

1753--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. DINOWITZ -- read once and referred 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 and the executive law, in relation to enabling veterans to receive benefit information upon applying for or renewing 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 amended by section 1 of part D of chapter 58 of the laws of
3 2012, is amended 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 identity,
7 age, and fitness as may be required by the commissioner. The commissioner
8 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 also shall require that the applicant provide his or her
12 social security number and provide space on the application so that the
13 applicant may register in the New York state organ and tissue donor
14 registry under section forty-three hundred ten of the public health law.
15 IN ADDITION, THE COMMISSIONER SHALL ENSURE THAT SPACE IS PROVIDED ON THE
16 APPLICATION TO ENABLE ANY APPLICANT WHO HAS SERVED IN THE ARMED FORCES
17 OF THE UNITED STATES FOR ANY DURATION OF TIME, TO REGISTER TO RECEIVE
18 INFORMATION FROM THE DIVISION OF VETERANS' AFFAIRS BY EMAIL OR TELEPHONE
19 REGARDING BENEFITS TO WHICH SUCH APPLICANT MAY BE ENTITLED AND THAT THE
20 FOLLOWING IS STATED ON THE APPLICATION: "BY CHECKING THIS BOX, YOU
21 CERTIFY THAT YOU SERVED IN THE ARMED FORCES OF THE UNITED STATES AND YOU

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

LBD05515-07-3

1 GIVE PERMISSION TO THE DEPARTMENT OF MOTOR VEHICLES TO SHARE YOUR NAME
2 AND CONTACT INFORMATION WITH THE DIVISION OF VETERANS' AFFAIRS TO ENABLE
3 THE DIVISION OF VETERANS' AFFAIRS TO CONTACT YOU VIA EMAIL, TELEPHONE OR
4 MAIL REGARDING BENEFITS TO WHICH YOU MAY BE ENTITLED". In addition, an
5 applicant for a commercial driver's license who will operate a commer-
6 cial motor vehicle in interstate commerce shall certify that such appli-
7 cant meets the requirements to operate a commercial motor vehicle, as
8 set forth in public law 99-570, title XII, and title 49 of the code of
9 federal regulations, and all regulations promulgated by the United
10 States secretary of transportation under the hazardous materials trans-
11 portation act. In addition, an applicant for a commercial driver's
12 license shall submit a medical certificate at such intervals as required
13 by the federal motor carrier safety improvement act of 1999 and Part
14 383.71(h) of title 49 of the code of federal regulations relating to
15 medical certification and in a manner prescribed by the commissioner.
16 For purposes of this section and sections five hundred three, five
17 hundred ten-a, and five hundred ten-aa of this title, the terms "medical
18 certificate" and "medical certification" shall mean a form substantially
19 in compliance with the form set forth in Part 391.43(h) of title 49 of
20 the code of federal regulations. Upon a determination that the holder of
21 a commercial driver's license has made any false statement, with respect
22 to the application for such license, the commissioner shall revoke such
23 license.

