

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:

1 21. TO COORDINATE WITH THE DEPARTMENT OF MOTOR VEHICLES PURSUANT TO
2 SUBDIVISION ONE OR PARAGRAPH (A) OF SUBDIVISION SIX OF SECTION FIVE
3 HUNDRED TWO OF THE VEHICLE AND TRAFFIC LAW TO RETRIEVE NAME AND CONTACT
4 INFORMATION OF APPLICANTS WHO SERVED IN THE ARMED FORCES OF THE UNITED
5 STATES FOR ANY DURATION OF TIME WHO ARE APPLYING FOR OR RENEWING THEIR
6 DRIVER'S LICENSES AND WHO REQUEST TO BE CONTACTED BY THE DIVISION VIA
7 EMAIL, TELEPHONE OR MAIL REGARDING BENEFITS TO WHICH THEY MAY BE ENTITLED.
8

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

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

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