PARTIAL DISABILITY OR IMPAIRMENT AND SHALL INCLUDE  
2 BUT NOT BE LIMITED TO DAMAGE TO THE CENTRAL NERVOUS SYSTEM FROM  
3 ANOXIC/HYPOXIC EPISODES OR DAMAGE TO THE CENTRAL NERVOUS SYSTEM FROM  
4 ALLERGIC CONDITIONS, TOXIC SUBSTANCES AND OTHER ACUTE MEDICAL/CLINICAL  
5 INCIDENTS. SUCH INJURIES SHALL INCLUDE, BUT NOT BE LIMITED TO, OPEN AND  
6 CLOSED BRAIN INJURIES THAT MAY RESULT IN MILD, MODERATE OR SEVERE  
7 IMPAIRMENTS IN ONE OR MORE AREAS, INCLUDING COGNITION, LANGUAGE, MEMORY,  
8 ATTENTION, REASONING, ABSTRACT THINKING, JUDGMENT, PROBLEM-SOLVING,  
9 SENSORY PERCEPTUAL AND MOTOR ABILITIES, PSYCHO-SOCIAL BEHAVIOR, PHYSICAL  
10 FUNCTIONS, INFORMATION PROCESSING AND SPEECH. SUCH INJURIES SHALL NOT  
11 INCLUDE PROGRESSIVE DEMENTIAS AND OTHER MENTALLY IMPAIRING CONDITIONS,  
12 DEPRESSION AND PSYCHIATRIC DISORDERS IN WHICH THERE IS NO KNOWN OR OBVI-  
13 OUS CENTRAL NERVOUS SYSTEM DAMAGE, NEUROLOGICAL, METABOLIC AND OTHER  
14 MEDICAL CONDITIONS OF CHRONIC, CONGENITAL OR DEGENERATIVE NATURE OR  
15 BRAIN INJURIES INDUCED BY BIRTH TRAUMA.

16 (B) A "VISOR COMMUNICATION CARD" SHALL MEAN SUCH IDENTIFICATION AS  
17 ISSUED BY THE DEPARTMENT WHICH IDENTIFIES THE DRIVER AS A PERSON WITH A  
18 TRAUMATIC BRAIN INJURY, AS DEFINED IN THIS SECTION, AND WHICH DETAILS  
19 THE APPROPRIATE PROCEDURES FOR ASSISTING A PERSON WITH A TRAUMATIC BRAIN  
20 INJURY DRIVER DURING A TRAFFIC STOP AS PROMULGATED BY THE DEPARTMENT OF  
21 HEALTH AND THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO THIS  
22 SECTION.

23 2. ANY PERSON RESIDING IN THIS STATE, UPON REQUEST AND ACCOMPANIED BY  
24 A DOCTOR'S STATEMENT INDICATING THAT THEY ARE A PERSON WITH A TRAUMATIC  
25 BRAIN INJURY, SHALL BE ISSUED A VISOR COMMUNICATION CARD FOR PERSONS  
26 WITH TRAUMATIC BRAIN INJURY OF A DESIGN APPROVED BY THE COMMISSIONER.  
27 APPLICATION FOR SUCH VISOR COMMUNICATION CARD SHALL BE FILED WITH THE  
28 COMMISSIONER IN SUCH FORM AND DETAIL AS THE COMMISSIONER, IN CONSULTA-  
29 TION WITH THE COMMISSIONER OF HEALTH AND THE COMMISSIONER OF CRIMINAL  
30 JUSTICE SERVICES, SHALL PRESCRIBE.

31 3. A VISOR COMMUNICATION CARD ISSUED PURSUANT TO THIS SECTION SHALL BE  
32 ISSUED UPON THE PAYMENT OF THE REGULAR REGISTRATION FEE PRESCRIBED BY  
33 SECTION FOUR HUNDRED ONE OF THIS ARTICLE, PROVIDED, HOWEVER, THAT AN  
34 ADDITIONAL ANNUAL SERVICE CHARGE OF TEN DOLLARS SHALL BE CHARGED FOR  
35 SUCH VISOR COMMUNICATION CARD. SUCH ANNUAL SERVICE CHARGE SHALL BE  
36 DEPOSITED TO THE CREDIT OF THE "NEW YORK STATE TRAUMATIC BRAIN INJURY  
37 FUND" ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-LLLL OF THE STATE  
38 FINANCE LAW AND SHALL BE USED FOR PROGRAMS FOR PERSONS WITH TRAUMATIC  
39 BRAIN INJURY PURSUANT TO SECTION NINETY-SEVEN-LLLL OF THE STATE FINANCE  
40 LAW. PROVIDED, HOWEVER, THAT ONE YEAR AFTER THE EFFECTIVE DATE OF THIS  
41 SECTION, FUNDS IN THE AMOUNT OF FIVE THOUSAND DOLLARS, OR SO MUCH THERE-  
42 OF AS MAY BE AVAILABLE, SHALL BE ALLOCATED FROM SUCH FUND TO THE DEPART-  
43 MENT TO OFFSET COSTS ASSOCIATED WITH THE PRODUCTION OF SUCH VISOR COMMU-  
44 NICATION CARDS.

45 S 3. The state finance law is amended by adding a new section 97-llll  
46 to read as follows:

47 S 97-LLLL. THE NEW YORK STATE TRAUMATIC BRAIN INJURY FUND. 1. THERE  
48 IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXA-  
49 TION AND FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE  
50 NEW YORK STATE TRAUMATIC BRAIN INJURY FUND.

51 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED PURSUANT TO AN  
52 APPROPRIATION BY THE LEGISLATURE, ALL MONEYS COLLECTED PURSUANT TO  
53 SECTION FOUR HUNDRED FOUR-X OF THE VEHICLE AND TRAFFIC LAW AND ALL OTHER  
54 MONEYS APPROPRIATED, CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND  
55 OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL  
56 PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE

1 PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO  
2 THE FUND ACCORDING TO LAW.

3 3. MONIES OF THE FUND SHALL BE EXPENDED ONLY FOR PROGRAMS FOR PERSONS  
4 WITH TRAUMATIC BRAIN INJURIES.

5 4. MONIES SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF  
6 THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER  
7 OF MOTOR VEHICLES.

8 S 4. This act shall take effect on the one hundred eightieth day after  
9 it shall have become a law. Effective immediately, the addition, amend-  
10 ment and/or repeal of any rule or regulation necessary for the implemen-  
11 tation of this act on its effective date are authorized to be made on or  
12 before such effective date.