STATE OF NEW YORK

10114

IN ASSEMBLY

May 6, 2024

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

AN ACT to amend the vehicle and traffic law, in relation to authorizing persons who transport severely disabled persons to apply for disabled person plates

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

Section 1. Section 404-a of the vehicle and traffic law, as added by chapter 181 of the laws of 1980, subdivision 1 as amended by chapter 596 of the laws of 1982, subdivision 2 as amended by chapter 191 of the laws of 1991, subdivision 3 as added and subdivisions 5 and 6 as renumbered by chapter 601 of the laws of 1987, subdivision 4 and paragraph (b) of subdivision 5 as amended by chapter 376 of the laws of 2015, subdivision 4-a as added by chapter 686 of the laws of 1994, subdivision 4-b as added by chapter 277 of the laws of 2012, paragraph (c) of subdivision 5 as amended by chapter 666 of the laws of 1982, and subdivision 7 as added by chapter 332 of the laws of 2000, is amended to read as follows:

§ 404-a. Registration of motor vehicles [~~of~~] **for** severely disabled persons. 1. Legislative intent. It is the sense of the legislature to facilitate the usual and special uses of the highways and other motor vehicle facilities accorded to severely disabled residents of this state. The commissioner is hereby empowered to issue to [~~such~~] **eligible** persons, upon their application, special motor vehicle registrations, [~~one~~] **and a** set of vehicle identification plates for **each** motor [~~vehicles~~] **vehicle** owned by [~~such persons~~] **an eligible person** to be used for the transportation of [~~such~~] **a** severely disabled person [~~and one set of vehicle identification plates for each motor vehicle owned by such persons and used by a severely disabled member of the owner's family~~].

1-a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "Severely disabled person" shall mean any person having any one or more of the following impairments, disabilities or conditions which are permanent in nature:

(i) Has limited or no use of one or both lower limbs;

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

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(ii) Has a neuro-muscular dysfunction which severely limits mobility;

(iii) Has a physical or mental impairment or condition which is other than those specified above, but is of such nature as to impose unusual hardship in utilization of public transportation facilities and such condition is certified by a physician, physician assistant or nurse practitioner, to the extent authorized by law and consistent with subdivision three of section six thousand nine hundred two of the education law, duly licensed to practice in this state, or, pursuant to subdivision four-a of this section, a podiatrist duly licensed to practice podiatry in this state or, pursuant to subdivision four-b of this section, an optometrist duly licensed to practice optometry in this state, as constituting an equal degree of disability (specifying the particular condition) so as to prevent such person from getting around without great difficulty in accordance with subdivision two of this section;

(iv) A blind person; or

(v) A deaf person.

(b) "Eligible person" shall mean a severely disabled person or any parent, spouse, guardian, caregiver, or any other family member responsible for the transportation of a severely disabled person or severely disabled veteran by motor vehicle.

2. Registration of vehicles owned by [~~severely disabled persons~~] eligible persons. The commissioner shall assign to such motor vehicles, including any van or pick-up truck used for transporting persons with disabilities which is not used for commercial purposes, owned by such eligible persons, a distinctive number and issue and deliver in such manner as the commissioner may select to the owner a certification of registration, in such form as the commissioner shall prescribe and two number plates, called disabled person plates. Said disabled person plates shall conform to the requirements of section four hundred one of this [~~chapter~~] article, but shall bear distinctive marks to distinguish them from number plates to be issued to other persons, qualifying under this chapter. The commissioner, [~~in his~~] at such commissioner's discretion, may issue, for any registration year, only one plate as a set for a motor vehicle, in which event a set of disabled person plates for a motor vehicle shall consist of one plate. Where [~~a severely disabled~~] an eligible person owns more than one vehicle and such vehicle or vehicles is or are used by a severely disabled [~~members of the owner's family who reside with the owner~~] person, the commissioner shall issue one set of plates for each additional vehicle used by such severely disabled person, provided that such user qualifies as a severely disabled person in the manner required by this section.

