

STATE OF NEW YORK

1986

2021-2022 Regular Sessions

IN SENATE

January 16, 2021

Introduced by Sen. JACKSON -- 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 the placement of a discreet disability designation on non-driver identification cards, drivers' licenses and learners' permits and making technical and conforming changes; and to repeal section 2 of chapter 487 of the laws of 2012, relating to forms of identification cards and licenses of veterans

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

Section 1. Paragraph (a) of subdivision 3 of section 490 of the vehicle and traffic law, is amended by adding a new subparagraph (iv) to read as follows:

(iv) The commissioner shall provide space so that an applicant may request a notation upon such identification card that such applicant has a disability. An applicant requesting a notation of disability shall submit either a copy of such applicant's social security disability benefit verification letter or a form, to be promulgated by the commissioner in consultation with the commissioner of health, commissioner of mental health, the commissioner of the office for people with developmental disabilities and the commissioner of addiction services and supports, verifying that such applicant has a disability, including chronic illness or pain. Such form shall be signed by:

(A) a licensed physician, including a licensed neurologist or a licensed psychiatrist;

(B) a commissioned medical officer of the armed forces of the United States;

(C) a licensed physician assistant;

(D) a licensed podiatrist;

(E) a certified nurse practitioner;

(F) a licensed physical therapist; or

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

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1 (G) a licensed psychologist.

2 § 2. Paragraph (b) of subdivision 3 of section 490 of the vehicle and
3 traffic law, as amended by chapter 490 of the laws of 2019, is amended
4 to read as follows:

5 (b) The identification card shall contain a distinguishing number or
6 mark and adequate space upon which an anatomical gift, pursuant to arti-
7 cle forty-three of the public health law, by the holder may be recorded
8 and shall contain such other information and shall be issued in such
9 form as the commissioner shall determine; provided, however, every iden-
10 tification card or renewal thereof issued to a person under the age of
11 twenty-one years shall have prominently imprinted thereon the statement
12 "UNDER 21 YEARS OF AGE" in notably distinctive print or format.

13 Provided, further, however, that every identification card issued to an
14 applicant who was a member of the armed forces of the United States and

15 (i) received an honorable discharge or was released therefrom under
16 honorable conditions, or (ii) has a qualifying condition, as defined in
17 section three hundred fifty of the executive law, and has received a
18 discharge other than bad conduct or dishonorable from such service, or
19 (iii) is a discharged LGBT veteran, as defined in section three hundred
20 fifty of the executive law, and has received a discharge other than bad
21 conduct or dishonorable from such service, shall, upon his or her
22 request and submission of proof as set forth herein, contain a distin-
23 guishing mark, in such form as the commissioner shall determine, indi-
24 cating that he or she is a veteran. Such proof shall consist of a
25 certificate of release or discharge from active duty including but not
26 limited to a DD Form 214 or other proof satisfactory to the commis-
27 sioner.

28 Provided, further, that every identification card issued to an
29 applicant who has a disability shall, upon the request of such applicant
30 pursuant to the provisions of subparagraph (iv) of paragraph (a) of this
31 subdivision, contain a distinguishing mark, in such form as the commis-
32 sioner shall determine, which is discreet and represents all types of
33 disabilities, including cognitive, neurological or physical disabili-
34 ties.

35 The commissioner shall not require fees for the issuance of such
36 identification cards or renewals thereof to persons under twenty-one
37 years of age which are different from the fees required for the issuance
38 of identification cards or renewals thereof to persons twenty-one years
39 of age or over, nor fees to persons requesting a veteran distinguishing
40 mark which are different from fees that would otherwise be required, nor
41 fees to persons requesting a disability distinguishing mark which are
42 different from fees that would otherwise be required. Provided, however,
43 that notwithstanding the provisions of section four hundred ninety-one
44 of this article, the commissioner shall not require any fees for the
45 duplication or amendment of an identification card prior to its renewal
46 if such duplication or amendment was solely for the purpose of adding a
47 veteran distinguishing mark or a disability distinguishing mark to such
48 identification card.

49 § 3. Subdivision 1 of section 502 of the vehicle and traffic law, as
50 amended by chapter 487 of the laws of 2012, is REPEALED.

