

1753--C

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

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 -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, 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

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

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1 DEMONSTRATED IN THE SAME MANNER REQUIRED BY THE COMMISSIONER TO RECEIVE
2 A VETERAN NOTATION PURSUANT TO PARAGRAPH (B) OF SUBDIVISION THREE OF
3 SECTION FOUR HUNDRED NINETY OF THIS CHAPTER AND PARAGRAPH (A-1) OF
4 SUBDIVISION ONE OF SECTION FIVE HUNDRED FOUR OF THIS ARTICLE, WHICH MAY
5 CONSIST OF A CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY
6 INCLUDING, BUT NOT LIMITED TO A DD FORM 214 OR OTHER PROOF SATISFACTORY
7 TO THE COMMISSIONER.

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

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

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

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

1 THE DIVISION OF VETERANS' AFFAIRS TO CONTACT YOU VIA EMAIL, TELEPHONE OR
2 MAIL REGARDING BENEFITS TO WHICH YOU MAY BE ENTITLED".

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

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

14 S 5. Section 353 of the executive law is amended by adding a new
15 subdivision 22 to read as follows:

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

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

28 3. Application for learner's permit. An application for a learner's
29 permit shall be included in the application for a license. THE COMMIS-
30 SIONER SHALL ENSURE THAT SPACE IS PROVIDED ON THE APPLICATION TO ENABLE
31 ANY APPLICANT WHO WAS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES
32 AND RECEIVED AN HONORABLE DISCHARGE OR WAS RELEASED THEREFROM UNDER
33 HONORABLE CONDITIONS, TO REGISTER OR RECEIVE INFORMATION FROM THE DIVI-
34 SION OF VETERANS' AFFAIRS BY EMAIL OR TELEPHONE REGARDING BENEFITS TO
35 WHICH SUCH APPLICANT MAY BE ENTITLED AND THAT THE FOLLOWING IS STATED ON
36 THE APPLICATION: "BY CHECKING THIS BOX, YOU CERTIFY THAT YOU SERVED IN
37 THE ARMED FORCES OF THE UNITED STATES AND YOU GIVE PERMISSION TO THE
38 DEPARTMENT OF MOTOR VEHICLES TO SHARE YOUR NAME AND CONTACT INFORMATION
39 WITH THE DIVISION OF VETERANS' AFFAIRS TO ENABLE THE DIVISION OF VETER-
40 ANS' AFFAIRS TO CONTACT YOU VIA EMAIL, TELEPHONE OR MAIL REGARDING BENE-
41 FITS TO WHICH YOU MAY BE ENTITLED". PROOF OF VETERAN STATUS SHALL BE
42 DEMONSTRATED IN THE SAME MANNER REQUIRED BY THE COMMISSIONER TO RECEIVE
43 A VETERAN NOTATION PURSUANT TO PARAGRAPH (B) OF SUBDIVISION THREE OF
44 SECTION FOUR HUNDRED NINETY OF THIS CHAPTER AND PARAGRAPH (A-1) OF
45 SUBDIVISION ONE OF SECTION FIVE HUNDRED FOUR OF THIS ARTICLE, WHICH MAY
46 CONSIST OF A CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY
47 INCLUDING, BUT NOT LIMITED TO A DD FORM 214 OR OTHER PROOF SATISFACTORY
48 TO THE COMMISSIONER. A learner's permit shall be issued in such form as
49 the commissioner shall determine but shall not be issued unless the
50 applicant has successfully passed the vision test required by this
51 section and the test set forth in paragraph (a) of subdivision four of
52 this section with respect to laws relating to traffic and ability to
53 read and comprehend traffic signs and symbols and has satisfactorily
54 completed any course required pursuant to paragraph (a) of subdivision
55 four of this section. Upon acceptance of an application for a learner's
56 permit the commissioner shall provide the applicant with a driver's

1 manual which includes but is not limited to the laws relating to traf-
2 fic, the laws relating to and physiological effects of driving while
3 ability impaired and driving while intoxicated, the law for exercising
4 due care to avoid colliding with a parked, stopped or standing author-
5 ized emergency vehicle or hazard vehicle pursuant to section eleven
6 hundred forty-four-a of this chapter, explanations of traffic signs and
7 symbols and such other matters as the commissioner may prescribe.
8 S 7. This act shall take effect one year after it shall have become a
9 law. Provided, however, that effective immediately any actions necessary
10 to implement the provisions of this act on its effective date are
11 authorized and directed to be completed on or before such date.