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

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:

Section 1. Subdivision 1 of section 502 of the vehicle and traffic law, as amended by chapter 639 of the laws of 2006, is amended to read as follows:

1. Application for license. Application for a driver's license shall be made to the commissioner. The fee prescribed by law may be submitted with such application. The applicant shall furnish such proof of identity, age, and fitness as may be required by the commissioner. The commissioner may also provide that the application procedure shall include the taking of a photo image or images of the applicant in accordance with rules and regulations prescribed by the commissioner. In addition, the commissioner also shall require that the applicant provide his or her social security number and provide space on the application so that the applicant may register in the New York state organ and tissue donor registry under section forty-three hundred ten of the public health law. *IN ADDITION, THE COMMISSIONER SHALL PROVIDE SPACE ON THE APPLICATION WHEREBY THE APPLICANT MAY PROVIDE EMERGENCY MEDICAL INFORMATION IN ACCORDANCE WITH SUBDIVISION SIX OF SECTION FIVE HUNDRED SEVEN OF THIS ARTICLE.* In addition, an applicant for a commercial driver's license who 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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certify that such applicant meets the requirements to operate a commercial motor vehicle, 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. Upon a determination that the holder of a commercial driver's license has made any false statement, with respect to the application for such license, the commissioner shall revoke such license.

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

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

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

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

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

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

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

(IV) THAT THE INFORMATION INCLUDED IN THE DATABASE SHALL BE CONFIDENTIAL AND SHALL NOT BE SUBJECT TO DISCLOSURE PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW. FURTHERMORE, SUCH INFORMATION SHALL BE MAINTAINED AND SHALL ONLY BE DISCLOSED IN ACCORDANCE WITH THIS SUBDIVISION AND THE PROVISION OF STATE AND FEDERAL LAWS RELATING TO MEDICAL INFORMATION; AND

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

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

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

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

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

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