

2903--A

2013-2014 Regular Sessions

I N S E N A T E

January 24, 2013

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- 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 certain requirements for obtaining 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. Subdivision 1 of section 502 of the vehicle and traffic
2 law, as separately amended by chapters 465 and 487 of the laws of 2012,
3 is REPEALED and a new subdivision 1 is added to read as follows: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
8 COMMISSIONER MAY ALSO PROVIDE THAT THE APPLICATION PROCEDURE SHALL
9 INCLUDE THE TAKING OF A PHOTO IMAGE OR IMAGES OF THE APPLICANT IN
10 ACCORDANCE WITH RULES AND REGULATIONS PRESCRIBED BY THE COMMISSIONER.
11 IN ADDITION, THE COMMISSIONER ALSO SHALL REQUIRE THAT THE APPLICANT
12 PROVIDE HIS OR HER SOCIAL SECURITY NUMBER OR THE INDIVIDUAL TAX IDEN-
13 TIFICATION NUMBER WHERE SUCH APPLICANT IS A LEGAL IMMIGRANT AND SHALL
14 PROVIDE SPACE ON THE APPLICATION SO THAT THE APPLICANT MAY REGISTER IN
15 THE NEW YORK STATE ORGAN AND TISSUE DONOR REGISTRY UNDER SECTION FORTY-
16 THREE HUNDRED TEN OF THE PUBLIC HEALTH LAW WITH THE FOLLOWING STATED ON
17 THE APPLICATION IN 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'."

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

LBD05494-02-4

1 THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL NOT MAINTAIN
2 RECORDS OF ANY PERSON WHO CHECKS "SKIP THIS QUESTION". FAILURE TO CHECK
3 A BOX SHALL NOT IMPAIR THE VALIDITY OF AN APPLICATION, AND FAILURE TO
4 CHECK "YES" OR CHECKING "SKIP THIS QUESTION" SHALL NOT BE CONSTRUED TO
5 IMPLY A WISH NOT TO DONATE. IN THE CASE OF AN APPLICANT UNDER EIGHTEEN
6 YEARS OF AGE, CHECKING "YES" SHALL NOT CONSTITUTE CONSENT TO MAKE AN
7 ANATOMICAL GIFT OR REGISTRATION IN THE DONATE LIFE REGISTRY. WHERE AN
8 APPLICANT HAS PREVIOUSLY CONSENTED TO MAKE AN ANATOMICAL GIFT OR REGIS-
9 TERED IN THE DONATE LIFE REGISTRY, CHECKING "SKIP THIS QUESTION" OR
10 FAILING TO CHECK A BOX SHALL NOT IMPAIR THAT CONSENT OR REGISTRATION. IN
11 ADDITION, THE COMMISSIONER ALSO SHALL REQUIRE THAT SPACE SHALL BE
12 PROVIDED ON THE APPLICATION SO THAT THE APPLICANT MAY REQUEST A NOTATION
13 UPON SUCH LICENSE THAT HE OR SHE IS A VETERAN OF THE UNITED STATES ARMED
14 FORCES. IN ADDITION, AN APPLICANT FOR A COMMERCIAL DRIVER'S LICENSE WHO
15 WILL OPERATE A COMMERCIAL MOTOR VEHICLE IN INTERSTATE COMMERCE SHALL
16 CERTIFY THAT SUCH APPLICANT MEETS THE REQUIREMENTS TO OPERATE A COMMER-
17 CIAL MOTOR VEHICLE, AS SET FORTH IN PUBLIC LAW 99-570, TITLE XII, AND
18 TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, AND ALL REGULATIONS PROMUL-
19 GATED BY THE UNITED STATES SECRETARY OF TRANSPORTATION UNDER THE HAZARD-
20 OUS MATERIALS TRANSPORTATION ACT. IN ADDITION, AN APPLICANT FOR A
21 COMMERCIAL DRIVER'S LICENSE SHALL SUBMIT A MEDICAL CERTIFICATE AT SUCH
22 INTERVALS AS REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT
23 ACT OF 1999 AND PART 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL REGU-
24 LATIONS RELATING TO MEDICAL CERTIFICATION AND IN A MANNER PRESCRIBED BY
25 THE COMMISSIONER. FOR PURPOSES OF THIS SECTION AND SECTIONS FIVE HUNDRED
26 THREE, FIVE HUNDRED TEN-A, AND FIVE HUNDRED TEN-AA OF THIS TITLE, THE
27 TERMS "MEDICAL CERTIFICATE" AND "MEDICAL CERTIFICATION" SHALL MEAN A
28 FORM SUBSTANTIALLY IN COMPLIANCE WITH THE FORM SET FORTH IN PART
29 391.43(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS. UPON A DETER-
30 MINATION THAT THE HOLDER OF A COMMERCIAL DRIVER'S LICENSE HAS MADE ANY
31 FALSE STATEMENT, WITH RESPECT TO THE APPLICATION FOR SUCH LICENSE, THE
32 COMMISSIONER SHALL REVOKE SUCH LICENSE.

