

2590--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 relating 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

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

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

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

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

49 S 4. Subdivision 1 of section 502 of the vehicle and traffic law, as
50 amended by chapter 465 of the laws of 2012, is amended to read as
51 follows:

52 1. Application for license. Application for a driver's license shall
53 be made to the commissioner. The fee prescribed by law may be submitted
54 with such application. The applicant shall furnish such proof of identi-
55 ty, age, and fitness as may be required by the commissioner. The commis-
56 sioner may also provide that the application procedure shall include the

1 taking of a photo image or images of the applicant in accordance with
2 rules and regulations prescribed by the commissioner. In addition, the
3 commissioner [also] shall require that the applicant provide his or her
4 social security number [and], OR PROVIDE PROOF THAT HE OR SHE IS NOT
5 ELIGIBLE FOR A SOCIAL SECURITY NUMBER. SUCH PROOF MAY INCLUDE ANY DOCU-
6 MENTS SUBMITTED BY AN APPLICANT TO THE UNITED STATES DEPARTMENT OF HOME-
7 LAND SECURITY FOR THE PURPOSE OF DETERMINING WHETHER SUCH APPLICANT IS
8 ELIGIBLE TO RECEIVE A SOCIAL SECURITY NUMBER. THE COMMISSIONER shall
9 ALSO provide space on the application so that the applicant may register
10 in the New York state organ and tissue donor registry under section
11 forty-three hundred ten of the public health law with the following
12 stated on the application in clear and conspicuous type:

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

16 The commissioner of the department of health shall not maintain
17 records of any person who checks "skip this question". Failure to check
18 a box shall not impair the validity of an application, and failure to
19 check "yes" or checking "skip this question" shall not be construed to
20 imply a wish not to donate. In the case of an applicant under eighteen
21 years of age, checking "yes" shall not constitute consent to make an
22 anatomical gift or registration in the donate life registry. Where an
23 applicant has previously consented to make an anatomical gift or regis-
24 tered in the donate life registry, checking "skip this question" or
25 failing to check a box shall not impair that consent or registration.
26 THE APPLICATION SHALL ALSO PROVIDE SPACE SO THAT THE APPLICANT MAY
27 REQUEST A NOTATION UPON SUCH LICENSE THAT HE OR SHE IS A VETERAN OF THE
28 UNITED STATES ARMED FORCES. In addition, an applicant for a commercial
29 driver's license who will operate a commercial motor vehicle in inter-
30 state commerce shall certify that such applicant meets the requirements
31 to operate a commercial motor vehicle, as set forth in public law
32 99-570, title XII, and title 49 of the code of federal regulations, and
33 all regulations promulgated by the United States secretary of transpor-
34 tation under the hazardous materials transportation act. In addition, an
35 applicant for a commercial driver's license shall submit a medical
36 certificate at such intervals as required by the federal motor carrier
37 safety improvement act of 1999 and Part 383.71(h) of title 49 of the
38 code of federal regulations relating to medical certification and in a
39 manner prescribed by the commissioner. For purposes of this section and
40 sections five hundred three, five hundred ten-a, and five hundred ten-aa
41 of this title, the terms "medical certificate" and "medical certif-
42 ication" shall mean a form substantially in compliance with the form set
43 forth in Part 391.43(h) of title 49 of the code of federal regulations.
44 Upon a determination that the holder of a commercial driver's license
45 has made any false statement, with respect to the application for such
46 license, the commissioner shall revoke such license.

47 S 5. Subdivision 1 of section 502 of the vehicle and traffic law, as
48 amended by chapter 487 of the laws of 2012, is REPEALED.

49 S 6. Subdivision 1 of section 502 of the vehicle and traffic law, as
50 amended by section four of this act, is amended to read as follows:

51 1. Application for license. Application for a driver's license shall
52 be made to the commissioner. The fee prescribed by law may be submitted
53 with such application. The applicant shall furnish such proof of identi-
54 ty, age, and fitness as may be required by the commissioner. The commis-
55 sioner may also provide that the application procedure shall include the
56 taking of a photo image or images of the applicant in accordance with

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

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

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

46 S 7. Paragraph (a) of subdivision 6 of section 502 of the vehicle and
47 traffic law, as amended by section 3 of part K of chapter 59 of the laws
48 of 2009, is amended to read as follows:

49 (a) A license issued pursuant to subdivision five of this section
50 shall be valid until the expiration date contained thereon, unless such
51 license is suspended, revoked or cancelled. Such license may be renewed
52 by submission of an application for renewal, the fee prescribed by law,
53 proofs of prior licensing, fitness and acceptable vision prescribed by
54 the commissioner, AND the applicant's social security number[, and if
55 required by the commissioner] OR PROVIDE PROOF THAT HE OR SHE IS NOT
56 ELIGIBLE FOR A SOCIAL SECURITY NUMBER. SUCH PROOF MAY INCLUDE ANY DOCU-

1 MENTS SUBMITTED BY AN APPLICANT TO THE UNITED STATES DEPARTMENT OF HOME-
2 LAND SECURITY FOR THE PURPOSE OF DETERMINING WHETHER SUCH APPLICANT IS
3 ELIGIBLE TO RECEIVE A SOCIAL SECURITY NUMBER. THE COMMISSIONER MAY ALSO
4 REQUIRE SUBMISSION OF a photo image of the applicant in such numbers and
5 form as the commissioner shall prescribe. In addition, an applicant for
6 renewal of a license containing a hazardous material endorsement shall
7 pass an examination to retain such endorsement. The commissioner shall,
8 with respect to the renewal of a hazardous materials endorsement, comply
9 with the requirements imposed upon states by sections 383.141 and
10 1572.13 of title 49 of the code of federal regulations. A renewal of
11 such license shall be issued by the commissioner upon approval of such
12 application, except that no such license shall be issued if its issuance
13 would be inconsistent with the provisions of section five hundred
14 sixteen of this title, and except that the commissioner may refuse to
15 renew such license if the applicant is the holder of a currently valid
16 or renewable license to drive issued by another state or foreign country
17 unless the applicant surrenders such license.

18 S 8. This act shall take effect immediately; provided however that
19 section two of this act shall take effect on the same date and in the
20 same manner as section 1 of chapter 487 of the laws of 2012 takes
21 effect; provided further that sections four and five of this act shall
22 take effect October 3, 2013; and provided further that section six of
23 this act shall take effect October 3, 2016.