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

27 1. APPLICATION FOR LICENSE. APPLICATION FOR A DRIVER'S LICENSE SHALL
28 BE MADE TO THE COMMISSIONER. THE FEE PRESCRIBED BY LAW MAY BE SUBMITTED
29 WITH SUCH APPLICATION. THE APPLICANT SHALL FURNISH SUCH PROOF OF IDENTI-
30 TY, AGE, AND FITNESS AS MAY BE REQUIRED BY THE COMMISSIONER. THE
31 COMMISSIONER MAY ALSO PROVIDE THAT THE APPLICATION PROCEDURE SHALL
32 INCLUDE THE TAKING OF A PHOTO IMAGE OR IMAGES OF THE APPLICANT IN
33 ACCORDANCE WITH RULES AND REGULATIONS PRESCRIBED BY THE COMMISSIONER. IN
34 ADDITION, THE COMMISSIONER ALSO SHALL REQUIRE THAT THE APPLICANT PROVIDE
35 HIS OR HER SOCIAL SECURITY NUMBER AND PROVIDE SPACE ON THE APPLICATION
36 SO THAT THE APPLICANT MAY REGISTER IN THE NEW YORK STATE ORGAN AND
37 TISSUE DONOR REGISTRY UNDER SECTION FORTY-THREE HUNDRED TEN OF THE
38 PUBLIC HEALTH LAW, AND SPACE TO ENABLE ANY APPLICANT WHO HAS SERVED IN
39 THE ARMED FORCES OF THE UNITED STATES FOR ANY DURATION OF TIME, TO
40 REGISTER TO RECEIVE INFORMATION FROM THE DIVISION OF VETERANS' AFFAIRS
41 BY EMAIL OR TELEPHONE REGARDING BENEFITS TO WHICH SUCH APPLICANT MAY BE
42 ENTITLED AND THAT THE FOLLOWING IS STATED ON THE APPLICATION: "BY CHECK-
43 ING THIS BOX, YOU CERTIFY THAT YOU SERVED IN THE ARMED FORCES OF THE
44 UNITED STATES AND YOU GIVE PERMISSION TO THE DEPARTMENT OF MOTOR VEHI-
45 CLES TO SHARE YOUR NAME AND CONTACT INFORMATION WITH THE DIVISION OF
46 VETERANS' AFFAIRS TO ENABLE THE DIVISION OF VETERANS' AFFAIRS TO CONTACT
47 YOU VIA EMAIL, TELEPHONE OR MAIL REGARDING BENEFITS TO WHICH YOU MAY BE
48 ENTITLED". IN ADDITION, AN APPLICANT FOR A COMMERCIAL DRIVER'S LICENSE
49 WHO WILL OPERATE A COMMERCIAL MOTOR VEHICLE IN INTERSTATE COMMERCE SHALL
50 CERTIFY THAT SUCH APPLICANT MEETS THE REQUIREMENTS TO OPERATE A COMMER-
51 CIAL MOTOR VEHICLE, AS SET FORTH IN PUBLIC LAW 99-570, TITLE XII, AND
52 TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, AND ALL REGULATIONS PROMUL-
53 GATED BY THE UNITED STATES SECRETARY OF TRANSPORTATION UNDER THE HAZARD-
54 OUS MATERIALS TRANSPORTATION ACT. IN ADDITION, AN APPLICANT FOR A
55 COMMERCIAL DRIVER'S LICENSE SHALL SUBMIT A MEDICAL CERTIFICATE AT SUCH
56 INTERVALS AS REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT

1 ACT OF 1999 AND PART 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL REGU-
2 LATIONS RELATING TO MEDICAL CERTIFICATION AND IN A MANNER PRESCRIBED BY
3 THE COMMISSIONER. FOR PURPOSES OF THIS SECTION AND SECTIONS FIVE
4 HUNDRED THREE, FIVE HUNDRED TEN-A, AND FIVE HUNDRED TEN-AA OF THIS
5 TITLE, THE TERMS "MEDICAL CERTIFICATE" AND "MEDICAL CERTIFICATION" SHALL
6 MEAN A FORM SUBSTANTIALLY IN COMPLIANCE WITH THE FORM SET FORTH IN PART
7 391.43(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS. UPON A DETER-
8 MINATION THAT THE HOLDER OF A COMMERCIAL DRIVER'S LICENSE HAS MADE ANY
9 FALSE STATEMENT, WITH RESPECT TO THE APPLICATION FOR SUCH LICENSE, THE
10 COMMISSIONER SHALL REVOKE SUCH LICENSE.

