S T A T E O F N E W Y O R K

11589

I N A S S E M B L Y

June 29, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Brodsky) -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to enrollment in the New York state donate life registry

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

Section 1. Paragraph b of subdivision 1 of section 401 of the vehicle and traffic law, as amended by a chapter of the laws of 2010, amending the vehicle and traffic law and other laws relating to implementing the "New York state organ donor awareness and education act" as proposed in legislative bills numbers S. 7727-A and A. 10374-C, is amended to read as follows:

b. Every owner of a motor vehicle which shall be operated or driven upon the public highways of this state shall, except as otherwise expressly provided, cause to be presented, by mail or otherwise, to the office or a branch office of the commissioner, or to any agent of the commissioner, constituted as provided in this chapter, an application for registration addressed to the commissioner, and on a blank to be prepared under the direction of and furnished by the commissioner for that purpose, containing: (a) a brief description of the motor vehicle to be registered, including the name and factory number of such vehicle, and such other facts as the commissioner shall require; (b) the weight of the vehicle upon which the registration fee is based if the fee is based on weight; (c) the name and residence, including county of the owner of such motor vehicle; (c-1) with respect to vehicles subject to registration pursuant to subdivision six, paragraph one of schedule B and schedule C of subdivision seven of this section, space on the application and renewal application to enable the applicant to register or decline registration in the New York State Donate Life Registry pursuant to section forty-three hundred ten of the public health law, as indicated by checking "yes" or ["no"] "NOT AT THIS TIME" to registration in such registry; space for the applicant's signature within a designated area (separate from the final signature certifying the validity of the information provided in the overall application for registration); and with space for specific anatomical gifts, with the following statement in clear, conspicuous and boldface type in capital letters: "ORGAN DONOR CONSENT STATEMENT: IF ON THIS FORM YOU MARKED "YES" TO REGISTER AS AN

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

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ORGAN AND TISSUE DONOR, YOU ARE LEGALLY AUTHORIZING THE RECOVERY OF ANY AND ALL ORGANS AND/OR TISSUES IN THE EVENT OF YOUR DEATH AND YOUR NAME WILL BE ADDED TO THE NEW YORK STATE DONATE LIFE REGISTRY. IF YOU WISH TO DONATE ONLY SPECIFIC ORGANS AND/OR TISSUES YOU MUST SPECIFY THOSE IN THE SPACE PROVIDED BELOW. REGISTERING AS A DONOR WILL NOT AFFECT YOUR MEDICAL TREATMENT IN ANY WAY. AS OUTLINED IN S 4301 OF THE NEW YORK STATE PUBLIC HEALTH LAW, YOUR AUTHORIZATION IS LEGALLY BINDING AND, UNLESS THE DONOR IS UNDER AGE 18, YOUR DECISION DOES NOT REQUIRE THE CONSENT OF ANY OTHER PERSON. FOR REGISTERED DONORS UNDER AGE 18, THE LEGAL GUARDIAN SHALL MAKE THE FINAL DONATION DECISION."; (c-2) declining to enroll in the New York State Donate Life Registry under this section by marking the ["no"] "NOT AT THIS TIME" box on the application and separately signing shall NOT be deemed a [showing that the donor has revoked the authorization pursuant to subdivision one of section forty-three hundred one of the public health law, which the commissioner shall immediately report to the department of health] DECLINATION TO REGISTER BUT SHALL BE CONSIDERED A DEFERRAL OF THAT DECISION; (d) provided that, if such motor vehicle is used or to be used as an omnibus, the applicant also shall so certify, and in the case of an omnibus also certify as to the seating capacity, and if the omnibus is to be operated wholly within a municipality pursuant to a franchise other than a franchise express or implied in articles of incorporation upon certain streets designated in such franchise, those facts shall also be certified, and a certified copy of such franchise furnished to the commissioner; (e) provided, that, if such motor vehicle is an altered livery, the applicant shall so furnish a certified copy of the length of the center panel of such vehicle, provided, however, that the commissioner shall require such proof, as he may determine is necessary, in the application for registration and provided further, if the center panel of such vehicle exceeds one hundred inches, the commissioner shall require proof that such vehicle is in compliance with all applicable federal and state motor vehicle safety standards; and (f) such additional facts or evidence as the commissioner may require in connection with the application for registration. Every owner of a trailer shall also make application for the registration thereof in the manner herein provided for an application to register a motor vehicle, but shall contain a statement showing the manufacturer's number or other identification satisfactory to the commissioner and no number plate for a trailer issued under the provisions of subdivision three of section four hundred two of this chapter shall be transferred to or used upon any other trailer than the one for which number plate is issued. The commissioner shall require proof, in the application for registration, or otherwise, as such commissioner may determine, that the motor vehicle for which registration is applied for is equipped with lights conforming in all respects to the requirements of this chapter, and no motor vehicle shall be registered unless it shall appear by such proofs that such motor vehicle is equipped with proper lights as aforesaid. The said application shall contain or be accompanied by such evidence of the ownership of the motor vehicle described in the application as may be required by the commissioner or his agent and which, with respect to new vehicles, shall include, unless otherwise specifically provided by the commissioner, the manufacturer's statement of origin. Applications received by an agent of the commissioner shall be forwarded to the commissioner as he shall direct for filing. No application for registration shall be accepted unless the applicant is at least sixteen years of age.

