

2226

2013-2014 Regular Sessions

I N   S E N A T E

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Introduced by Sens. RIVERA, LARKIN, DIAZ, DILAN, GIANARIS,  
HASSELL-THOMPSON, KENNEDY -- read twice and ordered printed, and when  
printed to be committed to the Committee on Transportation

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 ASSEM-  
BLY, 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  
23    AND CONTACT INFORMATION WITH THE DIVISION OF VETERANS' AFFAIRS TO ENABLE

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

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

22 S 2. Subdivision 1 of section 502 of the vehicle and traffic law, as  
23 separately amended by chapters 465 and 487 of the laws of 2012, is  
24 REPEALED and a new subdivision 1 is added to read as follows:

25 1. APPLICATION FOR LICENSE. APPLICATION FOR A DRIVER'S LICENSE SHALL  
26 BE MADE TO THE COMMISSIONER. THE FEE PRESCRIBED BY LAW MAY BE SUBMITTED  
27 WITH SUCH APPLICATION. THE APPLICANT SHALL FURNISH SUCH PROOF OF IDENTI-  
28 TY, AGE, AND FITNESS AS MAY BE REQUIRED BY THE COMMISSIONER. THE  
29 COMMISSIONER MAY ALSO PROVIDE THAT THE APPLICATION PROCEDURE SHALL  
30 INCLUDE THE TAKING OF A PHOTO IMAGE OR IMAGES OF THE APPLICANT IN  
31 ACCORDANCE WITH RULES AND REGULATIONS PRESCRIBED BY THE COMMISSIONER. IN  
32 ADDITION, THE COMMISSIONER ALSO SHALL REQUIRE THAT THE APPLICANT PROVIDE  
33 HIS OR HER SOCIAL SECURITY NUMBER AND PROVIDE SPACE ON THE APPLICATION  
34 SO THAT THE APPLICANT MAY REGISTER IN THE NEW YORK STATE ORGAN AND  
35 TISSUE DONOR REGISTRY UNDER SECTION FORTY-THREE HUNDRED TEN OF THE  
36 PUBLIC HEALTH LAW, AND SPACE TO ENABLE ANY APPLICANT WHO HAS SERVED IN  
37 THE ARMED FORCES OF THE UNITED STATES FOR ANY DURATION OF TIME, TO  
38 REGISTER TO RECEIVE INFORMATION FROM THE DIVISION OF VETERANS' AFFAIRS  
39 BY EMAIL OR TELEPHONE REGARDING BENEFITS TO WHICH SUCH APPLICANT MAY BE  
40 ENTITLED AND THAT THE FOLLOWING IS STATED ON THE APPLICATION: "BY CHECK-  
41 ING THIS BOX, YOU CERTIFY THAT YOU SERVED IN THE ARMED FORCES OF THE  
42 UNITED STATES AND YOU GIVE PERMISSION TO THE DEPARTMENT OF MOTOR VEHI-  
43 CLES TO SHARE YOUR NAME AND CONTACT INFORMATION WITH THE DIVISION OF  
44 VETERANS' AFFAIRS TO ENABLE THE DIVISION OF VETERANS' AFFAIRS TO CONTACT  
45 YOU VIA EMAIL, TELEPHONE OR MAIL REGARDING BENEFITS TO WHICH YOU MAY BE  
46 ENTITLED". IN ADDITION, AN APPLICANT FOR A COMMERCIAL DRIVER'S LICENSE  
47 WHO WILL OPERATE A COMMERCIAL MOTOR VEHICLE IN INTERSTATE COMMERCE SHALL  
48 CERTIFY THAT SUCH APPLICANT MEETS THE REQUIREMENTS TO OPERATE A COMMER-  
49 CIAL MOTOR VEHICLE, AS SET FORTH IN PUBLIC LAW 99-570, TITLE XII, AND  
50 TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, AND ALL REGULATIONS PROMUL-  
51 GATED BY THE UNITED STATES SECRETARY OF TRANSPORTATION UNDER THE HAZARD-  
52 OUS MATERIALS TRANSPORTATION ACT. IN ADDITION, AN APPLICANT FOR A  
53 COMMERCIAL DRIVER'S LICENSE SHALL SUBMIT A MEDICAL CERTIFICATE AT SUCH  
54 INTERVALS AS REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT  
55 ACT OF 1999 AND PART 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL REGU-  
56 LATIONS RELATING TO MEDICAL CERTIFICATION AND IN A MANNER PRESCRIBED BY