3. Registration of vehicles owned by severely disabled veterans. The commissioner shall assign to such motor vehicles, including any vans or pick-up trucks used for transporting handicapped veterans which are not used for commercial purposes and which are owned by such veterans or a not-for-profit corporation serving such veterans, a distinctive number and issue and deliver in such manner as the commissioner may prescribe to the owner a certification of registration, in such form as the commissioner shall prescribe and two number plates, called disabled veteran plates. Said severely disabled veteran plates shall conform to the requirements of section four hundred one of this [~~chapter~~] article, but shall bear distinctive marks to distinguish them from number plates to be issued to other persons, qualifying under this chapter. The commissioner [~~in his~~], at such commissioner's discretion, may issue, for any registration year, only one plate as a set for a motor vehicle, in

which event a set of severely disabled veteran plates for a motor vehicle shall consist of one plate. Where a severely disabled veteran owns more than one vehicle and such vehicle or vehicles is or are used by [~~severely disabled members of the owner's family who reside with the owner~~] **or to transport such veteran**, the commissioner shall issue one set of plates for each additional vehicle [~~used by such severely disabled veteran, provided that such user qualifies as a severely disabled veteran in the manner required by this section~~]. For purposes of this subdivision, the term "severely disabled veteran" shall mean any member of the armed forces of the United States who served in time of war, as defined in section eighty-five of the civil service law, and whose disability qualifies [~~him~~] **such veteran** as a severely disabled person within the meaning of such term as defined in **paragraph (a) of** subdivision [~~four~~] **one-a** of this section.

4. Issue of plates. The commissioner shall issue sets of plates to such **eligible** 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~~] **by the severely disabled person being transported** certified by a physician, physician assistant or nurse practitioner, 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.

[~~For the purposes of this section, a "severely disabled person" shall mean any person having any one or more of the following impairments, disabilities or conditions which are permanent in nature:~~

~~(a) Has limited or no use of one or both lower limbs;~~

~~(b) Has a neuro-muscular dysfunction which severely limits mobility;~~

~~(c) Has a physical or mental impairment or condition which is other than those specified above, but is of such nature as to impose unusual hardship in utilization of public transportation facilities and such condition is certified by a physician, physician assistant or nurse practitioner, to the extent authorized by law and consistent with subdivision three of section six thousand nine hundred two of the education law, duly licensed to practice in this state, or, pursuant to subdivision four-a of this section, a podiatrist duly licensed to practice podiatry in this state or, pursuant to subdivision four-b of this section, an optometrist duly licensed to practice optometry in this state, as constituting an equal degree of disability (specifying the particular condition) so as to prevent such person from getting around without great difficulty in accordance with subdivision two of this section; or~~

~~(d) A blind person.~~]

4-a. Certification of disability by a podiatrist. A podiatrist duly licensed to practice podiatry in this state may certify only those conditions which [~~he or she~~] **such podiatrist** treats in the course of the practice of podiatry, as defined by section seventy hundred one of the education law.

4-b. Certification of disability by an optometrist. An optometrist duly licensed to practice optometry in this state may certify only those conditions which [~~he or she~~] **such optometrist** treats in the course of the practice of optometry, as defined in section seventy-one hundred one of the education law.

5. Application for registration. (a) The application for registration under this section shall be filed with the commissioner of motor vehicles in such form and detail as the commissioner shall prescribe, setting forth such information as the commissioner may reasonably prescribe beyond such information required under section four hundred one of this [~~chapter~~] **article**.

(b) The commissioner may require the applicant for registration to furnish such proof of [~~his or her disability or such proof of disability of such members of his or her family~~] **disability for such severely disabled person being transported** from a physician, physician assistant or nurse practitioner, 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, as the commissioner deems necessary either for initial registration or renewal thereof; provided, however, that a handicapped or disabled permit issued by a municipality to such applicant pursuant to section twelve hundred three-a of this chapter shall be deemed sufficient proof of disability for purposes of this paragraph.

(c) Application under this section shall only apply to a vehicle subject to registration pursuant to subdivision six of section four hundred one of this [~~chapter~~] **article** and to a van or pick-up truck as provided in subdivision two of this section.

6. Fee requirements. As provided in section four hundred one of this [~~chapter~~] **article**, the registration and disabled person plates shall be accompanied only by the required fee otherwise required to be paid for vehicle registration.

7. Refueling notice. Upon the issuance or renewal of a registration pursuant to this section, the commissioner shall notify the registrant of the availability of full service motor vehicle refueling at self service prices as provided for in section three hundred ninety-six-bb of the general business law.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.