

2226--B

2013-2014 Regular Sessions

I N S E N A T E

January 14, 2013

Introduced by Sens. RIVERA, LARKIN, DIAZ, DILAN, GIANARIS, GIPSON, HASSELL-THOMPSON, KENNEDY, SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- 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

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

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

LBD05515-10-4

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

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

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

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

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

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

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

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

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

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

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

1 ability impaired and driving while intoxicated, the law for exercising
2 due care to avoid colliding with a parked, stopped or standing author-
3 ized emergency vehicle or hazard vehicle pursuant to section eleven
4 hundred forty-four-a of this chapter, explanations of traffic signs and
5 symbols and such other matters as the commissioner may prescribe.
6 S 7. This act shall take effect one year after it shall have become a
7 law. Provided, however, that effective immediately any actions necessary
8 to implement the provisions of this act on its effective date are
9 authorized and directed to be completed on or before such date.