33 S 2. Subdivision 1 of section 502 of the vehicle and traffic law, as
34 added by section one of this act, is amended to read as follows:

35 1. Application for license. Application for a driver's license shall
36 be made to the commissioner. The fee prescribed by law may be submitted
37 with such application. The applicant shall furnish such proof of identi-
38 ty, age, and fitness as may be required by the commissioner. The
39 commissioner may also provide that the application procedure shall
40 include the taking of a photo image or images of the applicant in
41 accordance with rules and regulations prescribed by the commissioner.
42 In addition, the commissioner WILL also [shall] require that the appli-
43 cant provide his or her social security number or the individual tax
44 identification number where such applicant is a legal immigrant and
45 shall provide space on the application so that the applicant may regis-
46 ter in the New York state organ and tissue donor registry under section
47 forty-three hundred ten of the public health law [with the following
48 stated on the application in clear and conspicuous type:

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

52 The commissioner of the department of health shall not maintain
53 records of any person who checks "skip this question". Failure to check
54 a box shall not impair the validity of an application, and failure to
55 check "yes" or checking "skip this question" shall not be construed to
56 imply a wish not to donate. In the case of an applicant under eighteen

1 years of age, checking "yes" shall not constitute consent to make an
2 anatomical gift or registration in the donate life registry. Where an
3 applicant has previously consented to make an anatomical gift or regis-
4 tered in the donate life registry, checking "skip this question" or
5 failing to check a box shall not impair that consent or registration].
6 In addition, the commissioner also shall require that space shall be
7 provided on the application so that the applicant may request a notation
8 upon such license that he or she is a veteran of the United States armed
9 forces. In addition, an applicant for a commercial driver's license who
10 will operate a commercial motor vehicle in interstate commerce shall
11 certify that such applicant meets the requirements to operate a commer-
12 cial motor vehicle, as set forth in public law 99-570, title XII, and
13 title 49 of the code of federal regulations, and all regulations promul-
14 gated by the United States secretary of transportation under the hazard-
15 ous materials transportation act. In addition, an applicant for a
16 commercial driver's license shall submit a medical certificate at such
17 intervals as required by the federal motor carrier safety improvement
18 act of 1999 and Part 383.71(h) of title 49 of the code of federal regu-
19 lations relating to medical certification and in a manner prescribed by
20 the commissioner. For purposes of this section and sections five hundred
21 three, five hundred ten-a, and five hundred ten-aa of this title, the
22 terms "medical certificate" and "medical certification" shall mean a
23 form substantially in compliance with the form set forth in Part
24 391.43(h) of title 49 of the code of federal regulations. Upon a deter-
25 mination that the holder of a commercial driver's license has made any
26 false statement, with respect to the application for such license, the
27 commissioner shall revoke such license.

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

31 (a) A license issued pursuant to subdivision five of this section
32 shall be valid until the expiration date contained thereon, unless such
33 license is suspended, revoked or cancelled. Such license may be renewed
34 by submission of an application for renewal, the fee prescribed by law,
35 proofs of prior licensing, fitness and acceptable vision prescribed by
36 the commissioner, the applicant's social security number OR THE INDIVID-
37 UAL TAX IDENTIFICATION NUMBER WHERE SUCH APPLICANT IS A LEGAL IMMIGRANT,
38 and if required by the commissioner a photo image of the applicant in
39 such numbers and form as the commissioner shall prescribe. In addition,
40 an applicant for renewal of a license containing a hazardous material
41 endorsement shall pass an examination to retain such endorsement. The
42 commissioner shall, with respect to the renewal of a hazardous materials
43 endorsement, comply with the requirements imposed upon states by
44 sections 383.141 and 1572.13 of title 49 of the code of federal regu-
45 lations. A renewal of such license shall be issued by the commissioner
46 upon approval of such application, except that no such license shall be
47 issued if its issuance would be inconsistent with the provisions of
48 section five hundred sixteen of this title, and except that the commis-
49 sioner may refuse to renew such license if the applicant is the holder
50 of a currently valid or renewable license to drive issued by another
51 state or foreign country unless the applicant surrenders such license.

52 S 4. This act shall take effect on the ninetieth day after it shall
53 have become a law; provided that section two of this act shall take
54 effect on October 3, 2016.