S 2. Subdivision 1 of section 502 of the vehicle and traffic law, as amended by a chapter of the laws of 2010, amending the vehicle and traffic law and other laws relating to implementing the "New York state organ donor awareness and education act" as proposed in legislative bills numbers S. 7727-A and A. 10374-C, 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 provide space on the application so that the applicant may register or decline registration AT THIS TIME in the New York state organ and tissue donor registry under section forty-three hundred ten of the public health law, as indicated by checking "yes" or ["no"] "NOT AT THIS TIME" to registration in such registry together with the applicant's signature within a designated area (separate from the final signature certifying the validity of the information provided in the overall application) together with space for specific anatomical gifts and the following statement in clear, conspicuous and boldface type in capital letters: "ORGAN DONOR CONSENT STATEMENT: IF ON THIS FORM YOU MARKED "YES" TO REGISTER AS AN ORGAN AND TISSUE DONOR, YOU ARE LEGALLY AUTHORIZING THE RECOVERY OF ANY AND ALL ORGANS AND/OR TISSUES IN THE EVENT OF YOUR DEATH AND YOUR NAME WILL BE ADDED TO THE NEW YORK STATE DONATE LIFE REGISTRY. IF YOU WISH TO DONATE ONLY SPECIFIC ORGANS AND/OR TISSUES YOU MUST SPECIFY THOSE IN THE SPACE PROVIDED BELOW. REGISTERING AS A DONOR WILL NOT AFFECT YOUR MEDICAL TREATMENT IN ANY WAY. AS OUTLINED IN S 4301 OF THE NEW YORK STATE PUBLIC HEALTH LAW, YOUR AUTHORIZATION IS LEGALLY BINDING AND, UNLESS THE DONOR IS UNDER AGE 18, YOUR DECISION DOES NOT REQUIRE THE CONSENT OF ANY OTHER PERSON. FOR REGISTERED DONORS UNDER AGE 18, THE LEGAL GUARDIAN SHALL MAKE THE FINAL DONATION DECISION." Declining to enroll in the New York State Donate Life Registry under this section by marking the ["no"] "NOT AT THIS TIME" box on the application and separately signing shall NOT be deemed a [showing that the donor has revoked the authorization pursuant to subdivision one of S 4301 of the public health law, which the commissioner shall immediately report to the department of health] DECLINATION TO REGISTER BUT SHALL BE CONSIDERED A DEFERRAL OF THE DECISION. 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. 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 3. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2010, amending the vehicle and traffic law and other laws relating to implementing the "New York state organ donor awareness and education act" as proposed in legislative bills numbers S. 7727-A and A. 10374-C, takes effect.