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

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:

Section 1. Section 502 of the vehicle and traffic law is amended by adding a new subdivision 1-a to read as follows:

1-A. SPECIAL PROVISIONS FOR VETERANS. IN ADDITION TO THE REQUIREMENTS FOR LICENSE APPLICATIONS UNDER SUBDIVISION ONE OF THIS SECTION, 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 TO 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

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

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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.

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

(a) A license issued pursuant to subdivision five of this section shall be valid until the expiration date contained thereon, unless such license is suspended, revoked or cancelled. Such license may be renewed by submission of an application for renewal, the fee prescribed by law, proofs of prior licensing, fitness and acceptable vision prescribed by the commissioner, the applicant's social security number, and if required by the commissioner a photo image of the applicant in such numbers and form as the commissioner shall prescribe. IN ADDITION, THE COMMISSIONER SHALL ENSURE THAT SPACE IS PROVIDED ON THE APPLICATION FOR RENEWAL 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 TO 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 FOR RENEWAL: "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". In addition, an applicant for renewal of a license containing a hazardous material endorsement shall pass an examination to retain such endorsement. The commissioner shall, with respect to the renewal of a hazardous materials endorsement, comply with the requirements imposed upon states by sections 383.141 and 1572.13 of title 49 of the code of federal regulations. A renewal of such license shall be issued by the commissioner upon approval of such application, except that no such license shall be issued if its issuance would be inconsistent with the provisions of section five hundred sixteen of this title, and except that the commissioner may refuse to renew such license if the applicant is the holder of a currently valid or renewable license to drive issued by another state or foreign country unless the applicant surrenders such license.

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

(D) IN ADDITION, THE COMMISSIONER SHALL ENSURE THAT SPACE IS PROVIDED ON THE APPLICATION AND THE APPLICATION FOR RENEWAL 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 TO RECEIVE INFORMATION FROM THE DIVISION OF VETERANS' AFFAIRS BY EMAIL, TELEPHONE OR MAIL REGARDING BENEFITS TO WHICH SUCH APPLICANT MAY BE ENTITLED AND THAT THE FOLLOWING IS STATED ON THE APPLICATION AND APPLICATION FOR RENEWAL: "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".

S 4. Section 508 of the vehicle and traffic law is amended by adding a 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 22 to read as follows:

22. 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 authorized emergency vehicle or hazard vehicle pursuant to section eleven hundred forty-four-a of this chapter, explanations of traffic signs and symbols and such other matters as the commissioner may prescribe.

S 7. This act shall take effect one year after it shall have become a law. Provided, however, that effective immediately any actions necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.