

6411--B

Cal. No. 1104

I N S E N A T E

February 6, 2012

Introduced by Sens. RIVERA, DIAZ, DILAN, GIANARIS, HASSELL-THOMPSON, KENNEDY, LARKIN -- 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 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the vehicle and traffic law and the executive law, in relation to enabling veterans to receive benefit information upon applying for or renewing a driver's license

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 section 1 of part D of chapter 58 of the laws of
3 2012, is amended to read 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 ENSURE THAT SPACE IS PROVIDED ON THE
16 APPLICATION TO ENABLE ANY APPLICANT WHO HAS SERVED IN THE ARMED FORCES
17 OF THE UNITED STATES FOR ANY DURATION OF TIME, TO REGISTER TO RECEIVE
18 INFORMATION FROM THE DIVISION OF VETERANS' AFFAIRS BY EMAIL OR TELEPHONE
19 REGARDING BENEFITS TO WHICH SUCH APPLICANT MAY BE ENTITLED AND THAT THE
20 FOLLOWING IS STATED ON THE APPLICATION: "BY CHECKING THIS BOX, YOU
21 CERTIFY THAT YOU SERVED IN THE ARMED FORCES OF THE UNITED STATES AND YOU
22 GIVE PERMISSION TO THE DEPARTMENT OF MOTOR VEHICLES TO SHARE YOUR NAME

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

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1 AND CONTACT INFORMATION WITH THE DIVISION OF VETERANS' AFFAIRS TO ENABLE
2 THE DIVISION OF VETERANS' AFFAIRS TO CONTACT YOU VIA EMAIL, TELEPHONE OR
3 MAIL REGARDING BENEFITS TO WHICH YOU MAY BE ENTITLED". In addition, an
4 applicant for a commercial driver's license who will operate a commer-
5 cial motor vehicle in interstate commerce shall certify that such appli-
6 cant meets the requirements to operate a commercial motor vehicle, as
7 set forth in public law 99-570, title XII, and title 49 of the code of
8 federal regulations, and all regulations promulgated by the United
9 States secretary of transportation under the hazardous materials trans-
10 portation act. In addition, an applicant for a commercial driver's
11 license shall submit a medical certificate at such intervals as required
12 by the federal motor carrier safety improvement act of 1999 and Part
13 383.71(h) of title 49 of the code of federal regulations relating to
14 medical certification and in a manner prescribed by the commissioner.
15 For purposes of this section and sections five hundred three, five
16 hundred ten-a, and five hundred ten-aa of this title, the terms "medical
17 certificate" and "medical certification" shall mean a form substantially
18 in compliance with the form set forth in Part 391.43(h) of title 49 of
19 the code of federal regulations. Upon a determination that the holder of
20 a commercial driver's license has made any false statement, with respect
21 to the application for such license, the commissioner shall revoke such
22 license.

23 S. 2. Paragraph (a) of subdivision 6 of section 502 of the vehicle and
24 traffic law, as amended by section 3 of part K of chapter 59 of the laws
25 of 2009, is amended to read as follows:

26 (a) A license issued pursuant to subdivision five of this section
27 shall be valid until the expiration date contained thereon, unless such
28 license is suspended, revoked or cancelled. Such license may be renewed
29 by submission of an application for renewal, the fee prescribed by law,
30 proofs of prior licensing, fitness and acceptable vision prescribed by
31 the commissioner, the applicant's social security number, and if
32 required by the commissioner a photo image of the applicant in such
33 numbers and form as the commissioner shall prescribe. IN ADDITION, THE
34 COMMISSIONER SHALL ENSURE THAT SPACE IS PROVIDED ON THE APPLICATION FOR
35 RENEWAL TO ENABLE ANY APPLICANT WHO HAS SERVED IN THE ARMED FORCES OF
36 THE UNITED STATES TO REGISTER TO RECEIVE INFORMATION FROM THE DIVISION
37 OF VETERANS' AFFAIRS BY EMAIL OR TELEPHONE REGARDING BENEFITS TO WHICH
38 SUCH APPLICANT MAY BE ENTITLED AND THAT THE FOLLOWING IS STATED ON THE
39 APPLICATION FOR RENEWAL: "BY CHECKING THIS BOX, YOU CERTIFY THAT YOU
40 SERVED IN THE ARMED FORCES OF THE UNITED STATES AND YOU GIVE PERMISSION
41 TO THE DEPARTMENT OF MOTOR VEHICLES TO SHARE YOUR NAME AND CONTACT
42 INFORMATION WITH THE DIVISION OF VETERANS' AFFAIRS TO ENABLE THE DIVI-
43 SION OF VETERANS' AFFAIRS TO CONTACT YOU VIA EMAIL, TELEPHONE OR MAIL
44 REGARDING BENEFITS TO WHICH YOU MAY BE ENTITLED". In addition, an appli-
45 cant for renewal of a license containing a hazardous material endorse-
46 ment shall pass an examination to retain such endorsement. The commis-
47 sioner shall, with respect to the renewal of a hazardous materials
48 endorsement, comply with the requirements imposed upon states by
49 sections 383.141 and 1572.13 of title 49 of the code of federal regu-
50 lations. A renewal of such license shall be issued by the commissioner
51 upon approval of such application, except that no such license shall be
52 issued if its issuance would be inconsistent with the provisions of
53 section five hundred sixteen of this title, and except that the commis-
54 sioner may refuse to renew such license if the applicant is the holder
55 of a currently valid or renewable license to drive issued by another
56 state or foreign country unless the applicant surrenders such license.

