

539--A

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. KLEIN, BRESLIN, CARLUCCI, SAMPSON, SAVINO, SMITH, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the public health law, in relation to establishing a pilot program authorizing the department of motor vehicles to include certain health information on persons who elect to participate in such program

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

1 Section 1. Subdivision 1 of section 502 of the vehicle and traffic
2 law, as amended by chapter 639 of the laws of 2006, is amended to read
3 as follows:
4 1. Application for license. Application for a driver's license shall
5 be made to the commissioner. The fee prescribed by law may be submitted
6 with such application. The applicant shall furnish such proof of identi-
7 ty, age, and fitness as may be required by the commissioner. The commis-
8 sioner may also provide that the application procedure shall include the
9 taking of a photo image or images of the applicant in accordance with
10 rules and regulations prescribed by the commissioner. In addition, the
11 commissioner also shall require that the applicant provide his or her
12 social security number and provide space on the application so that the
13 applicant may register in the New York state organ and tissue donor
14 registry under section forty-three hundred ten of the public health law.
15 IN ADDITION, THE COMMISSIONER SHALL PROVIDE SPACE ON THE APPLICATION
16 WHEREBY THE APPLICANT MAY PROVIDE EMERGENCY MEDICAL INFORMATION IN
17 ACCORDANCE WITH SUBDIVISION SIX OF SECTION FIVE HUNDRED SEVEN OF THIS
18 ARTICLE. In addition, an applicant for a commercial driver's license who
19 will operate a commercial motor vehicle in interstate commerce shall

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

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1 certify that such applicant meets the requirements to operate a commer-
2 cial motor vehicle, as set forth in public law 99-570, title XII, and
3 title 49 of the code of federal regulations, and all regulations promul-
4 gated by the United States secretary of transportation under the hazard-
5 ous materials transportation act. Upon a determination that the holder
6 of a commercial driver's license has made any false statement, with
7 respect to the application for such license, the commissioner shall
8 revoke such license.

9 S 2. Section 503 of the vehicle and traffic law is amended by adding a
10 new subdivision 5 to read as follows:

11 5. EMERGENCY MEDICAL INFORMATION. THE COMMISSIONER SHALL PROVIDE SPACE
12 ON THE APPLICATION FOR RENEWAL OF A LICENSE WHEREBY THE APPLICANT MAY
13 PROVIDE EMERGENCY MEDICAL INFORMATION, OR CORRECT, AFFIRM, UPDATE AND/OR
14 ELIMINATE ANY EMERGENCY MEDICAL INFORMATION PREVIOUSLY PROVIDED TO THE
15 DEPARTMENT BY THE APPLICANT IN ACCORDANCE WITH SUBDIVISION SIX OF
16 SECTION FIVE HUNDRED SEVEN OF THIS ARTICLE.

17 S 3. Section 507 of the vehicle and traffic law is amended by adding a
18 new subdivision 6 to read as follows:

19 6. EMERGENCY MEDICAL INFORMATION PILOT PROGRAM. (A) THE COMMISSIONER,
20 IN COOPERATION WITH THE COMMISSIONER OF HEALTH, SHALL ESTABLISH A PILOT
21 PROGRAM TO CREATE AND MAINTAIN AN EMERGENCY MEDICAL INFORMATION DATABASE
22 ON HOLDERS OF DRIVERS LICENSES WHO KNOWINGLY AND VOLUNTARILY ELECT TO
23 PROVIDE SUCH INFORMATION TO THE DEPARTMENT FOR PURPOSES OF THE
24 PROVISIONS OF EMERGENCY MEDICAL TREATMENT PURSUANT TO ARTICLE THIRTY OF
25 THE PUBLIC HEALTH LAW. SUCH DATABASE SHALL BE DEVELOPED AND IMPLEMENTED
26 BY THE DEPARTMENT WHICH SHALL SEEK TECHNICAL ASSISTANCE FROM THE DEPART-
27 MENT OF HEALTH AND PROVIDERS OF EMERGENCY MEDICAL SERVICES. SUCH PILOT
28 PROGRAM SHALL INCLUDE THE FOLLOWING ELEMENTS:

29 (I) THE OPTION FOR AN APPLICANT FOR OR HOLDER OF A DRIVERS LICENSE TO
30 PROVIDE HIS OR HER BLOOD TYPE, ANY ALLERGIES TO MEDICATIONS AND/OR OTHER
31 SUBSTANCES OR ORGANISMS, EMERGENCY CONTACT INFORMATION, ANY CARDIAC
32 CONDITIONS, ANY CHRONIC CONDITION, AND/OR ANY CONDITION DEEMED RELEVANT
33 TO EMERGENCY MEDICAL TREATMENT BY THE COMMISSIONER OF HEALTH;

