

2590

2013-2014 Regular Sessions

I N S E N A T E

January 22, 2013

Introduced by Sen. FLANAGAN -- 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, in relation to requirements of proof for certain licenses; and to repeal certain provisions of such law in relation thereto

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

- 1 Section 1. Subparagraph (i) of paragraph (a) of subdivision 3 of
2 section 490 of the vehicle and traffic law, as amended by chapter 235 of
3 the laws of 2002, is amended to read as follows:
4 (i) The commissioner shall upon submission of an appropriate applica-
5 tion, upon payment of the prescribed fee, and upon being satisfied that
6 the person described is the applicant and that such applicant meets the
7 requirements set forth in subdivision two of this section, issue to such
8 applicant a nontransferable identification card. In addition, the
9 commissioner also shall require that an applicant for an identification
10 card or renewal thereof provide his or her social security number, OR
11 PROVIDE PROOF THAT HE OR SHE IS NOT ELIGIBLE FOR A SOCIAL SECURITY
12 NUMBER. SUCH PROOF MAY INCLUDE ANY DOCUMENTS SUBMITTED BY AN APPLICANT
13 TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR THE PURPOSE OF
14 DETERMINING WHETHER SUCH APPLICANT IS ELIGIBLE TO RECEIVE A SOCIAL SECU-
15 RITY NUMBER.
16 S 2. Subparagraph (i) of paragraph (a) of subdivision 3 of section 490
17 of the vehicle and traffic law, as amended by chapter 487 of the laws of
18 2012, is amended to read as follows:
19 (i) The commissioner shall upon submission of an appropriate applica-
20 tion, upon payment of the prescribed fee, and upon being satisfied that
21 the person described is the applicant and that such applicant meets the
22 requirements set forth in subdivision two of this section, issue to such
23 applicant a nontransferable identification card. In addition, the
24 commissioner also shall require that an applicant for an identification

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

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1 card or renewal thereof provide his or her social security number, OR
2 PROVIDE PROOF THAT HE OR SHE IS NOT ELIGIBLE FOR A SOCIAL SECURITY
3 NUMBER. SUCH PROOF MAY INCLUDE ANY DOCUMENTS SUBMITTED BY AN APPLICANT
4 TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR THE PURPOSE OF
5 DETERMINING WHETHER SUCH APPLICANT IS ELIGIBLE TO RECEIVE A SOCIAL SEC-
6 RITY NUMBER. The commissioner shall provide space so that an applicant
7 may request a notation upon such identification card that he or she is a
8 veteran of the United States armed forces.

9 S 3. Subdivision 1 of section 502 of the vehicle and traffic law, as
10 amended by section 1 of part D of chapter 58 of the laws of 2012, is
11 amended to read as follows:

12 1. Application for license. Application for a driver's license shall
13 be made to the commissioner. The fee prescribed by law may be submitted
14 with such application. The applicant shall furnish such proof of identi-
15 ty, age, and fitness as may be required by the commissioner. The commis-
16 sioner may also provide that the application procedure shall include the
17 taking of a photo image or images of the applicant in accordance with
18 rules and regulations prescribed by the commissioner. In addition, the
19 commissioner [also] shall require that the applicant provide his or her
20 social security number [and], OR PROVIDE PROOF THAT HE OR SHE IS NOT
21 ELIGIBLE FOR A SOCIAL SECURITY NUMBER. SUCH PROOF MAY INCLUDE ANY DOCU-
22 MENTS SUBMITTED BY AN APPLICANT TO THE UNITED STATES DEPARTMENT OF HOME-
23 LAND SECURITY FOR THE PURPOSE OF DETERMINING WHETHER SUCH APPLICANT IS
24 ELIGIBLE TO RECEIVE A SOCIAL SECURITY NUMBER. THE COMMISSIONER SHALL
25 ALSO provide space on the application so that the applicant may register
26 in the New York state organ and tissue donor registry under section
27 forty-three hundred ten of the public health law. In addition, an appli-
28 cant for a commercial driver's license who will operate a commercial
29 motor vehicle in interstate commerce shall certify that such applicant
30 meets the requirements to operate a commercial motor vehicle, as set
31 forth in public law 99-570, title XII, and title 49 of the code of
32 federal regulations, and all regulations promulgated by the United
33 States secretary of transportation under the hazardous materials trans-
34 portation act. In addition, an applicant for a commercial driver's
35 license shall submit a medical certificate at such intervals as required
36 by the federal motor carrier safety improvement act of 1999 and Part
37 383.71(h) of title 49 of the code of federal regulations relating to
38 medical certification and in a manner prescribed by the commissioner.
39 For purposes of this section and sections five hundred three, five
40 hundred ten-a, and five hundred ten-aa of this title, the terms "medical
41 certificate" and "medical certification" shall mean a form substantially
42 in compliance with the form set forth in Part 391.43(h) of title 49 of
43 the code of federal regulations. Upon a determination that the holder of
44 a commercial driver's license has made any false statement, with respect
45 to the application for such license, the commissioner shall revoke such
46 license.