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

13 1. Application for license. Application for a driver's license shall
14 be made to the commissioner. The fee prescribed by law may be submitted
15 with such application. The applicant shall furnish such proof of identi-
16 ty, age, and fitness as may be required by the commissioner. The
17 commissioner may also provide that the application procedure shall
18 include the taking of a photo image or images of the applicant in
19 accordance with rules and regulations prescribed by the commissioner. In
20 addition, the commissioner also shall require that the applicant provide
21 his or her social security number and provide space on the application
22 so that the applicant may register in the New York state organ and
23 tissue donor registry under section forty-three hundred ten of the
24 public health law, [and space to enable any applicant who has served in
25 the armed forces of the United States for any duration of time, to
26 register to receive information from the division of veterans' affairs
27 by email or telephone regarding benefits to which such applicant may be
28 entitled and that the following is stated on the application: "By check-
29 ing this box, you certify that you served in the armed forces of the
30 United States and you give permission to the department of motor vehi-
31 cles to share your name and contact information with the division of
32 veterans' affairs to enable the division of veterans' affairs to contact
33 you via email, telephone or mail regarding benefits to which you may be
34 entitled"] AND SPACE SO THAT THE APPLICANT MAY REQUEST A NOTATION UPON
35 SUCH LICENSE THAT HE OR SHE IS A VETERAN OF THE UNITED STATES ARMED
36 FORCES. In addition, an applicant for a commercial driver's license who
37 will operate a commercial motor vehicle in interstate commerce shall
38 certify that such applicant meets the requirements to operate a commer-
39 cial motor vehicle, as set forth in public law 99-570, title XII, and
40 title 49 of the code of federal regulations, and all regulations promul-
41 gated by the United States secretary of transportation under the hazard-
42 ous materials transportation act. In addition, an applicant for a
43 commercial driver's license shall submit a medical certificate at such
44 intervals as required by the federal motor carrier safety improvement
45 act of 1999 and Part 383.71(h) of title 49 of the code of federal regu-
46 lations relating to medical certification and in a manner prescribed by
47 the commissioner. For purposes of this section and sections five
48 hundred three, five hundred ten-a, and five hundred ten-aa of this
49 title, the terms "medical certificate" and "medical certification" shall
50 mean a form substantially in compliance with the form set forth in Part
51 391.43(h) of title 49 of the code of federal regulations. Upon a deter-
52 mination that the holder of a commercial driver's license has made any
53 false statement, with respect to the application for such license, the
54 commissioner shall revoke such license.

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

4 (a) A license issued pursuant to subdivision five of this section
5 shall be valid until the expiration date contained thereon, unless such
6 license is suspended, revoked or cancelled. Such license may be renewed
7 by submission of an application for renewal, the fee prescribed by law,
8 proofs of prior licensing, fitness and acceptable vision prescribed by
9 the commissioner, the applicant's social security number, and if
10 required by the commissioner a photo image of the applicant in such
11 numbers and form as the commissioner shall prescribe. IN ADDITION, THE
12 COMMISSIONER SHALL ENSURE THAT SPACE IS PROVIDED ON THE APPLICATION FOR
13 RENEWAL TO ENABLE ANY APPLICANT WHO HAS SERVED IN THE ARMED FORCES OF
14 THE UNITED STATES TO REGISTER TO RECEIVE INFORMATION FROM THE DIVISION
15 OF VETERANS' AFFAIRS BY EMAIL OR TELEPHONE REGARDING BENEFITS TO WHICH
16 SUCH APPLICANT MAY BE ENTITLED AND THAT THE FOLLOWING IS STATED ON THE
17 APPLICATION FOR RENEWAL: "BY CHECKING THIS BOX, YOU CERTIFY THAT YOU
18 SERVED IN THE ARMED FORCES OF THE UNITED STATES AND YOU GIVE PERMISSION
19 TO THE DEPARTMENT OF MOTOR VEHICLES TO SHARE YOUR NAME AND CONTACT
20 INFORMATION WITH THE DIVISION OF VETERANS' AFFAIRS TO ENABLE THE DIVI-
21 SION OF VETERANS' AFFAIRS TO CONTACT YOU VIA EMAIL, TELEPHONE OR MAIL
22 REGARDING BENEFITS TO WHICH YOU MAY BE ENTITLED". In addition, an appli-
23 cant for renewal of a license containing a hazardous material endorse-
24 ment shall pass an examination to retain such endorsement. The commis-
25 sioner shall, with respect to the renewal of a hazardous materials
26 endorsement, comply with the requirements imposed upon states by
27 sections 383.141 and 1572.13 of title 49 of the code of federal regu-
28 lations. A renewal of such license shall be issued by the commissioner
29 upon approval of such application, except that no such license shall be
30 issued if its issuance would be inconsistent with the provisions of
31 section five hundred sixteen of this title, and except that the commis-
32 sioner may refuse to renew such license if the applicant is the holder
33 of a currently valid or renewable license to drive issued by another
34 state or foreign country unless the applicant surrenders such license.

