

3746

2011-2012 Regular Sessions

I N   S E N A T E

March 3, 2011

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Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed 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:

1     Section 1. Short title. This act shall be known and may be cited as  
2     "Lauren's law".

3     S 2. Subdivision 1 of section 502 of the vehicle and traffic law, as  
4     amended by chapter 639 of the laws of 2006, is amended to read as  
5     follows:

6     1. Application for license. Application for a driver's license shall  
7     be made to the commissioner. The fee prescribed by law may be submitted  
8     with such application. The applicant shall furnish such proof of identity,  
9     age, and fitness as may be required by the commissioner. The commissioner  
10    may also provide that the application procedure shall include the  
11    taking of a photo image or images of the applicant in accordance with  
12    rules and regulations prescribed by the commissioner. In addition, the  
13    commissioner also shall require that the applicant provide his or her  
14    social security number and provide space on the application so that the  
15    applicant may [register in] OPT-OUT OF the New York state organ and  
16    tissue donor registry under section forty-three hundred ten of the  
17    public health law. IF THE APPLICANT DOES NOT DECLINE TO BE REGISTERED IN  
18    THE NEW YORK STATE ORGAN AND TISSUE DONOR REGISTRY THEY WILL BE AUTOMATICALLY  
19    ENROLLED. In addition, an applicant for a commercial driver's  
20    license who will operate a commercial motor vehicle in interstate  
21    commerce shall certify that such applicant meets the requirements to  
22    operate a commercial motor vehicle, as set forth in public law 99-570,  
23    title XII, and title 49 of the code of federal regulations, and all  
24    regulations promulgated by the United States secretary of transportation  
25    under the hazardous materials transportation act. Upon a determination

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

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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 S 3. Subdivision 1 of section 4301 of the public health law, as  
5 amended by chapter 348 of the laws of 2009, is amended to read as  
6 follows:

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

22 S 4. This act shall take effect immediately.