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

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I N A S S E M B L Y

February 4, 2010

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

AN ACT to amend the vehicle and traffic law and the public health law, in relation to organ donation

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

Section 1. Subdivision 1 of section 502 of the vehicle and traffic law, as amended by chapter 639 of the laws of 2006, 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 in] *OPT-OUT OF* the New York state organ and tissue donor registry under section forty-three hundred ten of the public health law. *IF THE APPLICANT DOES NOT DECLINE TO BE REGISTERED IN THE NEW YORK STATE ORGAN AND TISSUE DONOR REGISTRY THEY WILL BE AUTOMATICALLY ENROLLED.* 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.

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

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S 2. Subdivision 1 of section 4301 of the public health law, as amended by chapter 348 of the laws of 2009, is amended to read as follows:

1. Any individual of sound mind and eighteen years of age or more may give all or any part of his or her body for any purpose specified in section forty-three hundred two of this article, the gift to take effect upon death. In any case where the donor has properly executed an organ donor card, [driver's license authorization to make an anatomical gift,] HAS CHOSEN NOT TO OPT-OUT OF THE NEW YORK STATE ORGAN AND TISSUE DONOR REGISTRY ON A DRIVER'S LICENSE APPLICATION pursuant to paragraph (a) of subdivision one of section five hundred four of the vehicle and traffic law, registered in the New York state organ and tissue donor registry under section forty-three hundred ten of this article, or has otherwise given written authorization for organ or tissue donation, authorization for donation shall not be rescinded by an objection by a member of any of the classes specified in paragraphs (a) through (h) of subdivision two of this section, except upon a showing that the donor revoked the authorization.

S 3. This act shall take effect immediately.