

2590--A

2013-2014 Regular Sessions

I N   S E N A T E

January 22, 2013

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Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to requirements of proof for certain licenses; and to repeal certain provisions of such law relating thereto

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

1     Section 1. Subparagraph (i) of paragraph (a) of subdivision 3 of  
2     section 490 of the vehicle and traffic law, as amended by chapter 235 of  
3     the laws of 2002, is amended to read as follows:  
4     (i) The commissioner shall upon submission of an appropriate applica-  
5     tion, upon payment of the prescribed fee, and upon being satisfied that  
6     the person described is the applicant and that such applicant meets the  
7     requirements set forth in subdivision two of this section, issue to such  
8     applicant a nontransferable identification card. In addition, the  
9     commissioner also shall require that an applicant for an identification  
10    card or renewal thereof provide his or her social security number, OR  
11    PROVIDE PROOF THAT HE OR SHE IS NOT ELIGIBLE FOR A SOCIAL SECURITY  
12    NUMBER. SUCH PROOF MAY INCLUDE ANY DOCUMENTS SUBMITTED BY AN APPLICANT  
13    TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR THE PURPOSE OF  
14    DETERMINING WHETHER SUCH APPLICANT IS ELIGIBLE TO RECEIVE A SOCIAL SECU-  
15    RITY NUMBER.  
16    S 2. Subparagraph (i) of paragraph (a) of subdivision 3 of section 490  
17    of the vehicle and traffic law, as amended by chapter 487 of the laws of  
18    2012, is amended to read as follows:  
19    (i) The commissioner shall upon submission of an appropriate applica-  
20    tion, upon payment of the prescribed fee, and upon being satisfied that  
21    the person described is the applicant and that such applicant meets the  
22    requirements set forth in subdivision two of this section, issue to such

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

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1 applicant a nontransferable identification card. In addition, the  
2 commissioner also shall require that an applicant for an identification  
3 card or renewal thereof provide his or her social security number, OR  
4 PROVIDE PROOF THAT HE OR SHE IS NOT ELIGIBLE FOR A SOCIAL SECURITY  
5 NUMBER. SUCH PROOF MAY INCLUDE ANY DOCUMENTS SUBMITTED BY AN APPLICANT  
6 TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR THE PURPOSE OF  
7 DETERMINING WHETHER SUCH APPLICANT IS ELIGIBLE TO RECEIVE A SOCIAL SECU-  
8 RITY NUMBER. The commissioner shall provide space so that an applicant  
9 may request a notation upon such identification card that he or she is a  
10 veteran of the United States armed forces.

11 S 3. Subdivision 1 of section 502 of the vehicle and traffic law, as  
12 amended by section 1 of part D of chapter 58 of the laws of 2012, is  
13 amended to read as follows:

14 1. Application for license. Application for a driver's license shall  
15 be made to the commissioner. The fee prescribed by law may be submitted  
16 with such application. The applicant shall furnish such proof of identi-  
17 ty, age, and fitness as may be required by the commissioner. The commis-  
18 sioner may also provide that the application procedure shall include the  
19 taking of a photo image or images of the applicant in accordance with  
20 rules and regulations prescribed by the commissioner. In addition, the  
21 commissioner [also] shall require that the applicant provide his or her  
22 social security number [and], OR PROVIDE PROOF THAT HE OR SHE IS NOT  
23 ELIGIBLE FOR A SOCIAL SECURITY NUMBER. SUCH PROOF MAY INCLUDE ANY DOCU-  
24 MENTS SUBMITTED BY AN APPLICANT TO THE UNITED STATES DEPARTMENT OF HOME-  
25 LAND SECURITY FOR THE PURPOSE OF DETERMINING WHETHER SUCH APPLICANT IS  
26 ELIGIBLE TO RECEIVE A SOCIAL SECURITY NUMBER. THE COMMISSIONER SHALL  
27 ALSO provide space on the application so that the applicant may register  
28 in the New York state organ and tissue donor registry under section  
29 forty-three hundred ten of the public health law. In addition, an appli-  
30 cant for a commercial driver's license who will operate a commercial  
31 motor vehicle in interstate commerce shall certify that such applicant  
32 meets the requirements to operate a commercial motor vehicle, as set  
33 forth in public law 99-570, title XII, and title 49 of the code of  
34 federal regulations, and all regulations promulgated by the United  
35 States secretary of transportation under the hazardous materials trans-  
36 portation act. In addition, an applicant for a commercial driver's  
37 license shall submit a medical certificate at such intervals as required  
38 by the federal motor carrier safety improvement act of 1999 and Part  
39 383.71(h) of title 49 of the code of federal regulations relating to  
40 medical certification and in a manner prescribed by the commissioner.  
41 For purposes of this section and sections five hundred three, five  
42 hundred ten-a, and five hundred ten-aa of this title, the terms "medical  
43 certificate" and "medical certification" shall mean a form substantially  
44 in compliance with the form set forth in Part 391.43(h) of title 49 of  
45 the code of federal regulations. Upon a determination that the holder of  
46 a commercial driver's license has made any false statement, with respect  
47 to the application for such license, the commissioner shall revoke such  
48 license.

