

9810

I N A S S E M B L Y

April 12, 2016

Introduced by M. of A. ROSENTHAL -- read once and referred to the
Committee on Transportation

AN ACT to amend the vehicle and traffic law and the election law, in
relation to notification of the national bone marrow program; and
repealing certain provisions of the vehicle and traffic law relating
thereto

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

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 101-d to read as follows:
3 S 101-D. BONE MARROW DONOR CONTACT INFORMATION. THE NATIONAL MARROW
4 DONOR PROGRAM CONTACT INFORMATION INCLUDING THE MAILING ADDRESS, CONTACT
5 TELEPHONE NUMBER AND WEBSITE ADDRESS.
6 S 2. The third undesignated paragraph of subdivision 2 of section 490
7 of the vehicle and traffic law, as amended by chapter 405 of the laws of
8 2015, is amended to read as follows:
9 The commissioner of health shall not maintain records of any person
10 who checks "skip this question". Except where the application is made
11 in person or electronically, failure to check a box shall not impair the
12 validity of an application, and failure to check "yes" or checking "skip
13 this question" shall not be construed to imply a wish not to donate. In
14 the case of an applicant under eighteen years of age, checking "yes"
15 shall not constitute consent to make an anatomical gift or registration
16 in the donate life registry. Where an applicant has previously consented
17 to make an anatomical gift or registered in the donate life registry,
18 checking "skip this question" or failing to check a box shall not impair
19 that consent or registration. ADDITIONALLY, THE COMMISSIONER SHALL
20 ENSURE THAT SPACE IS PROVIDED ON THE APPLICATION TO ADVISE APPLICANTS OF
21 THE EXISTENCE OF THE NATIONAL MARROW DONOR PROGRAM AND TO PROVIDE, AT A
22 MINIMUM, THE CONTACT INFORMATION FOR THIS PROGRAM AND A DESCRIPTION OF
23 ITS PURPOSE.
24 S 3. Subdivision 2 of section 490 of the vehicle and traffic law, as
25 amended by chapter 575 of the laws of 2006, is amended to read as
26 follows:

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

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1 2. Application. Any person to whom a driver's license or learner's
2 permit has not been issued by the commissioner, or whose driver's
3 license or learner's permit is expired, suspended, revoked or surren-
4 dered, may make application to the commissioner for the issuance of an
5 identification card. ADDITIONALLY, THE COMMISSIONER SHALL ENSURE THAT
6 SPACE IS PROVIDED ON THE APPLICATION TO ADVISE APPLICANTS OF THE EXIST-
7 ENCE OF THE NATIONAL MARROW DONOR PROGRAM AND TO PROVIDE, AT A MINIMUM,
8 THE CONTACT INFORMATION FOR THIS PROGRAM AND A DESCRIPTION OF ITS
9 PURPOSE.

10 S 4. Subdivision 1 of section 502 of the vehicle and traffic law is
11 REPEALED and a new subdivision 1 is added 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
16 COMMISSIONER MAY ALSO PROVIDE THAT THE APPLICATION PROCEDURE SHALL
17 INCLUDE THE TAKING OF A PHOTO IMAGE OR IMAGES OF THE APPLICANT IN
18 ACCORDANCE WITH RULES AND REGULATIONS PRESCRIBED BY THE COMMISSIONER. IN
19 ADDITION, THE COMMISSIONER ALSO SHALL REQUIRE THAT THE APPLICANT PROVIDE
20 HIS OR HER SOCIAL SECURITY NUMBER AND SHALL PROVIDE SPACE ON THE APPLI-
21 CATION SO THAT THE APPLICANT MAY REGISTER IN THE NEW YORK STATE ORGAN
22 AND TISSUE DONOR REGISTRY UNDER SECTION FORTY-THREE HUNDRED TEN OF THE
23 PUBLIC HEALTH LAW WITH THE FOLLOWING STATED ON THE APPLICATION IN CLEAR
24 AND CONSPICUOUS TYPE:

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

28 THE COMMISSIONER OF HEALTH SHALL NOT MAINTAIN RECORDS OF ANY PERSON
29 WHO CHECKS "SKIP THIS QUESTION". EXCEPT WHERE THE APPLICATION IS MADE IN
30 PERSON OR ELECTRONICALLY, FAILURE TO CHECK A BOX SHALL NOT IMPAIR THE
31 VALIDITY OF AN APPLICATION, AND FAILURE TO CHECK "YES" OR CHECKING "SKIP
32 THIS QUESTION" SHALL NOT BE CONSTRUED TO IMPLY A WISH NOT TO DONATE. IN
33 THE CASE OF AN APPLICANT UNDER EIGHTEEN YEARS OF AGE, CHECKING "YES"
34 SHALL NOT CONSTITUTE CONSENT TO MAKE AN ANATOMICAL GIFT OR REGISTRATION
35 IN THE DONATE LIFE REGISTRY. WHERE AN APPLICANT HAS PREVIOUSLY CONSENTED
36 TO MAKE AN ANATOMICAL GIFT OR REGISTERED IN THE DONATE LIFE REGISTRY,
37 CHECKING "SKIP THIS QUESTION" OR FAILING TO CHECK A BOX SHALL NOT IMPAIR
38 THAT CONSENT OR REGISTRATION. IN ADDITION, THE COMMISSIONER ALSO SHALL
39 REQUIRE THAT SPACE SHALL BE PROVIDED ON THE APPLICATION SO THAT THE
40 APPLICANT MAY REQUEST A NOTATION UPON SUCH LICENSE THAT HE OR SHE IS A
41 VETERAN OF THE UNITED STATES ARMED FORCES. ADDITIONALLY, THE COMMISSION-
42 ER SHALL ENSURE THAT SPACE IS PROVIDED ON THE APPLICATION TO ADVISE
43 APPLICANTS OF THE EXISTENCE OF THE NATIONAL MARROW DONOR PROGRAM AND TO
44 PROVIDE, AT A MINIMUM, THE CONTACT INFORMATION FOR THIS PROGRAM AND A
45 DESCRIPTION OF ITS PURPOSE.