1 S 3. Subdivision 3 of section 490 of the vehicle and traffic law is
2 amended by adding a new paragraph (d) to read as follows:

3 (D) IN ADDITION, THE COMMISSIONER SHALL ENSURE THAT SPACE IS PROVIDED
4 ON THE APPLICATION AND THE APPLICATION FOR RENEWAL TO ENABLE ANY APPLI-
5 CANT WHO HAS SERVED IN THE ARMED FORCES OF THE UNITED STATES TO REGISTER
6 TO RECEIVE INFORMATION FROM THE DIVISION OF VETERANS' AFFAIRS BY EMAIL,
7 TELEPHONE OR MAIL REGARDING BENEFITS TO WHICH SUCH APPLICANT MAY BE
8 ENTITLED AND THAT THE FOLLOWING IS STATED ON THE APPLICATION AND APPLI-
9 CATION FOR RENEWAL: "BY CHECKING THIS BOX, YOU CERTIFY THAT YOU SERVED
10 IN THE ARMED FORCES OF THE UNITED STATES AND YOU GIVE PERMISSION TO THE
11 DEPARTMENT OF MOTOR VEHICLES TO SHARE YOUR NAME AND CONTACT INFORMATION
12 WITH THE DIVISION OF VETERANS' AFFAIRS TO ENABLE THE DIVISION OF VETER-
13 ANS' AFFAIRS TO CONTACT YOU VIA EMAIL OR TELEPHONE REGARDING BENEFITS TO
14 WHICH YOU MAY BE ENTITLED".

15 S 4. Section 508 of the vehicle and traffic law is amended by adding a
16 new subdivision 6 to read as follows:

17 6. THE COMMISSIONER SHALL APPOINT AGENTS TO ACT ON HIS OR HER BEHALF
18 TO COLLECT, STORE AND MAKE AVAILABLE TO THE DIVISION OF VETERANS'
19 AFFAIRS THE NAME AND CONTACT INFORMATION OF AN APPLICANT WHO SERVED IN
20 THE ARMED FORCES OF THE UNITED STATES FOR ANY DURATION OF TIME AND WHO
21 REQUESTS TO RECEIVE BENEFIT INFORMATION FROM THE DIVISION OF VETERANS'
22 AFFAIRS PURSUANT TO SUBDIVISION ONE OR PARAGRAPH (A) OF SUBDIVISION SIX
23 OF SECTION FIVE HUNDRED TWO OF THIS ARTICLE.

24 S 5. Section 353 of the executive law is amended by adding a new
25 subdivision 21 to read as follows:

26 21. TO COORDINATE WITH THE DEPARTMENT OF MOTOR VEHICLES PURSUANT TO
27 SUBDIVISION ONE OR PARAGRAPH (A) OF SUBDIVISION SIX OF SECTION FIVE
28 HUNDRED TWO OF THE VEHICLE AND TRAFFIC LAW TO RETRIEVE NAME AND CONTACT
29 INFORMATION OF APPLICANTS WHO SERVED IN THE ARMED FORCES OF THE UNITED
30 STATES FOR ANY DURATION OF TIME WHO ARE APPLYING FOR OR RENEWING THEIR
31 DRIVER'S LICENSES AND WHO REQUEST TO BE CONTACTED BY THE DIVISION VIA
32 EMAIL, TELEPHONE OR MAIL REGARDING BENEFITS TO WHICH THEY MAY BE ENTI-
33 TLED.

34 S 6. Subdivision 3 of section 502 of the vehicle and traffic law, as
35 amended by chapter 458 of the laws of 2011, is amended to read as
36 follows:

37 3. Application for learner's permit. An application for a learner's
38 permit shall be included in the application for a license. THE COMMIS-
39 SIONER SHALL ENSURE THAT SPACE IS PROVIDED ON THE APPLICATION TO ENABLE
40 ANY APPLICANT WHO HAS SERVED IN THE ARMED FORCES OF THE UNITED STATES
41 FOR ANY DURATION OF TIME, TO REGISTER OR RECEIVE INFORMATION FROM THE
42 DIVISION OF VETERANS' AFFAIRS BY EMAIL OR TELEPHONE REGARDING BENEFITS
43 TO WHICH SUCH APPLICANT MAY BE ENTITLED AND THAT THE FOLLOWING IS STATED
44 ON THE APPLICATION: "BY CHECKING THIS BOX, YOU CERTIFY THAT YOU SERVED
45 IN THE ARMED FORCES OF THE UNITED STATES AND YOU GIVE PERMISSION TO THE
46 DEPARTMENT OF MOTOR VEHICLES TO SHARE YOUR NAME AND CONTACT INFORMATION
47 WITH THE DIVISION OF VETERANS' AFFAIRS TO ENABLE THE DIVISION OF VETER-
48 ANS' AFFAIRS TO CONTACT YOU VIA EMAIL, TELEPHONE OR MAIL REGARDING BENE-
49 FITS TO WHICH YOU MAY BE ENTITLED". A learner's permit shall be issued
50 in such form as the commissioner shall determine but shall not be issued
51 unless the applicant has successfully passed the vision test required by
52 this section and the test set forth in paragraph (a) of subdivision four
53 of this section with respect to laws relating to traffic and ability to
54 read and comprehend traffic signs and symbols and has satisfactorily
55 completed any course required pursuant to paragraph (a) of subdivision
56 four of this section. Upon acceptance of an application for a learner's

1 permit the commissioner shall provide the applicant with a driver's
2 manual which includes but is not limited to the laws relating to traf-
3 fic, the laws relating to and physiological effects of driving while
4 ability impaired and driving while intoxicated, the law for exercising
5 due care to avoid colliding with a parked, stopped or standing author-
6 ized emergency vehicle or hazard vehicle pursuant to section eleven
7 hundred forty-four-a of this chapter, explanations of traffic signs and
8 symbols and such other matters as the commissioner may prescribe.
9 S 7. This act shall take effect immediately.