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

8233

2011-2012 Regular Sessions

I N A S S E M B L Y

June 7, 2011

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

AN ACT to amend the vehicle and traffic law, in relation to registering for the department of health's donate life registry when applying for a driver's license

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 SHALL provide [space] A DESIGNATED AREA on the application so that [the] AN applicant [may] AGED EIGHTEEN YEARS OR OLDER SHALL CHOOSE ONE OF THE FOLLOWING: TO register, DECLINE TO REGISTER OR DEFER REGISTRATION in the New York state organ and tissue donor registry under section forty-three hundred ten of the public health law AS INDICATED BY MARKING THE BOX "YES", "NO", OR "NOT AT THIS TIME" TOGETHER WITH SUCH APPLICANT'S SIGNATURE AND THE DATE WITHIN SUCH DESIGNATED AREA WHICH SHALL BE SEPARATE FROM SUCH APPLICANT'S FINAL SIGNATURE ON THE REMAINDER OF THE APPLICATION. THE COMMISSIONER SHALL PLACE, WITHIN SUCH DESIGNATED AREA, "YES", "NO" AND "NOT AT THIS TIME" CHECK BOXES; THE FOLLOWING STATEMENT IN CLEAR AND CONSPICUOUS TYPE: "SIGN BELOW AND MARK "YES" TO ENROLL, "NO" TO DECLINE ENROLLMENT, OR "NOT AT THIS TIME" TO DEFER ENROLLMENT IN THE NYS DEPARTMENT OF HEALTH'S DONATE LIFE REGIS-

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

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TRY." FOLLOWED, IN CLEAR, CONSPICUOUS AND BOLD-FACED TYPE, WITH THE STATEMENT "BY SIGNING, YOU ARE CERTIFYING THAT YOU ARE: 18 YEARS OF AGE OR OLDER; CONSENTING IF MARKING THE "YES" BOX, DECLINING IF MARKING THE "NO" BOX, OR DEFERRING THE DECISION IF MARKING THE "NOT AT THIS TIME" BOX TO DONATE ALL OF YOUR ORGANS AND TISSUES FOR TRANSPLANTATION, RESEARCH OR BOTH; AUTHORIZING DMV, IF YOU MARKED THE "YES" BOX, TO TRANSFER YOUR NAME AND IDENTIFYING INFORMATION TO DOH FOR ENROLLMENT IN THE REGISTRY AND AUTHORIZING DOH TO ALLOW ACCESS TO THIS INFORMATION TO FEDERALLY REGULATED ORGAN DONATION ORGANIZATIONS AND NYS-LICENSED TISSUE AND EYE BANKS AND HOSPITALS, UPON YOUR DEATH." FOLLOWED, IN CLEAR, CONSPICUOUS AND ITALICIZED TYPE, WITH THE STATEMENT "BY MARKING "YES" AND SIGNING, "ORGAN DONOR" WILL BE PRINTED ON THE FRONT OF YOUR DMV PHOTO DOCUMENT AND YOU WILL RECEIVE A CONFIRMATION LETTER FROM DOH, WHICH WILL ALSO PROVIDE YOU AN OPPORTUNITY TO LIMIT YOUR DONATION." FOLLOWED BY LINES FOR THE APPLICANT'S SIGNATURE AND THE DATE. DECLINING TO ENROLL IN THE NEW YORK STATE DONATE LIFE REGISTRY UNDER THIS SECTION BY MARKING THE "NO" BOX ON THE APPLICATION AND SEPARATELY SIGNING SHALL BE DEEMED A SHOWING THAT THE DONOR HAS NOT AUTHORIZED, OR HAS REVOKED AUTHORIZATION, AS APPLICABLE, FOR THE PURPOSES OF SECTION FORTY-THREE HUNDRED ONE OF THE PUBLIC HEALTH LAW. DECLINING TO ENROLL IN THE NEW YORK STATE DONATE LIFE REGISTRY UNDER THIS SECTION BY MARKING THE "NOT AT THIS TIME" BOX ON THE APPLICATION AND SEPARATELY SIGNING SHALL NOT BE DEEMED A DECLINATION TO REGISTER BUT SHALL BE CONSIDERED A DEFERRAL OF THAT 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 2. Subdivision 1 of section 502 of the vehicle and traffic law, as amended by section 2 of part CC of chapter 58 of the laws of 2011, 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 SHALL provide [space] A DESIGNATED AREA on the application so that [the] AN applicant [may] AGED EIGHTEEN YEARS OR OLDER SHALL CHOOSE ONE OF THE FOLLOWING: TO register, DECLINE TO REGISTER OR DEFER REGISTRATION in the New York state organ and tissue donor registry under section forty-three hundred ten of the public health law AS INDICATED BY MARKING THE BOX "YES", "NO", OR "NOT AT THIS TIME" TOGETHER WITH SUCH APPLICANT'S SIGNATURE AND THE DATE WITHIN SUCH DESIGNATED AREA WHICH SHALL BE SEPARATE FROM SUCH APPLICANT'S FINAL SIGNATURE ON THE REMAINDER OF THE APPLICATION. THE COMMISSIONER SHALL PLACE, WITHIN SUCH DESIGNATED AREA, "YES", "NO" AND "NOT AT THIS TIME" CHECK BOXES; THE FOLLOWING STATEMENT IN CLEAR AND CONSPICUOUS TYPE: "SIGN BELOW AND MARK "YES" TO ENROLL, "NO" TO DECLINE ENROLLMENT, OR "NOT AT THIS TIME"