THE COMMISSIONER. FOR PURPOSES OF THIS SECTION AND SECTIONS FIVE HUNDRED THREE, FIVE HUNDRED TEN-A, AND FIVE HUNDRED TEN-AA OF THIS TITLE, THE TERMS "MEDICAL CERTIFICATE" AND "MEDICAL CERTIFICATION" SHALL MEAN A FORM SUBSTANTIALLY IN COMPLIANCE WITH THE FORM SET FORTH IN PART 391.43(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS. 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 3. Subdivision 1 of section 502 of the vehicle and traffic law, as added by section two of this act, 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, [and space to enable any applicant who has served in the armed forces of the United States for any duration of time, to register to receive information from the division of veterans' affairs by email or telephone regarding benefits to which such applicant may be entitled and that the following is stated on the application: "By checking this box, you certify that you served in the armed forces of the United States and you give permission to the department of motor vehicles to share your name and contact information with the division of veterans' affairs to enable the division of veterans' affairs to contact you via email, telephone or mail regarding benefits to which you may be entitled"] AND SPACE SO THAT THE APPLICANT MAY REQUEST A NOTATION UPON SUCH LICENSE THAT HE OR SHE IS A VETERAN OF THE UNITED STATES ARMED FORCES. In addition, an applicant for a commercial driver's license who will operate a commercial motor vehicle in interstate commerce shall 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. In addition, an applicant for a commercial driver's license shall submit a medical certificate at such intervals as required by the federal motor carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of the code of federal regulations relating to medical certification and in a manner prescribed by the commissioner. For purposes of this section and sections five hundred three, five hundred ten-a, and five hundred ten-aa of this title, the terms "medical certificate" and "medical certification" shall mean a form substantially in compliance with the form set forth in Part 391.43(h) of title 49 of the code of federal regulations. 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 4. Paragraph (a) of subdivision 6 of section 502 of the vehicle and traffic law, as amended by section 3 of part K of chapter 59 of the laws of 2009, is amended to read as follows:

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

32 S 5. Subdivision 3 of section 490 of the vehicle and traffic law is  
33 amended by adding a new paragraph (d) to read as follows:

34 (D) IN ADDITION, THE COMMISSIONER SHALL ENSURE THAT SPACE IS PROVIDED  
35 ON THE APPLICATION AND THE APPLICATION FOR RENEWAL TO ENABLE ANY APPLI-  
36 CANT WHO HAS SERVED IN THE ARMED FORCES OF THE UNITED STATES TO REGISTER  
37 TO RECEIVE INFORMATION FROM THE DIVISION OF VETERANS' AFFAIRS BY EMAIL,  
38 TELEPHONE OR MAIL REGARDING BENEFITS TO WHICH SUCH APPLICANT MAY BE  
39 ENTITLED AND THAT THE FOLLOWING IS STATED ON THE APPLICATION AND APPLI-  
40 CATION FOR RENEWAL: "BY CHECKING THIS BOX, YOU CERTIFY THAT YOU SERVED  
41 IN THE ARMED FORCES OF THE UNITED STATES AND YOU GIVE PERMISSION TO THE  
42 DEPARTMENT OF MOTOR VEHICLES TO SHARE YOUR NAME AND CONTACT INFORMATION  
43 WITH THE DIVISION OF VETERANS' AFFAIRS TO ENABLE THE DIVISION OF VETER-  
44 ANS' AFFAIRS TO CONTACT YOU VIA EMAIL OR TELEPHONE REGARDING BENEFITS TO  
45 WHICH YOU MAY BE ENTITLED".

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

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

55 S 7. Section 353 of the executive law is amended by adding a new  
56 subdivision 21 to read as follows:

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

S 8. Subdivision 3 of section 502 of the vehicle and traffic law, as amended by chapter 458 of the laws of 2011, is amended to read as follows:

3. Application for learner's permit. An application for a learner's permit shall be included in the application for a license. THE COMMISSIONER SHALL ENSURE THAT SPACE IS PROVIDED ON THE APPLICATION TO ENABLE ANY APPLICANT WHO HAS SERVED IN THE ARMED FORCES OF THE UNITED STATES FOR ANY DURATION OF TIME, TO REGISTER OR RECEIVE INFORMATION FROM THE DIVISION OF VETERANS' AFFAIRS BY EMAIL OR TELEPHONE REGARDING BENEFITS TO WHICH SUCH APPLICANT MAY BE ENTITLED AND THAT THE FOLLOWING IS STATED ON THE APPLICATION: "BY CHECKING THIS BOX, YOU CERTIFY THAT YOU SERVED IN THE ARMED FORCES OF THE UNITED STATES AND YOU GIVE PERMISSION TO THE DEPARTMENT OF MOTOR VEHICLES TO SHARE YOUR NAME AND CONTACT INFORMATION WITH THE DIVISION OF VETERANS' AFFAIRS TO ENABLE THE DIVISION OF VETERANS' AFFAIRS TO CONTACT YOU VIA EMAIL, TELEPHONE OR MAIL REGARDING BENEFITS TO WHICH YOU MAY BE ENTITLED". A learner's permit shall be issued in such form as the commissioner shall determine but shall not be issued unless the applicant has successfully passed the vision test required by this section and the test set forth in paragraph (a) of subdivision four of this section with respect to laws relating to traffic and ability to read and comprehend traffic signs and symbols and has satisfactorily completed any course required pursuant to paragraph (a) of subdivision four of this section. Upon acceptance of an application for a learner's permit the commissioner shall provide the applicant with a driver's manual which includes but is not limited to the laws relating to traffic, the laws relating to and physiological effects of driving while ability impaired and driving while intoxicated, the law for exercising due care to avoid colliding with a parked, stopped or standing authorized emergency vehicle or hazard vehicle pursuant to section eleven hundred forty-four-a of this chapter, explanations of traffic signs and symbols and such other matters as the commissioner may prescribe.

S 9. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that section two of this act shall take effect October 3, 2013; and provided further that section three of this act shall take effect October 3, 2016.