

2590--B

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 -- 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, 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 487 of  
3     the laws of 2012, 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. The commissioner shall provide space so that an applicant  
16    may request a notation upon such identification card that he or she is a  
17    veteran of the United States armed forces.

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

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1 S 2. Subdivision 1 of section 502 of the vehicle and traffic law, as  
2 separately amended by chapters 465 and 487 of the laws of 2012, is  
3 REPEALED and a new subdivision 1 is added to read as follows:

4 1. APPLICATION FOR LICENSE. APPLICATION FOR A DRIVER'S LICENSE SHALL  
5 BE MADE TO THE COMMISSIONER. THE FEE PRESCRIBED BY LAW MAY BE SUBMITTED  
6 WITH SUCH APPLICATION. THE APPLICANT SHALL FURNISH SUCH PROOF OF IDENTI-  
7 TY, AGE, AND FITNESS AS MAY BE REQUIRED BY THE COMMISSIONER. THE COMMIS-  
8 SIONER MAY ALSO PROVIDE THAT THE APPLICATION PROCEDURE SHALL INCLUDE THE  
9 TAKING OF A PHOTO IMAGE OR IMAGES OF THE APPLICANT IN ACCORDANCE WITH  
10 RULES AND REGULATIONS PRESCRIBED BY THE COMMISSIONER. IN ADDITION, THE  
11 COMMISSIONER SHALL REQUIRE THAT THE APPLICANT PROVIDE HIS OR HER SOCIAL  
12 SECURITY NUMBER, OR PROVIDE PROOF THAT HE OR SHE IS NOT ELIGIBLE FOR A  
13 SOCIAL SECURITY NUMBER. SUCH PROOF MAY INCLUDE ANY DOCUMENTS SUBMITTED  
14 BY AN APPLICANT TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR  
15 THE PURPOSE OF DETERMINING WHETHER SUCH APPLICANT IS ELIGIBLE TO RECEIVE  
16 A SOCIAL SECURITY NUMBER. THE COMMISSIONER SHALL ALSO PROVIDE SPACE ON  
17 THE APPLICATION SO THAT THE APPLICANT MAY REGISTER IN THE NEW YORK STATE  
18 ORGAN AND TISSUE DONOR REGISTRY UNDER SECTION FORTY-THREE HUNDRED TEN OF  
19 THE PUBLIC HEALTH LAW WITH THE FOLLOWING STATED ON THE APPLICATION IN  
20 CLEAR AND CONSPICUOUS TYPE:

21 "YOU MUST FILL OUT THE FOLLOWING SECTION: WOULD YOU LIKE TO BE ADDED  
22 TO THE DONATE LIFE REGISTRY? CHECK BOX FOR 'YES' OR 'SKIP THIS QUES-  
23 TION'."

24 THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL NOT MAINTAIN  
25 RECORDS OF ANY PERSON WHO CHECKS "SKIP THIS QUESTION". FAILURE TO CHECK  
26 A BOX SHALL NOT IMPAIR THE VALIDITY OF AN APPLICATION, AND FAILURE TO  
27 CHECK "YES" OR CHECKING "SKIP THIS QUESTION" SHALL NOT BE CONSTRUED TO  
28 IMPLY A WISH NOT TO DONATE. IN THE CASE OF AN APPLICANT UNDER EIGHTEEN  
29 YEARS OF AGE, CHECKING "YES" SHALL NOT CONSTITUTE CONSENT TO MAKE AN  
30 ANATOMICAL GIFT OR REGISTRATION IN THE DONATE LIFE REGISTRY. WHERE AN  
31 APPLICANT HAS PREVIOUSLY CONSENTED TO MAKE AN ANATOMICAL GIFT OR REGIS-  
32 TERED IN THE DONATE LIFE REGISTRY, CHECKING "SKIP THIS QUESTION" OR  
33 FAILING TO CHECK A BOX SHALL NOT IMPAIR THAT CONSENT OR REGISTRATION.  
34 THE APPLICATION SHALL ALSO PROVIDE SPACE SO THAT THE APPLICANT MAY  
35 REQUEST A NOTATION UPON SUCH LICENSE THAT HE OR SHE IS A VETERAN OF THE  
36 UNITED STATES ARMED FORCES. IN ADDITION, AN APPLICANT FOR A COMMERCIAL  
37 DRIVER'S LICENSE WHO WILL OPERATE A COMMERCIAL MOTOR VEHICLE IN INTER-  
38 STATE COMMERCE SHALL CERTIFY THAT SUCH APPLICANT MEETS THE REQUIREMENTS  
39 TO OPERATE A COMMERCIAL MOTOR VEHICLE, AS SET FORTH IN PUBLIC LAW  
40 99-570, TITLE XII, AND TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, AND  
41 ALL REGULATIONS PROMULGATED BY THE UNITED STATES SECRETARY OF TRANSPOR-  
42 TATION UNDER THE HAZARDOUS MATERIALS TRANSPORTATION ACT. IN ADDITION, AN  
43 APPLICANT FOR A COMMERCIAL DRIVER'S LICENSE SHALL SUBMIT A MEDICAL  
44 CERTIFICATE AT SUCH INTERVALS AS REQUIRED BY THE FEDERAL MOTOR CARRIER  
45 SAFETY IMPROVEMENT ACT OF 1999 AND PART 383.71(H) OF TITLE 49 OF THE  
46 CODE OF FEDERAL REGULATIONS RELATING TO MEDICAL CERTIFICATION AND IN A  
47 MANNER PRESCRIBED BY THE COMMISSIONER. FOR PURPOSES OF THIS SECTION AND  
48 SECTIONS FIVE HUNDRED THREE, FIVE HUNDRED TEN-A, AND FIVE HUNDRED TEN-AA  
49 OF THIS TITLE, THE TERMS "MEDICAL CERTIFICATE" AND "MEDICAL CERTIF-  
50 ICATION" SHALL MEAN A FORM SUBSTANTIALLY IN COMPLIANCE WITH THE FORM SET  
51 FORTH IN PART 391.43(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS.  
52 UPON A DETERMINATION THAT THE HOLDER OF A COMMERCIAL DRIVER'S LICENSE  
53 HAS MADE ANY FALSE STATEMENT, WITH RESPECT TO THE APPLICATION FOR SUCH  
54 LICENSE, THE COMMISSIONER SHALL REVOKE SUCH LICENSE.