49 S 4. Subdivision 1 of section 502 of the vehicle and traffic law, as  
50 amended by chapter 465 of the laws of 2012, is amended to read as  
51 follows:

52 1. Application for license. Application for a driver's license shall  
53 be made to the commissioner. The fee prescribed by law may be submitted  
54 with such application. The applicant shall furnish such proof of identi-  
55 ty, age, and fitness as may be required by the commissioner. The commis-  
56 sioner may also provide that the application procedure shall include the

1 taking of a photo image or images of the applicant in accordance with  
2 rules and regulations prescribed by the commissioner. In addition, the  
3 commissioner [also] shall require that the applicant provide his or her  
4 social security number [and], OR PROVIDE PROOF THAT HE OR SHE IS NOT  
5 ELIGIBLE FOR A SOCIAL SECURITY NUMBER. SUCH PROOF MAY INCLUDE ANY DOCU-  
6 MENTS SUBMITTED BY AN APPLICANT TO THE UNITED STATES DEPARTMENT OF HOME-  
7 LAND SECURITY FOR THE PURPOSE OF DETERMINING WHETHER SUCH APPLICANT IS  
8 ELIGIBLE TO RECEIVE A SOCIAL SECURITY NUMBER. THE COMMISSIONER shall  
9 ALSO provide space on the application so that the applicant may register  
10 in the New York state organ and tissue donor registry under section  
11 forty-three hundred ten of the public health law with the following  
12 stated on the application in clear and conspicuous type:

13 "You must fill out the following section: Would you like to be added  
14 to the Donate Life Registry? Check box for 'yes' or 'skip this ques-  
15 tion'."

16 The commissioner of the department of health shall not maintain  
17 records of any person who checks "skip this question". Failure to check  
18 a box shall not impair the validity of an application, and failure to  
19 check "yes" or checking "skip this question" shall not be construed to  
20 imply a wish not to donate. In the case of an applicant under eighteen  
21 years of age, checking "yes" shall not constitute consent to make an  
22 anatomical gift or registration in the donate life registry. Where an  
23 applicant has previously consented to make an anatomical gift or regis-  
24 tered in the donate life registry, checking "skip this question" or  
25 failing to check a box shall not impair that consent or registration.  
26 THE APPLICATION SHALL ALSO PROVIDE SPACE SO THAT THE APPLICANT MAY  
27 REQUEST A NOTATION UPON SUCH LICENSE THAT HE OR SHE IS A VETERAN OF THE  
28 UNITED STATES ARMED FORCES. In addition, an applicant for a commercial  
29 driver's license who will operate a commercial motor vehicle in inter-  
30 state commerce shall certify that such applicant meets the requirements  
31 to operate a commercial motor vehicle, as set forth in public law  
32 99-570, title XII, and title 49 of the code of federal regulations, and  
33 all regulations promulgated by the United States secretary of transpor-  
34 tation under the hazardous materials transportation act. In addition, an  
35 applicant for a commercial driver's license shall submit a medical  
36 certificate at such intervals as required by the federal motor carrier  
37 safety improvement act of 1999 and Part 383.71(h) of title 49 of the  
38 code of federal regulations relating to medical certification and in a  
39 manner prescribed by the commissioner. For purposes of this section and  
40 sections five hundred three, five hundred ten-a, and five hundred ten-aa  
41 of this title, the terms "medical certificate" and "medical certif-  
42 ication" shall mean a form substantially in compliance with the form set  
43 forth in Part 391.43(h) of title 49 of the code of federal regulations.  
44 Upon a determination that the holder of a commercial driver's license  
45 has made any false statement, with respect to the application for such  
46 license, the commissioner shall revoke such license.

47 S 5. Subdivision 1 of section 502 of the vehicle and traffic law, as  
48 amended by chapter 487 of the laws of 2012, is REPEALED.

