

STATE OF NEW YORK

7971

2023-2024 Regular Sessions

IN ASSEMBLY

August 18, 2023

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

AN ACT to amend the vehicle and traffic law, in relation to allowing individuals to request a notation on their driver's license indicating that they have autism spectrum disorder, or any other medical, mental, or behavioral condition that may alter or impair their behavior

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 separately amended by chapters 158 and 440 of the laws of 2021,
3 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. With
8 respect to a non-commercial driver's license or learner's permit which
9 does not meet federal standards for identification, in addition to the
10 acceptable proofs of age and identity approved by the commissioner as of
11 January first, two thousand nineteen, acceptable proof of identity shall
12 also include, but not be limited to, a valid, unexpired foreign passport
13 issued by the applicant's country of citizenship (which shall also be
14 eligible as proof of age), a valid, unexpired consular identification
15 document issued by a consulate from the applicant's country of citizen-
16 ship, or a valid foreign driver's license that includes a photo image of
17 the applicant and which is unexpired or expired for less than twenty-
18 four months of its date of expiration, as primary forms of such proof.
19 Nothing contained in this subdivision shall be deemed to preclude the
20 commissioner from approving additional proofs of identity and age. The
21 license shall display the sex designation of M, F, or X as certified by
22 the applicant, with no additional documentation required. The applicant
23 may amend the sex designation of their driver's license upon request.

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

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1 Upon amendment of the sex designation, the change shall be made consist-
2 ent through all affiliated records within the control of the department.
3 The commissioner may also provide that the application procedure shall
4 include the taking of a photo image or images of the applicant in
5 accordance with rules and regulations prescribed by the commissioner. In
6 addition, the commissioner also shall require that the applicant provide
7 such applicant's social security number or, in lieu thereof, with
8 respect to an application for a non-commercial driver's license or
9 learner's permit which does not meet federal standards for identifica-
10 tion, an affidavit signed by such applicant that they have not been
11 issued a social security number. The commissioner also shall provide
12 space on the application so that the applicant may request a notation
13 upon such license that such applicant is a veteran of the United States
14 armed forces, ~~[and space on the application so that the applicant may~~
15 ~~request a notation upon such license that he or she is a veteran of the~~
16 ~~United States armed forces,~~] and space on the application so that the
17 applicant may register in the New York state organ and tissue donor
18 registry under section forty-three hundred ten of the public health law
19 with the following stated on the application in clear and conspicuous
20 type:

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

24 The commissioner of health shall not maintain records of any person
25 who checks "skip this question". Except where the application is made in
26 person or electronically, failure to check a box shall not impair the
27 validity of an application, and failure to check "yes" or checking "skip
28 this question" shall not be construed to imply a wish not to donate. In
29 the case of an applicant under eighteen years of age, checking "yes"
30 shall not constitute consent to make an anatomical gift or registration
31 in the donate life registry, except as otherwise provided pursuant to
32 the provisions of paragraph (b) of subdivision one of section forty-
33 three hundred one of the public health law. Where an applicant has
34 previously consented to make an anatomical gift or registered in the
35 donate life registry, checking "skip this question" or failing to check
36 a box shall not impair that consent or registration. In addition, an
37 applicant for a commercial driver's license who will operate a commer-
38 cial motor vehicle in interstate commerce shall certify that such appli-
39 cant meets the requirements to operate a commercial motor vehicle, as
40 set forth in public law 99-570, title XII, and title 49 of the code of
41 federal regulations, and all regulations promulgated by the United
42 States secretary of transportation under the hazardous materials trans-
43 portation act. In addition, an applicant for a commercial driver's
44 license shall submit a medical certificate at such intervals as required
45 by the federal motor carrier safety improvement act of 1999 and Part
46 383.71(h) of title 49 of the code of federal regulations relating to
47 medical certification and in a manner prescribed by the commissioner.
48 For purposes of this section and sections five hundred three, five
49 hundred ten-a, and five hundred ten-aa of this title, the terms "medical
50 certificate" and "medical certification" shall mean a form substantially
51 in compliance with the form set forth in Part 391.43(h) of title 49 of
52 the code of federal regulations. In addition, the commissioner also
53 shall provide space on the application so that the applicant may request
54 a notation upon such license that such applicant is a person with autism
55 spectrum disorder, or any other medical, mental, or behavioral condition
56 that may alter or impair such person's behavior. Upon a determination

1 that the holder of a commercial driver's license has made any false
2 statement, with respect to the application for such license, the commis-
3 sioner shall revoke such license.

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

6 (a-2) Every license or renewal thereof issued to an applicant who has
7 requested a notation indicating that such applicant is a person with
8 autism spectrum disorder, or any other medical, mental, or behavioral
9 condition that may alter or impair such person's behavior, shall, upon
10 his or her request and submission of proof as required under this para-
11 graph, have imprinted on the front of such license or renewal thereof a
12 distinctive mark which indicates such, in such a form as the commis-
13 er shall determine. Such proof shall consist of documentation from a
14 physician licensed under article one hundred thirty-one of the education
15 law or a mental health practitioner licensed under article one hundred
16 sixty-three of the education law, verifying that such person has autism
17 spectrum disorder or another medical, mental, or behavioral condition
18 that may alter or impair such person's behavior. The commissioner shall
19 consult with the commissioner of health and the commissioner of mental
20 health to determine a list of medical, mental, or behavioral disorders
21 and conditions, that may be indicated on a person's driver's license
22 upon such a request. The commissioner shall not require fees for the
23 issuance of such licenses or renewals thereof to persons requesting such
24 notation which are different from the fees otherwise required for the
25 issuance of licenses or renewals thereof.

26 § 3. This act shall take effect on the one hundred eightieth day after
27 it shall have become a law. Effective immediately, the addition, amend-
28 ment and/or repeal of any rule or regulation necessary for the implemen-
29 tation of this act on its effective date are authorized to be made and
30 completed on or before such effective date.