47 S 4. Subdivision 1 of section 502 of the vehicle and traffic law, as
48 separately amended by chapters 465 and 487 of the laws of 2012, is
49 REPEALED and a new subdivision 1 is added to read as follows:

50 1. APPLICATION FOR LICENSE. APPLICATION FOR A DRIVER'S LICENSE SHALL
51 BE MADE TO THE COMMISSIONER. THE FEE PRESCRIBED BY LAW MAY BE SUBMITTED
52 WITH SUCH APPLICATION. THE APPLICANT SHALL FURNISH SUCH PROOF OF IDEN-
53 TITY, AGE, AND FITNESS AS MAY BE REQUIRED BY THE COMMISSIONER. THE
54 COMMISSIONER MAY ALSO PROVIDE THAT THE APPLICATION PROCEDURE SHALL
55 INCLUDE THE TAKING OF A PHOTO IMAGE OR IMAGES OF THE APPLICANT IN
56 ACCORDANCE WITH RULES AND REGULATIONS PRESCRIBED BY THE COMMISSIONER.

1 IN ADDITION, THE COMMISSIONER SHALL REQUIRE THAT THE APPLICANT PROVIDE
2 HIS OR HER SOCIAL SECURITY NUMBER, OR PROVIDE PROOF THAT HE OR SHE IS
3 NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER. SUCH PROOF MAY INCLUDE ANY
4 DOCUMENTS SUBMITTED BY AN APPLICANT TO THE UNITED STATES DEPARTMENT OF
5 HOMELAND SECURITY FOR THE PURPOSE OF DETERMINING WHETHER SUCH APPLICANT
6 IS ELIGIBLE TO RECEIVE A SOCIAL SECURITY NUMBER. THE COMMISSIONER SHALL
7 ALSO PROVIDE SPACE ON THE APPLICATION SO THAT THE APPLICANT MAY REGISTER
8 IN THE NEW YORK STATE ORGAN AND TISSUE DONOR REGISTRY UNDER SECTION
9 FORTY-THREE HUNDRED TEN OF THE PUBLIC HEALTH LAW WITH THE FOLLOWING
10 STATED ON THE APPLICATION IN CLEAR AND CONSPICUOUS TYPE:

11 "YOU MUST FILL OUT THE FOLLOWING SECTION: WOULD YOU LIKE TO BE ADDED
12 TO THE DONATE LIFE REGISTRY? CHECK BOX FOR 'YES' OR 'SKIP THIS QUES-
13 TION'."

14 THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL NOT MAINTAIN
15 RECORDS OF ANY PERSON WHO CHECKS "SKIP THIS QUESTION". FAILURE TO CHECK
16 A BOX SHALL NOT IMPAIR THE VALIDITY OF AN APPLICATION, AND FAILURE TO
17 CHECK "YES" OR CHECKING "SKIP THIS QUESTION" SHALL NOT BE CONSTRUED TO
18 IMPLY A WISH NOT TO DONATE. IN THE CASE OF AN APPLICANT UNDER EIGHTEEN
19 YEARS OF AGE, CHECKING "YES" SHALL NOT CONSTITUTE CONSENT TO MAKE AN
20 ANATOMICAL GIFT OR REGISTRATION IN THE DONATE LIFE REGISTRY. WHERE AN
21 APPLICANT HAS PREVIOUSLY CONSENTED TO MAKE AN ANATOMICAL GIFT OR REGIS-
22 TERED IN THE DONATE LIFE REGISTRY, CHECKING "SKIP THIS QUESTION" OR
23 FAILING TO CHECK A BOX SHALL NOT IMPAIR THAT CONSENT OR REGISTRATION. IN
24 ADDITION, THE COMMISSIONER ALSO SHALL REQUIRE THAT SPACE SHALL BE
25 PROVIDED ON THE APPLICATION SO THAT THE APPLICANT MAY REQUEST A NOTATION
26 UPON SUCH LICENSE THAT HE OR SHE IS A VETERAN OF THE UNITED STATES ARMED
27 FORCES. IN ADDITION, AN APPLICANT FOR A COMMERCIAL DRIVER'S LICENSE WHO
28 WILL OPERATE A COMMERCIAL MOTOR VEHICLE IN INTERSTATE COMMERCE SHALL
29 CERTIFY THAT SUCH APPLICANT MEETS THE REQUIREMENTS TO OPERATE A COMMER-
30 CIAL MOTOR VEHICLE, AS SET FORTH IN PUBLIC LAW 99-570, TITLE XII, AND
31 TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, AND ALL REGULATIONS PROMUL-
32 GATED BY THE UNITED STATES SECRETARY OF TRANSPORTATION UNDER THE HAZARD-
33 OUS MATERIALS TRANSPORTATION ACT. IN ADDITION, AN APPLICANT FOR A
34 COMMERCIAL DRIVER'S LICENSE SHALL SUBMIT A MEDICAL CERTIFICATE AT SUCH
35 INTERVALS AS REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT
36 ACT OF 1999 AND PART 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL REGU-
37 LATIONS RELATING TO MEDICAL CERTIFICATION AND IN A MANNER PRESCRIBED BY
38 THE COMMISSIONER. FOR PURPOSES OF THIS SECTION AND SECTIONS FIVE HUNDRED
39 THREE, FIVE HUNDRED TEN-A, AND FIVE HUNDRED TEN-AA OF THIS TITLE, THE
40 TERMS "MEDICAL CERTIFICATE" AND "MEDICAL CERTIFICATION" SHALL MEAN A
41 FORM SUBSTANTIALLY IN COMPLIANCE WITH THE FORM SET FORTH IN PART
42 391.43(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS. UPON A DETER-
43 MINATION THAT THE HOLDER OF A COMMERCIAL DRIVER'S LICENSE HAS MADE ANY
44 FALSE STATEMENT, WITH RESPECT TO THE APPLICATION FOR SUCH LICENSE, THE
45 COMMISSIONER SHALL REVOKE SUCH LICENSE.

