

# STATE OF NEW YORK

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5395--B

2019-2020 Regular Sessions

## IN ASSEMBLY

February 11, 2019

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Introduced by M. of A. ORTIZ, DAVILA, PICHARDO, TAYLOR, MOSLEY, COOK, SEAWRIGHT, CARROLL, DE LA ROSA, QUART, GLICK, SIMOTAS, REYES, SIMON, LAVINE, D'URSO, CRUZ, DICKENS, O'DONNELL, ROMEO, EPSTEIN, GOTTFRIED, ARROYO, L. ROSENTHAL, BRONSON -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to the designation of sex by applicants for non-driver identification cards, drivers' licenses and learners' permits

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The opening paragraph of subdivision 2 of section 490 of  
2 the vehicle and traffic law, as amended by chapter 465 of the laws of  
3 2012, is amended to read as follows:

4 Any person to whom a driver's license or learner's permit has not been  
5 issued by the commissioner, or whose driver's license or learner's  
6 permit is expired, suspended, revoked or surrendered, may make applica-  
7 tion to the commissioner for the issuance of an identification card.

8 Whenever the application requires an applicant to designate such appli-  
9 cant's sex, the commissioner shall provide the following three options  
10 on such application: "male", "female" and "X". Option "X" may indicate  
11 non binary, intersex, undesignated, or other, and may be designated by  
12 any applicant who self-certifies thereto. The commissioner shall ensure

13 that space is provided on the application so that the applicant shall  
14 register or decline registration in the donate life registry for organ  
15 and tissue donations pursuant to section forty-three hundred ten of the  
16 public health law and that the following is stated on the application in  
17 clear and conspicuous type:

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

LBD05830-08-9

1 § 2. The opening paragraph of subdivision 1 of section 502 of the  
2 vehicle and traffic law, as amended by chapter 465 of the laws of 2012,  
3 is amended to read as follows:

4 Application for a driver's license shall be made to the commissioner.  
5 The fee prescribed by law may be submitted with such application. The  
6 applicant shall furnish such proof of identity, age, and fitness as may  
7 be required by the commissioner. The commissioner may also provide that  
8 the application procedure shall include the taking of a photo image or  
9 images of the applicant in accordance with rules and regulations  
10 prescribed by the commissioner. Whenever the application requires an  
11 applicant to designate such applicant's sex, the commissioner shall  
12 provide the following three options on such application: "male",  
13 "female" and "X". Option "X" may indicate non binary, intersex, undesig-  
14 nated, or other, and may be designated by any applicant who self-certi-  
15 fies thereto. In addition, the commissioner also shall require that the  
16 applicant provide his or her social security number and shall provide  
17 space on the application so that the applicant may register in the New  
18 York state organ and tissue donor registry under section forty-three  
19 hundred ten of the public health law with the following stated on the  
20 application in clear and conspicuous type:

21 § 3. This act shall take effect one year after it shall have become a  
22 law. Effective immediately, the addition, amendment and/or repeal of any  
23 rule or regulation necessary for the implementation of this act on its  
24 effective date are authorized to be made and completed on or before such  
25 date.