

# 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:

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

11 § 404-a. Registration of motor vehicles ~~[of]~~ for severely disabled  
12 persons. 1. Legislative intent. It is the sense of the legislature to  
13 facilitate the usual and special uses of the highways and other motor  
14 vehicle facilities accorded to severely disabled residents of this  
15 state. The commissioner is hereby empowered to issue to ~~[such]~~ eligible  
16 persons, upon their application, special motor vehicle registrations,  
17 ~~[one]~~ and a set of vehicle identification plates for each motor ~~[vehic-~~  
18 ~~les]~~ vehicle owned by ~~[such persons]~~ an eligible person to be used for  
19 the transportation of ~~[such]~~ a severely disabled person ~~[and one set of~~  
20 ~~vehicle identification plates for each motor vehicle owned by such~~  
21 ~~persons and used by a severely disabled member of the owner's family]~~.

22 1-a. Definitions. For the purposes of this section, the following  
23 terms shall have the following meanings:

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

27 (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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1 (ii) Has a neuro-muscular dysfunction which severely limits mobility;  
2 (iii) Has a physical or mental impairment or condition which is other  
3 than those specified above, but is of such nature as to impose unusual  
4 hardship in utilization of public transportation facilities and such  
5 condition is certified by a physician, physician assistant or nurse  
6 practitioner, to the extent authorized by law and consistent with subdivi-  
7 vision three of section six thousand nine hundred two of the education  
8 law, duly licensed to practice in this state, or, pursuant to subdivi-  
9 sion four-a of this section, a podiatrist duly licensed to practice  
10 podiatry in this state or, pursuant to subdivision four-b of this  
11 section, an optometrist duly licensed to practice optometry in this  
12 state, as constituting an equal degree of disability (specifying the  
13 particular condition) so as to prevent such person from getting around  
14 without great difficulty in accordance with subdivision two of this  
15 section;

16 (iv) A blind person; or

17 (v) A deaf person.

18 (b) "Eligible person" shall mean a severely disabled person or any  
19 parent, spouse, guardian, caregiver, or any other family member respon-  
20 sible for the transportation of a severely disabled person or severely  
21 disabled veteran by motor vehicle.

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

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

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

15 4. Issue of plates. The commissioner shall issue sets of plates to  
16 such eligible person in accordance with subdivision two of this section  
17 with proof of such disability [~~of such person or such members of his or~~  
18 ~~her family~~] by the severely disabled person being transported certified  
19 by a physician, physician assistant or nurse practitioner, to the extent  
20 authorized by law and consistent with subdivision three of section six  
21 thousand nine hundred two of the education law, or podiatrist pursuant  
22 to subdivision four-a of this section or optometrist pursuant to subdivi-  
23 sion four-b of this section, to the satisfaction of the commissioner  
24 who is empowered to carry out the effects of this section by formulating  
25 rules and regulations.

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

- 29 ~~(a) Has limited or no use of one or both lower limbs;~~  
30 ~~(b) Has a neuro-muscular dysfunction which severely limits mobility;~~  
31 ~~(c) Has a physical or mental impairment or condition which is other~~  
32 ~~than those specified above, but is of such nature as to impose unusual~~  
33 ~~hardship in utilization of public transportation facilities and such~~  
34 ~~condition is certified by a physician, physician assistant or nurse~~  
35 ~~practitioner, to the extent authorized by law and consistent with subdivi-~~  
36 ~~sion three of section six thousand nine hundred two of the education~~  
37 ~~law, duly licensed to practice in this state, or, pursuant to subdivi-~~  
38 ~~sion four a of this section, a podiatrist duly licensed to practice~~  
39 ~~podiatry in this state or, pursuant to subdivision four-b of this~~  
40 ~~section, an optometrist duly licensed to practice optometry in this~~  
41 ~~state, as constituting an equal degree of disability (specifying the~~  
42 ~~particular condition) so as to prevent such person from getting around~~  
43 ~~without great difficulty in accordance with subdivision two of this~~  
44 ~~section; or~~  
45 ~~(d) A blind person.]~~

46 4-a. Certification of disability by a podiatrist. A podiatrist duly  
47 licensed to practice podiatry in this state may certify only those  
48 conditions which [~~he or she~~] such podiatrist treats in the course of the  
49 practice of podiatry, as defined by section seventy hundred one of the  
50 education law.

51 4-b. Certification of disability by an optometrist. An optometrist  
52 duly licensed to practice optometry in this state may certify only those  
53 conditions which [~~he or she~~] such optometrist treats in the course of  
54 the practice of optometry, as defined in section seventy-one hundred one  
55 of the education law.

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

7 (b) The commissioner may require the applicant for registration to  
8 furnish such proof of [~~his or her disability or such proof of disability~~  
9 ~~of such members of his or her family~~] disability for such severely disa-  
10 bled person being transported from a physician, physician assistant or  
11 nurse practitioner, to the extent authorized by law and consistent with  
12 subdivision three of section six thousand nine hundred two of the educa-  
13 tion law, or podiatrist pursuant to subdivision four-a of this section  
14 or optometrist pursuant to subdivision four-b of this section, as the  
15 commissioner deems necessary either for initial registration or renewal  
16 thereof; provided, however, that a handicapped or disabled permit issued  
17 by a municipality to such applicant pursuant to section twelve hundred  
18 three-a of this chapter shall be deemed sufficient proof of disability  
19 for purposes of this paragraph.

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

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

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

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