51 § 4. Subdivision 1 of section 502 of the vehicle and traffic law, as
52 amended by chapter 37 of the laws of 2019, is amended to read as
53 follows:

54 1. Application for license. Application for a driver's license shall
55 be made to the commissioner. The fee prescribed by law may be submitted
56 with such application. The applicant shall furnish such proof of identi-
57 ty, age, and fitness as may be required by the commissioner. With
58 respect to a non-commercial driver's license or learner's permit which

1 does not meet federal standards for identification, in addition to the
2 acceptable proofs of age and identity approved by the commissioner as of
3 January first, two thousand nineteen, acceptable proof of identity shall
4 also include, but not be limited to, a valid, unexpired foreign passport
5 issued by the applicant's country of citizenship (which shall also be
6 eligible as proof of age), a valid, unexpired consular identification
7 document issued by a consulate from the applicant's country of citizen-
8 ship, or a valid foreign driver's license that includes a photo image of
9 the applicant and which is unexpired or expired for less than twenty-
10 four months of its date of expiration, as primary forms of such proof.
11 Nothing contained in this subdivision shall be deemed to preclude the
12 commissioner from approving additional proofs of identity and age. The
13 commissioner may also provide that the application procedure shall
14 include the taking of a photo image or images of the applicant in
15 accordance with rules and regulations prescribed by the commissioner. In
16 addition, the commissioner also shall require that the applicant provide
17 his or her social security number or, in lieu thereof, with respect to
18 an application for a non-commercial driver's license or learner's permit
19 which does not meet federal standards for identification, an affidavit
20 signed by such applicant that they have not been issued a social securi-
21 ty number. The commissioner also shall provide space on the application
22 so that the applicant may register in the New York state organ and
23 tissue donor registry under section forty-three hundred ten of the
24 public health law with the following stated on the application in clear
25 and conspicuous type:

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

29 The commissioner of health shall not maintain records of any person
30 who checks "skip this question". Except where the application is made in
31 person or electronically, failure to check a box shall not impair the
32 validity of an application, and failure to check "yes" or checking "skip
33 this question" shall not be construed to imply a wish not to donate. In
34 the case of an applicant under eighteen years of age, checking "yes"
35 shall not constitute consent to make an anatomical gift or registration
36 in the donate life registry, except as otherwise provided pursuant to
37 the provisions of paragraph (b) of subdivision one of section forty-
38 three hundred one of the public health law. Where an applicant has
39 previously consented to make an anatomical gift or registered in the
40 donate life registry, checking "skip this question" or failing to check
41 a box shall not impair that consent or registration. In addition, the
42 commissioner shall provide space on the application so that the appli-
43 cant may request a notation upon such license that such applicant is a
44 veteran of the United States armed forces. In addition, the commissioner
45 shall provide space on the application so that the applicant may request
46 a notation upon such license that such applicant has a disability. In
47 addition, an applicant for a commercial driver's license who will oper-
48 ate a commercial motor vehicle in interstate commerce shall certify that
49 such applicant meets the requirements to operate a commercial motor
50 vehicle, as set forth in public law 99-570, title XII, and title 49 of
51 the code of federal regulations, and all regulations promulgated by the
52 United States secretary of transportation under the hazardous materials
53 transportation act. In addition, an applicant for a commercial driver's
54 license shall submit a medical certificate at such intervals as required
55 by the federal motor carrier safety improvement act of 1999 and Part
56 383.71(h) of title 49 of the code of federal regulations relating to

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

10 § 5. Subdivision 1 of section 504 of the vehicle and traffic law is
11 amended by adding a new paragraph (a-2) to read as follows:

12 (a-2) Every license or renewal thereof issued to an applicant who has
13 a disability shall, upon the request of such applicant and submission of
14 verification of such disability as set forth herein, contain a distin-
15 guishing mark, in such form as the commissioner shall determine, which
16 is discreet and represents all types of disabilities, including cogni-
17 tive, neurological or physical disabilities. An applicant requesting a
18 notation of disabled status shall submit either a copy of such appli-
19 cant's social security disability benefit verification letter or a form,
20 to be promulgated by the commissioner in consultation with the commis-
21 sioner of health, commissioner of mental health, the commissioner of the
22 office for people with developmental disabilities and the commissioner
23 of addiction services and supports, verifying that such applicant has a
24 disability, including chronic illness or pain. Such form shall be
25 signed by (i) a licensed physician, including a licensed neurologist or
26 a licensed psychiatrist, (ii) a commissioned medical officer of the
27 armed forces of the United States, (iii) a licensed physician assistant,
28 (iv) a licensed podiatrist, (v) a certified nurse practitioner, (vi) a
29 licensed physical therapist, or (vii) a licensed psychologist. The
30 commissioner shall not require fees for the issuance of such licenses or
31 renewals thereof to persons requesting a disability distinguishing mark
32 which are different from fees otherwise required; provided, however,
33 that notwithstanding the provisions of this section, the commissioner
34 shall not require fees for a duplication or amendment of a license prior
35 to its renewal if such duplication or amendment was solely for the
36 purpose of adding a disability distinguishing mark to such license.

37 § 6. This act shall take effect on the thirtieth day after it shall
38 have become a law. Effective immediately, the addition, amendment
39 and/or repeal of any rule or regulation necessary for the implementation
40 of this act on its effective date are authorized to be made and
41 completed on or before such effective date.