49 S 6. Subdivision 1 of section 502 of the vehicle and traffic law, as  
50 amended by section four of this act, is amended to read as follows:

51 1. Application for license. Application for a driver's license shall  
52 be made to the commissioner. The fee prescribed by law may be submitted  
53 with such application. The applicant shall furnish such proof of identi-  
54 ty, age, and fitness as may be required by the commissioner. The commis-  
55 sioner may also provide that the application procedure shall include the  
56 taking of a photo image or images of the applicant in accordance with

1 rules and regulations prescribed by the commissioner. In addition, the  
2 commissioner shall require that the applicant provide his or her social  
3 security number, or provide proof that he or she is not eligible for a  
4 social security number. Such proof may include any documents submitted  
5 by an applicant to the United States department of homeland security for  
6 the purpose of determining whether such applicant is eligible to receive  
7 a social security number. The commissioner shall also provide space on  
8 the application so that the applicant may register in the New York state  
9 organ and tissue donor registry under section forty-three hundred ten of  
10 the public health law [with the following stated on the application in  
11 clear and conspicuous type:

12 "You must fill out the following section: Would you like to be added  
13 to the Donate Life Registry? Check box for 'yes' or 'skip this ques-  
14 tion'."

15 The commissioner of the department of health shall not maintain  
16 records of any person who checks "skip this question". Failure to check  
17 a box shall not impair the validity of an application, and failure to  
18 check "yes" or checking "skip this question" shall not be construed to  
19 imply a wish not to donate. In the case of an applicant under eighteen  
20 years of age, checking "yes" shall not constitute consent to make an  
21 anatomical gift or registration in the donate life registry. Where an  
22 applicant has previously consented to make an anatomical gift or regis-  
23 tered in the donate life registry, checking "skip this question" or  
24 failing to check a box shall not impair that consent or registration].  
25 The application shall also provide space so that the applicant may  
26 request a notation upon such license that he or she is a veteran of the  
27 United States armed forces. In addition, an applicant for a commercial  
28 driver's license who will operate a commercial motor vehicle in inter-  
29 state commerce shall certify that such applicant meets the requirements  
30 to operate a commercial motor vehicle, as set forth in public law  
31 99-570, title XII, and title 49 of the code of federal regulations, and  
32 all regulations promulgated by the United States secretary of transpor-  
33 tation under the hazardous materials transportation act. In addition, an  
34 applicant for a commercial driver's license shall submit a medical  
35 certificate at such intervals as required by the federal motor carrier  
36 safety improvement act of 1999 and Part 383.71(h) of title 49 of the  
37 code of federal regulations relating to medical certification and in a  
38 manner prescribed by the commissioner. For purposes of this section and  
39 sections five hundred three, five hundred ten-a, and five hundred ten-aa  
40 of this title, the terms "medical certificate" and "medical certif-  
41 ication" shall mean a form substantially in compliance with the form set  
42 forth in Part 391.43(h) of title 49 of the code of federal regulations.  
43 Upon a determination that the holder of a commercial driver's license  
44 has made any false statement, with respect to the application for such  
45 license, the commissioner shall revoke such license.

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

49 (a) A license issued pursuant to subdivision five of this section  
50 shall be valid until the expiration date contained thereon, unless such  
51 license is suspended, revoked or cancelled. Such license may be renewed  
52 by submission of an application for renewal, the fee prescribed by law,  
53 proofs of prior licensing, fitness and acceptable vision prescribed by  
54 the commissioner, AND the applicant's social security number[, and if  
55 required by the commissioner] OR PROVIDE PROOF THAT HE OR SHE IS NOT  
56 ELIGIBLE FOR A SOCIAL SECURITY NUMBER. SUCH PROOF MAY INCLUDE ANY DOCU-

1 MENTS SUBMITTED BY AN APPLICANT TO THE UNITED STATES DEPARTMENT OF HOME-  
2 LAND SECURITY FOR THE PURPOSE OF DETERMINING WHETHER SUCH APPLICANT IS  
3 ELIGIBLE TO RECEIVE A SOCIAL SECURITY NUMBER. THE COMMISSIONER MAY ALSO  
4 REQUIRE SUBMISSION OF a photo image of the applicant in such numbers and  
5 form as the commissioner shall prescribe. In addition, an applicant for  
6 renewal of a license containing a hazardous material endorsement shall  
7 pass an examination to retain such endorsement. The commissioner shall,  
8 with respect to the renewal of a hazardous materials endorsement, comply  
9 with the requirements imposed upon states by sections 383.141 and  
10 1572.13 of title 49 of the code of federal regulations. A renewal of  
11 such license shall be issued by the commissioner upon approval of such  
12 application, except that no such license shall be issued if its issuance  
13 would be inconsistent with the provisions of section five hundred  
14 sixteen of this title, and except that the commissioner may refuse to  
15 renew such license if the applicant is the holder of a currently valid  
16 or renewable license to drive issued by another state or foreign country  
17 unless the applicant surrenders such license.

18 S 8. This act shall take effect immediately; provided however that  
19 section two of this act shall take effect on the same date and in the  
20 same manner as section 1 of chapter 487 of the laws of 2012 takes  
21 effect; provided further that sections four and five of this act shall  
22 take effect October 3, 2013; and provided further that section six of  
23 this act shall take effect October 3, 2016.