55 S 3. Subdivision 1 of section 502 of the vehicle and traffic law, as  
56 added by section two of this act, is amended to read as follows:

1 1. Application for license. Application for a driver's license shall  
2 be made to the commissioner. The fee prescribed by law may be submitted  
3 with such application. The applicant shall furnish such proof of identi-  
4 ty, age, and fitness as may be required by the commissioner. The commis-  
5 sioner may also provide that the application procedure shall include the  
6 taking of a photo image or images of the applicant in accordance with  
7 rules and regulations prescribed by the commissioner. In addition, the  
8 commissioner shall require that the applicant provide his or her social  
9 security number, or provide proof that he or she is not eligible for a  
10 social security number. Such proof may include any documents submitted  
11 by an applicant to the United States department of homeland security for  
12 the purpose of determining whether such applicant is eligible to receive  
13 a social security number. The commissioner shall also provide space on  
14 the application so that the applicant may register in the New York state  
15 organ and tissue donor registry under section forty-three hundred ten of  
16 the public health law [with the following stated on the application in  
17 clear and conspicuous type:

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

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

52 S 4. Paragraph (a) of subdivision 6 of section 502 of the vehicle and  
53 traffic law, as amended by section 3 of part K of chapter 59 of the laws  
54 of 2009, is amended to read as follows:

55 (a) A license issued pursuant to subdivision five of this section  
56 shall be valid until the expiration date contained thereon, unless such

1 license is suspended, revoked or cancelled. Such license may be renewed  
2 by submission of an application for renewal, the fee prescribed by law,  
3 proofs of prior licensing, fitness and acceptable vision prescribed by  
4 the commissioner, AND the applicant's social security number[, and if  
5 required by the commissioner] OR PROVIDE PROOF THAT HE OR SHE IS NOT  
6 ELIGIBLE FOR A SOCIAL SECURITY NUMBER. SUCH PROOF MAY INCLUDE ANY DOCU-  
7 MENTS SUBMITTED BY AN APPLICANT TO THE UNITED STATES DEPARTMENT OF HOME-  
8 LAND SECURITY FOR THE PURPOSE OF DETERMINING WHETHER SUCH APPLICANT IS  
9 ELIGIBLE TO RECEIVE A SOCIAL SECURITY NUMBER. THE COMMISSIONER MAY ALSO  
10 REQUIRE SUBMISSION OF a photo image of the applicant in such numbers and  
11 form as the commissioner shall prescribe. In addition, an applicant for  
12 renewal of a license containing a hazardous material endorsement shall  
13 pass an examination to retain such endorsement. The commissioner shall,  
14 with respect to the renewal of a hazardous materials endorsement, comply  
15 with the requirements imposed upon states by sections 383.141 and  
16 1572.13 of title 49 of the code of federal regulations. A renewal of  
17 such license shall be issued by the commissioner upon approval of such  
18 application, except that no such license shall be issued if its issuance  
19 would be inconsistent with the provisions of section five hundred  
20 sixteen of this title, and except that the commissioner may refuse to  
21 renew such license if the applicant is the holder of a currently valid  
22 or renewable license to drive issued by another state or foreign country  
23 unless the applicant surrenders such license.  
24 S 5. This act shall take effect immediately; provided however that  
25 section three of this act shall take effect October 3, 2016.