

1753--B

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. DINOWITZ, BRINDISI -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the executive law, in relation to enabling veterans to receive benefit information upon applying for or renewing a driver's license; and to repeal certain provisions of the vehicle and traffic law relating thereto

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

1     Section 1. Section 502 of the vehicle and traffic law, is amended by  
2     adding a new subdivision 1-a to read as follows:  
3     1-A. SPECIAL PROVISIONS FOR VETERANS. IN ADDITION TO THE REQUIREMENTS  
4     FOR LICENSE APPLICATIONS UNDER SUBDIVISION ONE OF THIS SECTION, THE  
5     COMMISSIONER SHALL ENSURE THAT SPACE IS PROVIDED ON THE APPLICATION TO  
6     ENABLE ANY APPLICANT WHO WAS A MEMBER OF THE ARMED FORCES OF THE UNITED  
7     STATES AND RECEIVED AN HONORABLE DISCHARGE OR WAS RELEASED THEREFROM  
8     UNDER HONORABLE CONDITIONS, TO REGISTER TO RECEIVE INFORMATION FROM THE  
9     DIVISION OF VETERANS' AFFAIRS BY EMAIL OR TELEPHONE REGARDING BENEFITS  
10    TO WHICH SUCH APPLICANT MAY BE ENTITLED AND THAT THE FOLLOWING IS STATED  
11    ON THE APPLICATION: "BY CHECKING THIS BOX, YOU CERTIFY THAT YOU SERVED  
12    IN THE ARMED FORCES OF THE UNITED STATES AND YOU GIVE PERMISSION TO THE  
13    DEPARTMENT OF MOTOR VEHICLES TO SHARE YOUR NAME AND CONTACT INFORMATION  
14    WITH THE DIVISION OF VETERANS' AFFAIRS TO ENABLE THE DIVISION OF VETER-  
15    ANS' AFFAIRS TO CONTACT YOU VIA EMAIL, TELEPHONE OR MAIL REGARDING BENE-  
16    FITS TO WHICH YOU MAY BE ENTITLED". PROOF OF VETERAN STATUS SHALL BE  
17    DEMONSTRATED IN THE SAME MANNER REQUIRED BY THE COMMISSIONER TO RECEIVE  
18    A VETERAN NOTATION PURSUANT TO PARAGRAPH (B) OF SUBDIVISION THREE OF  
19    SECTION FOUR HUNDRED NINETY OF THIS CHAPTER AND PARAGRAPH (A-1) OF

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

LBD05515-09-3

1 SUBDIVISION ONE OF SECTION FIVE HUNDRED FOUR OF THIS ARTICLE, WHICH MAY  
2 CONSIST OF A CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY  
3 INCLUDING, BUT NOT LIMITED TO A DD FORM 214 OR OTHER PROOF SATISFACTORY  
4 TO THE COMMISSIONER.

5 S 2. Paragraph (a) of subdivision 6 of section 502 of the vehicle and  
6 traffic law, as amended by section 3 of part K of chapter 59 of the laws  
7 of 2009, is amended to read as follows:

