STATE OF NEW YORK

9663

IN ASSEMBLY

January 30, 2018

Introduced by M. of A. PERRY -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to certification of disability by the United States department of veterans affairs, veterans' administration or appeals board, and establishing a metered parking exemption for recipients of the Purple Heart and disabled veterans

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The opening paragraph of subdivision 4 of section 404-a of the vehicle and traffic law, as amended by chapter 376 of the laws of 2015, is amended to read as follows:

The commissioner shall issue sets of plates to such person in accordance with subdivision two of this section with proof of such disability of such person or such members of his or her family certified by a physician, physician assistant [~~or~~], nurse practitioner**, or the United States veterans' administration or the appeals board thereof pursuant to subdivision four-c of this section**, to the extent authorized by law and consistent with subdivision three of section six thousand nine hundred two of the education law, or podiatrist pursuant to subdivision four-a of this section or optometrist pursuant to subdivision four-b of this section, to the satisfaction of the commissioner who is empowered to carry out the effects of this section by formulating rules and regulations.

§ 2. Section 404-a of the vehicle and traffic law is amended by adding a new subdivision 4-c to read as follows:

4-c. Certification of the United States veterans' administration or appeals board. An administrator duly authorized by the United States veterans' administration may certify a veteran as disabled by issuance of a disability certification letter or form when such letter or form is connected to mobility issues.

§ 3. Section 1203-h of the vehicle and traffic law, as added by chapter 243 of the laws of 2007, is amended to read as follows:

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

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§ 1203-h. Metered parking waiver for certain [~~disabilities~~] **persons**. 1. The commissioner shall distribute metered parking waiver permits to the governing bodies of all cities, villages and towns[~~; provided, however, that the commissioner shall not distribute such permits to cities having a population of one million or more which issue special vehicle identification parking permits pursuant to paragraph fifteen of subdivision a of section twenty-nine hundred three of the New York city charter~~] which waive the payment of metered parking fees. Notwithstanding any local law or ordinance to the contrary, such permits shall entitle any vehicle displaying such waiver permit to park at any metered parking space in any city, village or town of the state and such permits shall waive metered parking fees imposed by such city or village pursuant to paragraph nine of subdivision (a) of section sixteen hundred forty of this chapter or imposed by such town pursuant to paragraph nine of subdivision (a) of section sixteen hundred sixty of this chapter. Provided, however, that such permit shall not waive any time limit at a metered parking space imposed pursuant to paragraph nine of subdivision (a) of section sixteen hundred forty of this chapter or paragraph nine of subdivision (a) of section sixteen hundred sixty of this chapter that is applicable to a motor vehicle parking in such metered parking space without such permit.

2. The application, permit design, period of validity, and procedures for reissuance of such waiver permits shall be as determined by the commissioner.

3. Such waiver permits shall be issued by issuing agents appointed pursuant to subdivision one of section twelve hundred three-a of this article by governing bodies of cities, villages and towns [~~having a population of less than one million~~] to **the following** persons [~~with disabilities~~] who:

(a) are residents of New York state; and

(b) are residents of the city, town or village in which such issuing agent is located, except that, an issuing agent, in his or her discretion, may issue a permit to **such** a [~~severely disabled~~] person who is not a resident of the city, town, or village in which such issuing agent is located where such person resides in a city, town, or village in which the governing body has not appointed an issuing agent; and

(c) hold a valid driver's license issued by New York state; and

(d) **(i)** are severely disabled persons, as defined in subdivision four of section four hundred four-a of this chapter, whose severe disability, as certified by a licensed physician, limits one or more of the following:

[~~(i)~~] **(A)** fine motor control in both hands;

[~~(ii)~~] **(B)** ability to reach or access a parking meter due to use of a wheelchair or other ambulatory device; or

[~~(iii)~~] **(C)** ability to reach a height of forty-two inches from the ground due to the lack of finger, hand or upper extremity strength or mobility**; or**

(ii) are disabled veterans, as defined in paragraph (b) of subdivision one of section eighty-five of the civil service law; or

(iii) are recipients of the Purple Heart medal.

4. For the purposes of this section, such waiver permit shall be for use exclusively in a vehicle when the person to whom it has been issued is driving and unaccompanied by a person able to put payment into a parking meter. Such permit shall not be transferable and shall be forfeited if used by any other person. Any abuse by any person to whom

such waiver permit has been issued shall be sufficient cause for revocation of said permit.

5. The special metered parking waiver permit issued by the commissioner shall be recognized statewide and is the only valid permit[~~, other than a special vehicle identification parking permit issued by cities having a population of one million or more pursuant to paragraph fifteen of subdivision a of section twenty-nine hundred three of the New York city charter,~~] for the waiver of metered parking fees for [~~certain severely disabled drivers~~] **the persons defined in subdivision three of this section**.

6. A person who knowingly and willfully, with the intent to deceive, makes a false statement or gives information which such individual knows to be false to a public official to obtain a metered parking waiver permit in addition to any other penalty provided by law, shall be subject to a civil penalty of not less than two hundred fifty dollars nor more than one thousand dollars.

§ 4. This act shall take effect immediately, except that section three of this act shall take effect on the one hundred eightieth day after this act shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of section three of this act on its effective date are authorized and directed to be made and completed on or before such effective date.