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

985

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. KELLNER, LUPARDO -- read once and referred 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:

Section 1. Section 502 of the vehicle and traffic law is amended by adding a new subdivision 1-a to read as follows:

1-A. WAIVER FOR INTRASTATE OPERATION. (A) NOTWITHSTANDING ANY OTHER SUBDIVISION OF THIS SECTION, A DRIVER WHO IS CURRENTLY THE HOLDER OF A VALID COMMERCIAL DRIVER'S LICENSE OR PERMIT AND WHO OPERATES INTRASTATE EXCLUSIVELY IN A COMMERCIAL MOTOR VEHICLE REQUIRING A COMMERCIAL DRIVER'S LICENSE TO OPERATE, WHO HAS OTHERWISE MET THE REQUIREMENTS AS SET FORTH IN PUBLIC LAW 99-570, TITLE XII, AND TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, AND ALL REGULATIONS PROMULGATED BY THE UNITED STATES SECRETARY OF TRANSPORTATION UNDER THE HAZARDOUS MATERIALS TRANSPORTATION ACT, MAY, UPON RENEWAL OF SUCH LICENSE, OBTAIN A PERMANENT WAIVER FOR THE HEARING REQUIREMENT OF THE PHYSICAL EXAMINATION AS SET FORTH IN 49 CFR 391.41(B)(11) WHICH SHALL EXEMPT THE DRIVER FROM THE HEARING REQUIREMENT OF SUCH PHYSICAL EXAMINATION WHILE THE DRIVER IS A HOLDER OF A VALID COMMERCIAL DRIVER'S LICENSE OR PERMIT. PERSONS WHO RECEIVE SUCH WAIVER SHALL ALSO BE ELIGIBLE FOR AN "S" ENDORSEMENT. PERSONS WHO HAVE RECEIVED SUCH WAIVER SHALL NOT BE REQUIRED TO WEAR A HEARING AID PROVIDED, HOWEVER, SUCH PERSON'S DRIVER'S LICENSE SHALL CLEARLY INDICATE THAT SUCH PERSON HAS RECEIVED SUCH WAIVER IN A MANNER TO BE SET FORTH BY THE COMMISSIONER.

(B) SUCH WAIVER SHALL BE OF SUCH DESIGN AND TYPE AS THE COMMISSIONER AND THE NEW YORK STATE INTERAGENCY COORDINATING COUNCIL FOR SERVICES TO PERSONS WHO ARE DEAF, DEAF-BLIND, OR HARD OF HEARING SHALL DEEM TO BE 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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(I) VALID WHILE THE DRIVER IS THE HOLDER OF A VALID COMMERCIAL DRIVER'S LICENSE OR PERMIT;

(II) KEPT ON FILE WITH THE DEPARTMENT;

(III) KEPT BY AND MADE READILY AVAILABLE BY THE HOLDER OF THE COMMERCIAL DRIVER'S LICENSE; AND

(IV) KEPT ON FILE BY THE MOTOR CARRIER EMPLOYING THE DRIVER.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law provided, however, effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of the foregoing provisions of this act on its effective date are authorized and directed to be made and completed on or before such effective date.