8 (a) A license issued pursuant to subdivision five of this section  
9 shall be valid until the expiration date contained thereon, unless such  
10 license is suspended, revoked or cancelled. Such license may be renewed  
11 by submission of an application for renewal, the fee prescribed by law,  
12 proofs of prior licensing, fitness and acceptable vision prescribed by  
13 the commissioner, the applicant's social security number, and if  
14 required by the commissioner a photo image of the applicant in such  
15 numbers and form as the commissioner shall prescribe. IN ADDITION, THE  
16 COMMISSIONER SHALL ENSURE THAT SPACE IS PROVIDED ON THE APPLICATION FOR  
17 RENEWAL TO ENABLE ANY APPLICANT WHO WAS A MEMBER OF THE ARMED FORCES OF  
18 THE UNITED STATES AND RECEIVED AN HONORABLE DISCHARGE OR WAS RELEASED  
19 THEREFROM UNDER HONORABLE CONDITIONS TO REGISTER TO RECEIVE INFORMATION  
20 FROM THE DIVISION OF VETERANS' AFFAIRS BY EMAIL OR TELEPHONE REGARDING  
21 BENEFITS TO WHICH SUCH APPLICANT MAY BE ENTITLED AND THAT THE FOLLOWING  
22 IS STATED ON THE APPLICATION FOR RENEWAL: "BY CHECKING THIS BOX, YOU  
23 CERTIFY THAT YOU SERVED IN THE ARMED FORCES OF THE UNITED STATES AND YOU  
24 GIVE PERMISSION TO THE DEPARTMENT OF MOTOR VEHICLES TO SHARE YOUR NAME  
25 AND CONTACT INFORMATION WITH THE DIVISION OF VETERANS' AFFAIRS TO ENABLE  
26 THE DIVISION OF VETERANS' AFFAIRS TO CONTACT YOU VIA EMAIL, TELEPHONE OR  
27 MAIL REGARDING BENEFITS TO WHICH YOU MAY BE ENTITLED". In addition, an  
28 applicant for renewal of a license containing a hazardous material  
29 endorsement shall pass an examination to retain such endorsement. The  
30 commissioner shall, with respect to the renewal of a hazardous materials  
31 endorsement, comply with the requirements imposed upon states by  
32 sections 383.141 and 1572.13 of title 49 of the code of federal regu-  
33 lations. A renewal of such license shall be issued by the commissioner  
34 upon approval of such application, except that no such license shall be  
35 issued if its issuance would be inconsistent with the provisions of  
36 section five hundred sixteen of this title, and except that the commis-  
37 sioner may refuse to renew such license if the applicant is the holder  
38 of a currently valid or renewable license to drive issued by another  
39 state or foreign country unless the applicant surrenders such license.

40 S 3. Subdivision 3 of section 490 of the vehicle and traffic law is  
41 amended by adding a new paragraph (d) to read as follows:

42 (D) IN ADDITION, THE COMMISSIONER SHALL ENSURE THAT SPACE IS PROVIDED  
43 ON THE APPLICATION AND THE APPLICATION FOR RENEWAL TO ENABLE ANY APPLI-  
44 CANT WHO WAS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES AND  
45 RECEIVED AN HONORABLE DISCHARGE OR WAS RELEASED THEREFROM UNDER HONOR-  
46 ABLE CONDITIONS TO REGISTER TO RECEIVE INFORMATION FROM THE DIVISION OF  
47 VETERANS' AFFAIRS BY EMAIL, TELEPHONE OR MAIL REGARDING BENEFITS TO  
48 WHICH SUCH APPLICANT MAY BE ENTITLED AND THAT THE FOLLOWING IS STATED ON  
49 THE APPLICATION AND APPLICATION FOR RENEWAL: "BY CHECKING THIS BOX, YOU  
50 CERTIFY THAT YOU SERVED IN THE ARMED FORCES OF THE UNITED STATES AND YOU  
51 GIVE PERMISSION TO THE DEPARTMENT OF MOTOR VEHICLES TO SHARE YOUR NAME  
52 AND CONTACT INFORMATION WITH THE DIVISION OF VETERANS' AFFAIRS TO ENABLE  
53 THE DIVISION OF VETERANS' AFFAIRS TO CONTACT YOU VIA EMAIL, TELEPHONE OR  
54 MAIL REGARDING BENEFITS TO WHICH YOU MAY BE ENTITLED".

55 S 4. Section 508 of the vehicle and traffic law is amended by adding a  
56 new subdivision 6 to read as follows:

6. THE COMMISSIONER SHALL APPOINT AGENTS TO ACT ON HIS OR HER BEHALF TO COLLECT, STORE AND MAKE AVAILABLE TO THE DIVISION OF VETERANS' AFFAIRS THE NAME AND CONTACT INFORMATION, WHICH INCLUDE EMAIL ADDRESS, TELEPHONE NUMBER AND/OR MAILING ADDRESS, OF AN APPLICANT WHO WAS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES AND RECEIVED AN HONORABLE DISCHARGE OR WAS RELEASED THEREFROM UNDER HONORABLE CONDITIONS AND WHO REQUESTS TO RECEIVE BENEFIT INFORMATION FROM THE DIVISION OF VETERANS' AFFAIRS PURSUANT TO SUBDIVISION ONE-A OR PARAGRAPH (A) OF SUBDIVISION SIX OF SECTION FIVE HUNDRED TWO OF THIS ARTICLE.