46 IN ADDITION, AN APPLICANT FOR A COMMERCIAL DRIVER'S LICENSE WHO WILL
47 OPERATE A COMMERCIAL MOTOR VEHICLE IN INTERSTATE COMMERCE SHALL CERTIFY
48 THAT SUCH APPLICANT MEETS THE REQUIREMENTS TO OPERATE A COMMERCIAL MOTOR
49 VEHICLE, AS SET FORTH IN PUBLIC LAW 99-570, TITLE XII, AND TITLE 49 OF
50 THE CODE OF FEDERAL REGULATIONS, AND ALL REGULATIONS PROMULGATED BY THE
51 UNITED STATES SECRETARY OF TRANSPORTATION UNDER THE HAZARDOUS MATERIALS
52 TRANSPORTATION ACT. IN ADDITION, AN APPLICANT FOR A COMMERCIAL DRIVER'S
53 LICENSE SHALL SUBMIT A MEDICAL CERTIFICATE AT SUCH INTERVALS AS REQUIRED
54 BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND PART
55 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS RELATING TO
56 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 5. Subdivision 1 of section 502 of the vehicle and traffic law, as added by section four 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 [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 health shall not maintain records of any person who checks "skip this question". Except where the application is made in person or electronically, 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. Additionally, the commissioner shall ensure that space is provided on the application to advise applicants of the existence of the national marrow donor program and to provide, at a minimum, the contact information for this program and a description of its purpose.

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

1 hundred ten-a, and five hundred ten-aa of this title, the terms "medical
2 certificate" and "medical certification" shall mean a form substantially
3 in compliance with the form set forth in Part 391.43(h) of title 49 of
4 the code of federal regulations. Upon a determination that the holder of
5 a commercial driver's license has made any false statement, with respect
6 to the application for such license, the commissioner shall revoke such
7 license.

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

10 6. THE COMMISSIONER IS DIRECTED TO DEVELOP THE LICENSE APPLICATION AND
11 RENEWAL FORMS AND THE DIRECTIONS ACCOMPANYING THESE FORMS TO ADVISE
12 APPLICANTS OF THE EXISTENCE OF THE NATIONAL MARROW DONOR PROGRAM AND TO
13 PROVIDE, AT A MINIMUM, THE CONTACT INFORMATION FOR THIS PROGRAM AND A
14 DESCRIPTION OF ITS PURPOSE, AND TO FURTHER AMEND THE WEBSITE OF THE
15 DEPARTMENT TO PROVIDE NATIONAL MARROW DONOR PROGRAM CONTACT INFORMATION
16 AND A DESCRIPTION OF ITS PURPOSE.

17 S 7. Section 1-104 of the election law is amended by adding a new
18 paragraph 38 to read as follows:

19 38. THE TERM "BONE MARROW CONTACT INFORMATION" SHALL MEAN THE NATIONAL
20 MARROW DONOR PROGRAM CONTACT INFORMATION INCLUDING THE MAILING ADDRESS,
21 CONTACT TELEPHONE NUMBER AND WEBSITE ADDRESS.

22 S 8. Paragraph k of subdivision 5 of section 5-210 of the election law
23 is amended by adding a new subparagraph (xiii) to read as follows:

24 (XIII) NOTIFICATION OF THE NATIONAL BONE MARROW PROGRAM CONTACT INFOR-
25 MATION AND A DESCRIPTION OF ITS PURPOSE.

26 S 9. Notwithstanding any other provision of law, rule or regulation to
27 the contrary, the department of motor vehicles shall revise the paper
28 applications or renewal forms to include the information pertaining to
29 the national bone marrow program pursuant to sections one, two, three,
30 four, five and six of this act when the current stock of forms have been
31 depleted.

32 S 10. This act shall take effect on the one hundred eightieth day
33 after it shall have become law; provided, however, that the amendments
34 to subdivision 2 of section 490 of the vehicle and traffic law made by
35 section two of this act shall be subject to the expiration and reversion
36 of such subdivision pursuant to section 6 of chapter 465 of the laws of
37 2012, as amended, when upon such date the provisions of section three of
38 this act shall take effect; and provided further that section five of
39 this act shall take effect October 3, 2016. Effective immediately, the
40 addition, amendment and/or repeal of any rule or regulation necessary
41 for the implementation of this act on its effective date are authorized
42 to be made and completed on or before such effective date.