

5444--A

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sens. PARKER, HASSELL-THOMPSON, RIVERA, SAMPSON, SMITH -- 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 issuance of driver's 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. 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3 is REPEALED and a new subdivision 1 is added to read as follows: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. ACCEPTABLE
8 PROOF OF IDENTITY SHALL INCLUDE, BUT NOT BE LIMITED TO FOREIGN PASSPORTS
9 (VISA STAMPS ARE NOT REQUIRED), VALID DOCUMENTATION ISSUED BY USCIS AND
10 CONSULAR IDENTIFICATION DOCUMENTS. ELIGIBILITY FOR A DRIVERS' LICENSE
11 SHALL NOT BE CONDITIONED ON A PARTICULAR IMMIGRATION STATUS. THE COMMIS-
12 SIONER MAY ALSO PROVIDE THAT THE APPLICATION PROCEDURE SHALL INCLUDE THE
13 TAKING OF A PHOTO IMAGE OR IMAGES OF THE APPLICANT IN ACCORDANCE WITH
14 RULES AND REGULATIONS PRESCRIBED BY THE COMMISSIONER. IN ADDITION, THE
15 COMMISSIONER ALSO SHALL REQUIRE THAT THE APPLICANT PROVIDE HIS OR HER
16 SOCIAL SECURITY NUMBER WHERE SUCH APPLICANT IS A LEGAL IMMIGRANT, OR
17 INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER (ITIN) OR A LETTER OR FORM
18 FROM THE UNITED STATES SOCIAL SECURITY ADMINISTRATION THAT STATES THAT
19 THE APPLICANT IS NOT ELIGIBLE OR SUBMIT A SWORN STATEMENT UNDER THE
20 PENALTY OF PERJURY, STATING THAT THE APPLICANT DOES NOT HAVE A SOCIAL

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

LBD11097-02-4

1 SECURITY NUMBER OR ITIN, AND SHALL PROVIDE SPACE ON THE APPLICATION SO
2 THAT THE APPLICANT MAY REGISTER IN THE NEW YORK STATE ORGAN AND TISSUE
3 DONOR REGISTRY UNDER SECTION FORTY-THREE HUNDRED TEN OF THE PUBLIC
4 HEALTH LAW WITH THE FOLLOWING STATED ON THE APPLICATION IN CLEAR AND
5 CONSPICUOUS TYPE:

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

9 THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL NOT MAINTAIN
10 RECORDS OF ANY PERSON WHO CHECKS "SKIP THIS QUESTION". FAILURE TO CHECK
11 A BOX SHALL NOT IMPAIR THE VALIDITY OF AN APPLICATION, AND FAILURE TO
12 CHECK "YES" OR CHECKING "SKIP THIS QUESTION" SHALL NOT BE CONSTRUED TO
13 IMPLY A WISH NOT TO DONATE. IN THE CASE OF AN APPLICANT UNDER EIGHTEEN
14 YEARS OF AGE, CHECKING "YES" SHALL NOT CONSTITUTE CONSENT TO MAKE AN
15 ANATOMICAL GIFT OR REGISTRATION IN THE DONATE LIFE REGISTRY. WHERE AN
16 APPLICANT HAS PREVIOUSLY CONSENTED TO MAKE AN ANATOMICAL GIFT OR REGIS-
17 TERED IN THE DONATE LIFE REGISTRY, CHECKING "SKIP THIS QUESTION" OR
18 FAILING TO CHECK A BOX SHALL NOT IMPAIR THAT CONSENT OR REGISTRATION. IN
19 ADDITION, THE COMMISSIONER ALSO SHALL REQUIRE THAT SPACE SHALL BE
20 PROVIDED ON THE APPLICATION SO THAT THE APPLICANT MAY REQUEST A NOTATION
21 UPON SUCH LICENSE THAT HE OR SHE IS A VETERAN OF THE UNITED STATES ARMED
22 FORCES. IN ADDITION, AN APPLICANT FOR A COMMERCIAL DRIVER'S LICENSE WHO
23 WILL OPERATE A COMMERCIAL MOTOR VEHICLE IN INTERSTATE COMMERCE SHALL
24 CERTIFY THAT SUCH APPLICANT MEETS THE REQUIREMENTS TO OPERATE A COMMER-
25 CIAL MOTOR VEHICLE, AS SET FORTH IN PUBLIC LAW 99-570, TITLE XII, AND
26 TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, AND ALL REGULATIONS PROMUL-
27 GATED BY THE UNITED STATES SECRETARY OF TRANSPORTATION UNDER THE HAZARD-
28 OUS MATERIALS TRANSPORTATION ACT. IN ADDITION, AN APPLICANT FOR A
29 COMMERCIAL DRIVER'S LICENSE SHALL SUBMIT A MEDICAL CERTIFICATE AT SUCH
30 INTERVALS AS REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT
31 ACT OF 1999 AND PART 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL REGU-
32 LATIONS RELATING TO MEDICAL CERTIFICATION AND IN A MANNER PRESCRIBED BY
33 THE COMMISSIONER. FOR PURPOSES OF THIS SECTION AND SECTIONS FIVE
34 HUNDRED THREE, FIVE HUNDRED TEN-A, AND FIVE HUNDRED TEN-AA OF THIS
35 TITLE, THE TERMS "MEDICAL CERTIFICATE" AND "MEDICAL CERTIFICATION" SHALL
36 MEAN A FORM SUBSTANTIALLY IN COMPLIANCE WITH THE FORM SET FORTH IN PART
37 391.43(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS. UPON A DETER-
38 MINATION THAT THE HOLDER OF A COMMERCIAL DRIVER'S LICENSE HAS MADE ANY
39 FALSE STATEMENT, WITH RESPECT TO THE APPLICATION FOR SUCH LICENSE, THE
40 COMMISSIONER SHALL REVOKE SUCH LICENSE.

