

2903

2013-2014 Regular Sessions

I N S E N A T E

January 24, 2013

Introduced by Sen. CARLUCCI -- 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 certain requirements for obtaining a driver's license and to repeal certain provisions of the vehicle and traffic law relating thereto

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 OR THE INDIVIDUAL TAX IDENTIFICATION NUMBER WHERE
13 SUCH APPLICANT IS A LEGAL IMMIGRANT and provide space on the application
14 so that the applicant may register in the New York state organ and
15 tissue donor registry under section forty-three hundred ten of the
16 public health law. In addition, an applicant for a commercial driver's
17 license who will operate a commercial motor vehicle in interstate
18 commerce shall certify that such applicant meets the requirements to
19 operate a commercial motor vehicle, as set forth in public law 99-570,
20 title XII, and title 49 of the code of federal regulations, and all
21 regulations promulgated by the United States secretary of transportation
22 under the hazardous materials transportation act. In addition, an appli-
23 cant for a commercial driver's license shall submit a medical certifi-
24 cate at such intervals as required by the federal motor carrier safety

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

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1 improvement act of 1999 and Part 383.71(h) of title 49 of the code of
2 federal regulations relating to medical certification and in a manner
3 prescribed by the commissioner. For purposes of this section and
4 sections five hundred three, five hundred ten-a, and five hundred ten-aa
5 of this title, the terms "medical certificate" and "medical certifi-
6 cation" shall mean a form substantially in compliance with the form set
7 forth in Part 391.43(h) of title 49 of the code of federal regulations.
8 Upon a determination that the holder of a commercial driver's license
9 has made any false statement, with respect to the application for such
10 license, the commissioner shall revoke such license.

11 S 2. Subdivision 1 of section 502 of the vehicle and traffic law, as
12 separately amended by chapters 465 and 487 of the laws of 2012, is
13 REPEALED and a new subdivision 1 is added 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
18 COMMISSIONER MAY ALSO PROVIDE THAT THE APPLICATION PROCEDURE SHALL
19 INCLUDE THE TAKING OF A PHOTO IMAGE OR IMAGES OF THE APPLICANT IN
20 ACCORDANCE WITH RULES AND REGULATIONS PRESCRIBED BY THE COMMISSIONER.
21 IN ADDITION, THE COMMISSIONER ALSO SHALL REQUIRE THAT THE APPLICANT
22 PROVIDE HIS OR HER SOCIAL SECURITY NUMBER OR THE INDIVIDUAL TAX IDEN-
23 TIFICATION NUMBER WHERE SUCH APPLICANT IS A LEGAL IMMIGRANT AND SHALL
24 PROVIDE SPACE ON THE APPLICATION SO THAT THE APPLICANT MAY REGISTER IN
25 THE NEW YORK STATE ORGAN AND TISSUE DONOR REGISTRY UNDER SECTION FORTY-
26 THREE HUNDRED TEN OF THE PUBLIC HEALTH LAW WITH THE FOLLOWING STATED ON
27 THE APPLICATION IN CLEAR AND CONSPICUOUS TYPE:

