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

3082

2013-2014 Regular Sessions

I N A S S E M B L Y

January 23, 2013

Introduced by M. of A. GRAF -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the civil rights law, in relation to the rights of persons with disabilities in public places and places of public accommodation

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

Section 1. Subdivision 2 of section 47 of the civil rights law is renumbered subdivision 7 and five new subdivisions 2, 3, 4, 5 and 6 are added to read as follows:

2. A PERSON WITH A DISABILITY HAS THE SAME RIGHTS AS OTHER PERSONS TO THE FULL AND FREE USE OF THE STREETS, HIGHWAYS, SIDEWALKS, WALKWAYS, PUBLIC BUILDINGS, PUBLIC FACILITIES, AND OTHER PUBLIC PLACES.

3. A PERSON WITH A DISABILITY IS ENTITLED TO FULL AND EQUAL ACCOMMODATIONS, ADVANTAGES, FACILITIES, AND PRIVILEGES OF ALL COMMON CARRIERS, AIRPLANES, MOTOR VEHICLES, RAILROAD TRAINS, MOTOR BUSES, STREETCARS, SUBWAYS, BOATS OR ANY OTHER PUBLIC CONVEYANCES OR MODES OF TRANSPORTATION, RESTAURANTS, HOTELS, LODGING PLACES, PLACES OF PUBLIC ACCOMMODATION, AMUSEMENT OR RESORT, PUBLIC ENTITIES INCLUDING SCHOOLS, AND OTHER PLACES TO WHICH THE GENERAL PUBLIC IS INVITED SUBJECT ONLY TO THE CONDITIONS AND LIMITATIONS ESTABLISHED BY LAW AND APPLICABLE ALIKE TO ALL PERSONS.

4. EACH TOWN, CITY OR COUNTY, INDIVIDUALLY OR THROUGH TRANSPORTATION DISTRICT COMMISSIONS, SHALL ENSURE THAT PERSONS WITH DISABILITIES HAVE ACCESS TO THE PUBLIC TRANSPORTATION WITHIN ITS JURISDICTION BY EITHER (I) USE OF THE SAME TRANSPORTATION FACILITIES OR CARRIERS AVAILABLE TO THE GENERAL PUBLIC OR (II) PROVISION OF PARATRANSIT OR SPECIAL TRANSPORTATION SERVICES FOR PERSONS WITH DISABILITIES OR (III) BOTH. ALL PERSONS WITH DISABILITIES IN THE JURISDICTION'S SERVICE AREA WHO, BY REASON OF THEIR DISABILITIES, ARE UNABLE TO USE THE SERVICE FOR THE GENERAL PUBLIC SHALL BE ELIGIBLE TO USE SUCH PARATRANSIT OR SPECIAL TRANSPORTATION

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

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SERVICE. NO FEE THAT EXCEEDS THE FEE CHARGED TO THE GENERAL PUBLIC SHALL BE CHARGED A PERSON WITH A DISABILITY FOR THE USE OF THE SAME TRANSPORTATION FACILITIES OR CARRIERS AVAILABLE TO THE GENERAL PUBLIC. PARATRANSIT OR SPECIAL TRANSPORTATION SERVICE FOR PERSONS WITH DISABILITIES MAY CHARGE FEES TO SUCH PERSONS COMPARABLE TO THE FEES CHARGED TO THE GENERAL PUBLIC FOR SIMILAR SERVICE IN THE JURISDICTION SERVICE AREA, TAKING INTO ACCOUNT ESPECIALLY THE TYPE, LENGTH AND TIME OF TRIP. ANY VARIANCE BETWEEN SPECIAL SERVICE AND REGULAR SERVICE FARES SHALL BE JUSTIFIABLE IN TERMS OF ACTUAL DIFFERENCES BETWEEN THE TWO KINDS OF SERVICE PROVIDED.

5. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE RETROFITTING OF ANY PUBLIC TRANSIT EQUIPMENT OR TO REQUIRE THE RETROFITTING, RENOVATION, OR ALTERATION OF BUILDINGS OR PLACES TO A DEGREE MORE STRINGENT THAN THAT REQUIRED BY THE APPLICABLE BUILDING CODE IN EFFECT AT THE TIME THE BUILDING PERMIT FOR SUCH BUILDING OR PLACE IS ISSUED.

6. EVERY TOTALLY OR PARTIALLY BLIND PERSON SHALL HAVE THE RIGHT TO BE ACCOMPANIED BY A DOG, IN HARNESS, TRAINED AS A GUIDE DOG, EVERY DEAF OR HEARING-IMPAIRED PERSON SHALL HAVE THE RIGHT TO BE ACCOMPANIED BY A DOG TRAINED AS A HEARING DOG ON A BLAZE ORANGE LEASH, AND EVERY MOBILITY-IMPAIRED PERSON OR PERSON DIAGNOSED AS BEING ON THE AUTISM SPECTRUM OR OTHERWISE DISABLED PERSON SHALL HAVE THE RIGHT TO BE ACCOMPANIED BY A DOG, TRAINED AS A SERVICE DOG, IN A HARNESS, BACKPACK, OR VEST IDENTIFYING THE DOG AS A TRAINED SERVICE DOG, IN ANY OF THE PLACES LISTED IN SUBDIVISION THREE OF THIS SECTION WITHOUT BEING REQUIRED TO PAY AN EXTRA CHARGE FOR THE DOG, PROVIDED THAT HE SHALL BE LIABLE FOR ANY DAMAGE DONE TO THE PREMISES OR FACILITIES BY SUCH DOG. THE PROVISIONS OF THIS SECTION SHALL APPLY TO PERSONS ACCOMPANIED BY A DOG THAT IS IN TRAINING, AT LEAST SIX MONTHS OF AGE, AND IS (I) IN HARNESS, PROVIDED SUCH PERSON IS AN EXPERIENCED TRAINER OF GUIDE DOGS OR IS CONDUCTING CONTINUING TRAINING OF A GUIDE DOG; (II) ON A BLAZE ORANGE LEASH, PROVIDED SUCH PERSON IS AN EXPERIENCED TRAINER OF HEARING DOGS OR IS CONDUCTING CONTINUING TRAINING OF A HEARING DOG; (III) IN A HARNESS, BACKPACK, OR VEST IDENTIFYING THE DOG AS A TRAINED SERVICE DOG, PROVIDED SUCH PERSON IS AN EXPERIENCED TRAINER OF SERVICE DOGS OR IS CONDUCTING CONTINUING TRAINING OF A SERVICE DOG; (IV) WEARING A JACKET IDENTIFYING THE RECOGNIZED GUIDE, HEARING OR SERVICE DOG ORGANIZATION, PROVIDED SUCH PERSON IS AN EXPERIENCED TRAINER OF THE ORGANIZATION IDENTIFIED ON THE JACKET; OR (V) THE PERSON IS PART OF A THREE-UNIT SERVICE DOG TEAM AND IS CONDUCTING CONTINUING TRAINING OF A SERVICE DOG.

S 2. This act shall take effect immediately.