46 S 5. Subdivision 1 of section 502 of the vehicle and traffic law, as
47 added by section four of this act, is amended to read as follows:

48 1. Application for license. Application for a driver's license shall
49 be made to the commissioner. The fee prescribed by law may be submitted
50 with such application. The applicant shall furnish such proof of iden-
51 tity, age, and fitness as may be required by the commissioner. The
52 commissioner may also provide that the application procedure shall
53 include the taking of a photo image or images of the applicant in
54 accordance with rules and regulations prescribed by the commissioner.
55 In addition, the commissioner shall require that the applicant provide
56 his or her social security number, or provide proof that he or she is

1 not eligible for a social security number. Such proof may include any
2 documents submitted by an applicant to the United States department of
3 homeland security for the purpose of determining whether such applicant
4 is eligible to receive a social security number. The commissioner shall
5 also provide space on the application so that the applicant may register
6 in the New York state organ and tissue donor registry under section
7 forty-three hundred ten of the public health law [with the following
8 stated on the application in clear and conspicuous type:

9 "You must fill out the following section: Would you like to be added
10 to the Donate Life Registry? Check box for 'yes' or 'skip this ques-
11 tion'."

12 The commissioner of the department of health shall not maintain
13 records of any person who checks "skip this question". Failure to check
14 a box shall not impair the validity of an application, and failure to
15 check "yes" or checking "skip this question" shall not be construed to
16 imply a wish not to donate. In the case of an applicant under eighteen
17 years of age, checking "yes" shall not constitute consent to make an
18 anatomical gift or registration in the donate life registry. Where an
19 applicant has previously consented to make an anatomical gift or regis-
20 tered in the donate life registry, checking "skip this question" or
21 failing to check a box shall not impair that consent or registration].
22 In addition, the commissioner also shall require that space shall be
23 provided on the application so that the applicant may request a notation
24 upon such license that he or she is a veteran of the United States armed
25 forces. In addition, an applicant for a commercial driver's license who
26 will operate a commercial motor vehicle in interstate commerce shall
27 certify that such applicant meets the requirements to operate a commer-
28 cial motor vehicle, as set forth in public law 99-570, title XII, and
29 title 49 of the code of federal regulations, and all regulations promul-
30 gated by the United States secretary of transportation under the hazard-
31 ous materials transportation act. In addition, an applicant for a
32 commercial driver's license shall submit a medical certificate at such
33 intervals as required by the federal motor carrier safety improvement
34 act of 1999 and Part 383.71(h) of title 49 of the code of federal regu-
35 lations relating to medical certification and in a manner prescribed by
36 the commissioner. For purposes of this section and sections five hundred
37 three, five hundred ten-a, and five hundred ten-aa of this title, the
38 terms "medical certificate" and "medical certification" shall mean a
39 form substantially in compliance with the form set forth in Part
40 391.43(h) of title 49 of the code of federal regulations. Upon a deter-
41 mination that the holder of a commercial driver's license has made any
42 false statement, with respect to the application for such license, the
43 commissioner shall revoke such license.

44 S 6. This act shall take effect immediately; provided however that
45 section two of this act shall take effect on the same date and in the
46 same manner as section 1 of chapter 487 of the laws of 2012 takes
47 effect; provided further that section four of this act shall take effect
48 October 3, 2013; and provided further that section five of this act
49 shall take effect October 3, 2016.