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

31 THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL NOT MAINTAIN
32 RECORDS OF ANY PERSON WHO CHECKS "SKIP THIS QUESTION". FAILURE TO CHECK
33 A BOX SHALL NOT IMPAIR THE VALIDITY OF AN APPLICATION, AND FAILURE TO
34 CHECK "YES" OR CHECKING "SKIP THIS QUESTION" SHALL NOT BE CONSTRUED TO
35 IMPLY A WISH NOT TO DONATE. IN THE CASE OF AN APPLICANT UNDER EIGHTEEN
36 YEARS OF AGE, CHECKING "YES" SHALL NOT CONSTITUTE CONSENT TO MAKE AN
37 ANATOMICAL GIFT OR REGISTRATION IN THE DONATE LIFE REGISTRY. WHERE AN
38 APPLICANT HAS PREVIOUSLY CONSENTED TO MAKE AN ANATOMICAL GIFT OR REGIS-
39 TERED IN THE DONATE LIFE REGISTRY, CHECKING "SKIP THIS QUESTION" OR
40 FAILING TO CHECK A BOX SHALL NOT IMPAIR THAT CONSENT OR REGISTRATION. IN
41 ADDITION, THE COMMISSIONER ALSO SHALL REQUIRE THAT SPACE SHALL BE
42 PROVIDED ON THE APPLICATION SO THAT THE APPLICANT MAY REQUEST A NOTATION
43 UPON SUCH LICENSE THAT HE OR SHE IS A VETERAN OF THE UNITED STATES ARMED
44 FORCES. IN ADDITION, AN APPLICANT FOR A COMMERCIAL DRIVER'S LICENSE WHO
45 WILL OPERATE A COMMERCIAL MOTOR VEHICLE IN INTERSTATE COMMERCE SHALL
46 CERTIFY THAT SUCH APPLICANT MEETS THE REQUIREMENTS TO OPERATE A COMMER-
47 CIAL MOTOR VEHICLE, AS SET FORTH IN PUBLIC LAW 99-570, TITLE XII, AND
48 TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, AND ALL REGULATIONS PROMUL-
49 GATED BY THE UNITED STATES SECRETARY OF TRANSPORTATION UNDER THE HAZARD-
50 OUS MATERIALS TRANSPORTATION ACT. IN ADDITION, AN APPLICANT FOR A
51 COMMERCIAL DRIVER'S LICENSE SHALL SUBMIT A MEDICAL CERTIFICATE AT SUCH
52 INTERVALS AS REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT
53 ACT OF 1999 AND PART 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL REGU-
54 LATIONS RELATING TO MEDICAL CERTIFICATION AND IN A MANNER PRESCRIBED BY
55 THE COMMISSIONER. FOR PURPOSES OF THIS SECTION AND SECTIONS FIVE HUNDRED
56 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 or the individual tax identification number where such applicant is a legal immigrant and shall 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 [with the following stated on the application in clear and conspicuous type:

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

The commissioner of the department of health shall not maintain records of any person who checks "skip this question". Failure to check a box shall not impair the validity of an application, and failure to check "yes" or checking "skip this question" shall not be construed to imply a wish not to donate. In the case of an applicant under eighteen years of age, checking "yes" shall not constitute consent to make an anatomical gift or registration in the donate life registry. Where an applicant has previously consented to make an anatomical gift or registered in the donate life registry, checking "skip this question" or failing to check a box shall not impair that consent or registration]. In addition, the commissioner also shall require that space shall be provided on the application 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

1 false statement, with respect to the application for such license, the
2 commissioner shall revoke such license.

3 S 4. Paragraph (a) of subdivision 6 of section 502 of the vehicle and
4 traffic law, as amended by section 3 of part K of chapter 59 of the laws
5 of 2009, is amended to read as follows:

6 (a) A license issued pursuant to subdivision five of this section
7 shall be valid until the expiration date contained thereon, unless such
8 license is suspended, revoked or cancelled. Such license may be renewed
9 by submission of an application for renewal, the fee prescribed by law,
10 proofs of prior licensing, fitness and acceptable vision prescribed by
11 the commissioner, the applicant's social security number OR THE INDIVID-
12 UAL TAX IDENTIFICATION NUMBER WHERE SUCH APPLICANT IS A LEGAL IMMIGRANT,
13 and if required by the commissioner a photo image of the applicant in
14 such numbers and form as the commissioner shall prescribe. In addition,
15 an applicant for renewal of a license containing a hazardous material
16 endorsement shall pass an examination to retain such endorsement. The
17 commissioner shall, with respect to the renewal of a hazardous materials
18 endorsement, comply with the requirements imposed upon states by
19 sections 383.141 and 1572.13 of title 49 of the code of federal regu-
20 lations. A renewal of such license shall be issued by the commissioner
21 upon approval of such application, except that no such license shall be
22 issued if its issuance would be inconsistent with the provisions of
23 section five hundred sixteen of this title, and except that the commis-
24 sioner may refuse to renew such license if the applicant is the holder
25 of a currently valid or renewable license to drive issued by another
26 state or foreign country unless the applicant surrenders such license.

27 S 5. This act shall take effect on the ninetieth day after it shall
28 have become a law; provided, however, that section two of this act shall
29 take effect on October 3, 2013; and provided further that section three
30 of this act shall take effect on October 3, 2016.