S 5. Section 353 of the executive law is amended by adding a new subdivision 21 to read as follows:

21. TO COORDINATE WITH THE DEPARTMENT OF MOTOR VEHICLES PURSUANT TO SUBDIVISION ONE-A OR PARAGRAPH (A) OF SUBDIVISION SIX OF SECTION FIVE HUNDRED TWO OF THE VEHICLE AND TRAFFIC LAW TO RETRIEVE NAME AND CONTACT INFORMATION OF APPLICANTS WHO WERE MEMBERS OF THE ARMED FORCES OF THE UNITED STATES AND RECEIVED AN HONORABLE DISCHARGE OR WAS RELEASED THEREFROM UNDER HONORABLE CONDITIONS WHO ARE APPLYING FOR OR RENEWING THEIR DRIVER'S LICENSES AND WHO REQUEST TO BE CONTACTED BY THE DIVISION VIA EMAIL, TELEPHONE OR MAIL REGARDING BENEFITS TO WHICH THEY MAY BE ENTITLED.

S 6. Subdivision 3 of section 502 of the vehicle and traffic law, as amended by chapter 458 of the laws of 2011, is amended to read as follows:

3. Application for learner's permit. An application for a learner's permit shall be included in the application for a license. THE COMMISSIONER SHALL ENSURE THAT SPACE IS PROVIDED ON THE APPLICATION TO ENABLE ANY APPLICANT WHO WAS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES AND RECEIVED AN HONORABLE DISCHARGE OR WAS RELEASED THEREFROM UNDER HONORABLE CONDITIONS, TO REGISTER OR RECEIVE INFORMATION FROM THE DIVISION OF VETERANS' AFFAIRS BY EMAIL OR TELEPHONE REGARDING BENEFITS TO WHICH SUCH APPLICANT MAY BE ENTITLED AND THAT THE FOLLOWING IS STATED ON THE APPLICATION: "BY CHECKING THIS BOX, YOU CERTIFY THAT YOU SERVED IN THE ARMED FORCES OF THE UNITED STATES AND YOU GIVE PERMISSION TO THE DEPARTMENT OF MOTOR VEHICLES TO SHARE YOUR NAME AND CONTACT INFORMATION WITH THE DIVISION OF VETERANS' AFFAIRS TO ENABLE THE DIVISION OF VETERANS' AFFAIRS TO CONTACT YOU VIA EMAIL, TELEPHONE OR MAIL REGARDING BENEFITS TO WHICH YOU MAY BE ENTITLED". PROOF OF VETERAN STATUS SHALL BE DEMONSTRATED IN THE SAME MANNER REQUIRED BY THE COMMISSIONER TO RECEIVE A VETERAN NOTATION PURSUANT TO PARAGRAPH (B) OF SUBDIVISION THREE OF SECTION FOUR HUNDRED NINETY OF THIS CHAPTER AND PARAGRAPH (A-1) OF SUBDIVISION ONE OF SECTION FIVE HUNDRED FOUR OF THIS ARTICLE, WHICH MAY CONSIST OF A CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY INCLUDING, BUT NOT LIMITED TO A DD FORM 214 OR OTHER PROOF SATISFACTORY TO THE COMMISSIONER. A learner's permit shall be issued in such form as the commissioner shall determine but shall not be issued unless the applicant has successfully passed the vision test required by this section and the test set forth in paragraph (a) of subdivision four of this section with respect to laws relating to traffic and ability to read and comprehend traffic signs and symbols and has satisfactorily completed any course required pursuant to paragraph (a) of subdivision four of this section. Upon acceptance of an application for a learner's permit the commissioner shall provide the applicant with a driver's manual which includes but is not limited to the laws relating to traffic, the laws relating to and physiological effects of driving while ability impaired and driving while intoxicated, the law for exercising due care to avoid colliding with a parked, stopped or standing author-

1 ized emergency vehicle or hazard vehicle pursuant to section eleven  
2 hundred forty-four-a of this chapter, explanations of traffic signs and  
3 symbols and such other matters as the commissioner may prescribe.  
4 S 7. This act shall take effect one year after it shall have become a  
5 law. Provided, however, that effective immediately any actions necessary  
6 to implement the provisions of this act on its effective date are  
7 authorized and directed to be completed on or before such date.