34 (II) PROVISIONS AUTHORIZING THE DISCLOSURE TO AND BY THE DEPARTMENT OF
35 AN APPLICANT'S EMERGENCY MEDICAL INFORMATION WHICH COMPLY WITH THE
36 PROVISIONS OF STATE AND FEDERAL LAW RELATING TO THE CONFIDENTIALLY AND
37 DISCLOSURE OF MEDICAL INFORMATION;

38 (III) THE PROVISION OF THE EMERGENCY MEDICAL INFORMATION OF THE HOLDER
39 OF A DRIVER LICENSE, WHO ELECTS TO PARTICIPATE IN THIS PROGRAM, BASED
40 UPON THE IDENTIFICATION NUMBER OF SUCH LICENSE OR THE SCANNABLE BAR CODE
41 THEREON, TO A POLICE OFFICER, EMERGENCY MEDICAL TECHNICIAN OR ADVANCED
42 EMERGENCY MEDICAL TECHNICIAN WHO IS PRESENT AT A LOCATION AT WHICH SUCH
43 HOLDER REQUIRES EMERGENCY MEDICAL TREATMENT;

44 (IV) THAT THE INFORMATION INCLUDED IN THE DATABASE SHALL BE CONFIDEN-
45 TIAL AND SHALL NOT BE SUBJECT TO DISCLOSURE PURSUANT TO ARTICLE SIX OF
46 THE PUBLIC OFFICERS LAW. FURTHERMORE, SUCH INFORMATION SHALL BE MAIN-
47 TAINED AND SHALL ONLY BE DISCLOSED IN ACCORDANCE WITH THIS SUBDIVISION
48 AND THE PROVISION OF STATE AND FEDERAL LAWS RELATING TO MEDICAL INFORMA-
49 TION; AND

50 (V) A REQUIREMENT THAT EACH APPLICANT FOR AND HOLDER OF A DRIVERS
51 LICENSE, WHO ELECTS TO PARTICIPATE IN THE PILOT PROGRAM GRANTS A WAIVER
52 OF LIABILITY TO THE DEPARTMENT AND ITS OFFICERS AND EMPLOYEES, IF THE
53 INFORMATION PROVIDED PURSUANT TO THIS CAUSES PERSONAL INJURY OR DEATH TO
54 SUCH PERSON, OR IF THE DEPARTMENT IS PROVIDED WITH INCORRECT INFORMA-
55 TION.

1 (B) THE DEPARTMENT MAY INITIALLY LIMIT THE SCOPE OF THE PILOT PROGRAM
2 TO A SELECT NUMBER OF REGIONS AND/OR COUNTIES OF THE STATE FOR A PERIOD
3 OF NOT MORE THAN EIGHTEEN MONTHS, UNLESS THE COMMISSIONER SHALL DETER-
4 MINE THAT THE IMPLEMENTATION OF THE PILOT PROGRAM STATEWIDE AFTER SUCH
5 EIGHTEEN MONTH PERIOD OF TIME. IF THE COMMISSIONER POSTPONES THE PILOT
6 PROGRAM STATEWIDE, SUCH POSTPONEMENT SHALL BE FOR AN ADDITIONAL EIGHTEEN
7 MONTHS AND HE OR SHE SHALL REPORT TO THE LEGISLATURE THE REASONS WHY
8 SUCH PROGRAM CANNOT BE FULLY IMPLEMENTED AND REQUEST THAT THE LAW BE
9 AMENDED TO DELAY ITS IMPLEMENTATION.

10 (C) THE COMMISSIONER MAY SUBMIT TO THE LEGISLATURE SUCH LEGISLATIVE
11 PROPOSALS AS HE OR SHE SHALL DEEM NECESSARY TO FACILITATE AND MINIMIZE
12 THE COST OF THE IMPLEMENTATION OF THE PILOT PROGRAM.

13 S 4. Subdivision 1 of section 206 of the public health law is amended
14 by adding a new paragraph (s) to read as follows:

15 (S) COOPERATE WITH THE COMMISSIONER OF MOTOR VEHICLES, TO ESTABLISH
16 AND IMPLEMENT THE EMERGENCY MEDICAL INFORMATION PILOT PROGRAM PURSUANT
17 TO SUBDIVISION SIX OF SECTION FIVE HUNDRED SEVEN OF THE VEHICLE AND
18 TRAFFIC LAW.

19 S 5. This act shall take effect eighteen months after it shall have
20 become a law, provided that, effective immediately, any actions neces-
21 sary to implement the provisions of this act on its effective date are
22 authorized and directed to be completed on or before such date.