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

43 1. Application for license. Application for a driver's license shall
44 be made to the commissioner. The fee prescribed by law may be submitted
45 with such application. The applicant shall furnish such proof of identi-
46 ty, age, and fitness as may be required by the commissioner. Acceptable
47 proof of identity shall include, but not be limited to foreign passports
48 (visa stamps are not required), valid documentation issued by USCIS and
49 consular identification documents. Eligibility for a drivers' license
50 shall not be conditioned on a particular immigration status. The
51 commissioner may also provide that the application procedure shall
52 include the taking of a photo image or images of the applicant in
53 accordance with rules and regulations prescribed by the commissioner. In
54 addition, the commissioner also shall require that the applicant provide
55 his or her social security number where such applicant is a legal immi-
56 grant, or individual taxpayer identification number (ITIN) or a letter

1 or form from the United States social security administration that
2 states that the applicant is not eligible or submit a sworn statement
3 under the penalty of perjury, stating that the applicant does not have a
4 social security number of ITIN, and [shall] provide space on the appli-
5 cation so that the applicant may register in the New York state organ
6 and tissue donor registry under section forty-three hundred ten of the
7 public health law [with the following stated on the application in clear
8 and conspicuous type:

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

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

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

47 (a) A license issued pursuant to subdivision five of this section
48 shall be valid until the expiration date contained thereon, unless such
49 license is suspended, revoked or cancelled. Such license may be renewed
50 by submission of an application for renewal, the fee prescribed by law,
51 proofs of prior licensing, fitness and acceptable vision prescribed by
52 the commissioner, the applicant's social security number, OR INDIVIDUAL
53 TAXPAYER IDENTIFICATION NUMBER (ITIN) OR A LETTER OR FORM FROM THE
54 UNITED STATES SOCIAL SECURITY ADMINISTRATION THAT STATES THAT THE APPLI-
55 CANT IS NOT ELIGIBLE OR SUBMIT A SWORN STATEMENT UNDER THE PENALTY OF
56 PERJURY, STATING THAT THE APPLICANT DOES NOT HAVE A SOCIAL SECURITY

1 NUMBER OR ITIN, and if required by the commissioner a photo image of the
2 applicant in such numbers and form as the commissioner shall prescribe.
3 In addition, an applicant for renewal of a license containing a hazard-
4 ous material endorsement shall pass an examination to retain such
5 endorsement. The commissioner shall, with respect to the renewal of a
6 hazardous materials endorsement, comply with the requirements imposed
7 upon states by sections 383.141 and 1572.13 of title 49 of the code of
8 federal regulations. A renewal of such license shall be issued by the
9 commissioner upon approval of such application, except that no such
10 license shall be issued if its issuance would be inconsistent with the
11 provisions of section five hundred sixteen of this title, and except
12 that the commissioner may refuse to renew such license if the applicant
13 is the holder of a currently valid or renewable license to drive issued
14 by another state or foreign country unless the applicant surrenders such
15 license.

16 S 4. This act shall take effect on the one hundred twentieth day after
17 it shall have become a law; provided, however, that section two of this
18 act shall take effect October 3, 2016.