TO DEFER ENROLLMENT IN THE NYS DEPARTMENT OF HEALTH'S DONATE LIFE REGISTRY." FOLLOWED, IN CLEAR, CONSPICUOUS AND BOLD-FACED TYPE, WITH THE STATEMENT "BY SIGNING, YOU ARE CERTIFYING THAT YOU ARE: 18 YEARS OF AGE OR OLDER; CONSENTING IF MARKING THE "YES" BOX, DECLINING IF MARKING THE "NO" BOX, OR DEFERRING THE DECISION IF MARKING THE "NOT AT THIS TIME" BOX TO DONATE ALL OF YOUR ORGANS AND TISSUES FOR TRANSPLANTATION, RESEARCH OR BOTH; AUTHORIZING DMV, IF YOU MARKED THE "YES" BOX, TO TRANSFER YOUR NAME AND IDENTIFYING INFORMATION TO DOH FOR ENROLLMENT IN THE REGISTRY AND AUTHORIZING DOH TO ALLOW ACCESS TO THIS INFORMATION TO FEDERALLY REGULATED ORGAN DONATION ORGANIZATIONS AND NYS-LICENSED TISSUE AND EYE BANKS AND HOSPITALS, UPON YOUR DEATH." FOLLOWED, IN CLEAR, CONSPICUOUS AND ITALICIZED TYPE, WITH THE STATEMENT "BY MARKING "YES" AND SIGNING, "ORGAN DONOR" WILL BE PRINTED ON THE FRONT OF YOUR DMV PHOTO DOCUMENT AND YOU WILL RECEIVE A CONFIRMATION LETTER FROM DOH, WHICH WILL ALSO PROVIDE YOU AN OPPORTUNITY TO LIMIT YOUR DONATION." FOLLOWED BY LINES FOR THE APPLICANT'S SIGNATURE AND THE DATE. DECLINING TO ENROLL IN THE NEW YORK STATE DONATE LIFE REGISTRY UNDER THIS SECTION BY MARKING THE "NO" BOX ON THE APPLICATION AND SEPARATELY SIGNING SHALL BE DEEMED A SHOWING THAT THE DONOR HAS NOT AUTHORIZED, OR HAS REVOKED AUTHORIZATION, AS APPLICABLE, FOR THE PURPOSES OF SECTION FORTY-THREE HUNDRED ONE OF THE PUBLIC HEALTH LAW. DECLINING TO ENROLL IN THE NEW YORK STATE DONATE LIFE REGISTRY UNDER THIS SECTION BY MARKING THE "NOT AT THIS TIME" BOX ON THE APPLICATION AND SEPARATELY SIGNING SHALL NOT BE DEEMED A DECLINATION TO REGISTER BUT SHALL BE CONSIDERED A DEFERRAL OF THAT 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. In addition, an applicant for a commercial driver's license shall submit a medical certificate at such intervals as required by the federal motor carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of the code of federal regulations relating to medical certification and in a manner prescribed by the commissioner. For purposes of this section and sections five hundred three and five hundred ten-a of this title, the term "medical certificate" shall mean a form substantially in compliance with the form set forth in Part 391.43(h) of title 49 of the code of federal regulations. 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 one hundred eightieth day after it shall have become a law; provided, however, that section two of this act shall take effect on the same date and in the same manner as section 2 of part CC of chapter 58 of the laws of 2011, takes effect; provided, further, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such effective date.