

STATE OF NEW YORK

4075

2023-2024 Regular Sessions

IN ASSEMBLY

February 9, 2023

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

AN ACT to amend the vehicle and traffic law, in relation to allowing for individuals to enroll in the national bone marrow donor program at the time of application for or renewal of a driver's license or non-driver identification card

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

1 Section 1. Section 490 of the vehicle and traffic law is amended by
2 adding a new subdivision 2-a to read as follows:

3 2-a. Enrollment in the national bone marrow donor program. In addi-
4 tion to the provisions of subdivision two of this section, the commis-
5 sioner shall ensure that space is provided on the application for an
6 identification card or renewal thereof to advise applicants of the
7 existence of the national bone marrow donor program and to allow for
8 applicants to enroll in such national bone marrow donor program.

9 § 2. Subdivision 1 of section 502 of the vehicle and traffic law, as
10 separately amended by chapters 158 and 440 of the laws of 2021, is
11 amended 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. With
16 respect to a non-commercial driver's license or learner's permit which
17 does not meet federal standards for identification, in addition to the
18 acceptable proofs of age and identity approved by the commissioner as of
19 January first, two thousand nineteen, acceptable proof of identity shall
20 also include, but not be limited to, a valid, unexpired foreign passport
21 issued by the applicant's country of citizenship (which shall also be
22 eligible as proof of age), a valid, unexpired consular identification
23 document issued by a consulate from the applicant's country of citizen-

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

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1 ship, or a valid foreign driver's license that includes a photo image of
2 the applicant and which is unexpired or expired for less than twenty-
3 four months of its date of expiration, as primary forms of such proof.
4 Nothing contained in this subdivision shall be deemed to preclude the
5 commissioner from approving additional proofs of identity and age. The
6 license shall display the sex designation of M, F, or X as certified by
7 the applicant, with no additional documentation required. The applicant
8 may amend the sex designation of their driver's license upon request.
9 Upon amendment of the sex designation, the change shall be made consist-
10 ent through all affiliated records within the control of the department.
11 The commissioner may also provide that the application procedure shall
12 include the taking of a photo image or images of the applicant in
13 accordance with rules and regulations prescribed by the commissioner. In
14 addition, the commissioner also shall require that the applicant provide
15 such applicant's social security number or, in lieu thereof, with
16 respect to an application for a non-commercial driver's license or
17 learner's permit which does not meet federal standards for identifica-
18 tion, an affidavit signed by such applicant that they have not been
19 issued a social security number. The commissioner also shall provide
20 space on the application so that the applicant may request a notation
21 upon such license that such applicant is a veteran of the United States
22 armed forces, and space on the application so that the applicant may
23 request a notation upon such license that he or she is a veteran of the
24 United States armed forces, and space on the application so that the
25 applicant may register in the New York state organ and tissue donor
26 registry under section forty-three hundred ten of the public health law
27 with the following stated on the application in clear and conspicuous
28 type:

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

32 The commissioner of health shall not maintain records of any person
33 who checks "skip this question". Except where the application is made in
34 person or electronically, failure to check a box shall not impair the
35 validity of an application, and failure to check "yes" or checking "skip
36 this question" shall not be construed to imply a wish not to donate. In
37 the case of an applicant under eighteen years of age, checking "yes"
38 shall not constitute consent to make an anatomical gift or registration
39 in the donate life registry, except as otherwise provided pursuant to
40 the provisions of paragraph (b) of subdivision one of section forty-
41 three hundred one of the public health law. Where an applicant has
42 previously consented to make an anatomical gift or registered in the
43 donate life registry, checking "skip this question" or failing to check
44 a box shall not impair that consent or registration. Additionally, the
45 commissioner shall ensure that space is provided on the application for
46 a driver's license or renewal thereof to advise applicants of the exist-
47 ence of the national bone marrow donor program and to allow for appli-
48 cants to enroll in such national bone marrow donor program. In addition,
49 an applicant for a commercial driver's license who will operate a
50 commercial motor vehicle in interstate commerce shall certify that such
51 applicant meets the requirements to operate a commercial motor vehicle,
52 as set forth in public law 99-570, title XII, and title 49 of the code
53 of federal regulations, and all regulations promulgated by the United
54 States secretary of transportation under the hazardous materials trans-
55 portation act. In addition, an applicant for a commercial driver's
56 license shall submit a medical certificate at such intervals as required

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

12 § 3. Section 508 of the vehicle and traffic law is amended by adding a
13 new subdivision 7 to read as follows:

14 7. The commissioner is directed to develop license application and
15 renewal forms and the directions accompanying such forms to advise
16 applicants of the existence of the national bone marrow donor program
17 and to provide an opportunity for applicants to enroll in such national
18 bone marrow donor program on such forms, and to further amend the
19 website of the department to provide national bone marrow donor program
20 contact information.

21 § 4. This act shall take effect January 1, 2028. Effective immediate-
22 ly, the addition, amendment and/or repeal of any rule or regulation
23 necessary for the implementation of this act on its effective date are
24 authorized to be made and completed on or before such date.