35 S 5. Subdivision 3 of section 490 of the vehicle and traffic law is
36 amended by adding a new paragraph (d) to read as follows:

37 (D) IN ADDITION, THE COMMISSIONER SHALL ENSURE THAT SPACE IS PROVIDED
38 ON THE APPLICATION AND THE APPLICATION FOR RENEWAL TO ENABLE ANY APPLI-
39 CANT WHO HAS SERVED IN THE ARMED FORCES OF THE UNITED STATES TO REGISTER
40 TO RECEIVE INFORMATION FROM THE DIVISION OF VETERANS' AFFAIRS BY EMAIL,
41 TELEPHONE OR MAIL REGARDING BENEFITS TO WHICH SUCH APPLICANT MAY BE
42 ENTITLED AND THAT THE FOLLOWING IS STATED ON THE APPLICATION AND APPLI-
43 CATION FOR RENEWAL: "BY CHECKING THIS BOX, YOU CERTIFY THAT YOU SERVED
44 IN THE ARMED FORCES OF THE UNITED STATES AND YOU GIVE PERMISSION TO THE
45 DEPARTMENT OF MOTOR VEHICLES TO SHARE YOUR NAME AND CONTACT INFORMATION
46 WITH THE DIVISION OF VETERANS' AFFAIRS TO ENABLE THE DIVISION OF VETER-
47 ANS' AFFAIRS TO CONTACT YOU VIA EMAIL OR TELEPHONE REGARDING BENEFITS TO
48 WHICH YOU MAY BE ENTITLED".

49 S 6. Section 508 of the vehicle and traffic law is amended by adding a
50 new subdivision 6 to read as follows:

51 6. THE COMMISSIONER SHALL APPOINT AGENTS TO ACT ON HIS OR HER BEHALF
52 TO COLLECT, STORE AND MAKE AVAILABLE TO THE DIVISION OF VETERANS'
53 AFFAIRS THE NAME AND CONTACT INFORMATION OF AN APPLICANT WHO SERVED IN
54 THE ARMED FORCES OF THE UNITED STATES FOR ANY DURATION OF TIME AND WHO
55 REQUESTS TO RECEIVE BENEFIT INFORMATION FROM THE DIVISION OF VETERANS'

1 AFFAIRS PURSUANT TO SUBDIVISION ONE OR PARAGRAPH (A) OF SUBDIVISION SIX
2 OF SECTION FIVE HUNDRED TWO OF THIS ARTICLE.

3 S 7. Section 353 of the executive law is amended by adding a new
4 subdivision 21 to read as follows:

5 21. TO COORDINATE WITH THE DEPARTMENT OF MOTOR VEHICLES PURSUANT TO
6 SUBDIVISION ONE OR PARAGRAPH (A) OF SUBDIVISION SIX OF SECTION FIVE
7 HUNDRED TWO OF THE VEHICLE AND TRAFFIC LAW TO RETRIEVE NAME AND CONTACT
8 INFORMATION OF APPLICANTS WHO SERVED IN THE ARMED FORCES OF THE UNITED
9 STATES FOR ANY DURATION OF TIME WHO ARE APPLYING FOR OR RENEWING THEIR
10 DRIVER'S LICENSES AND WHO REQUEST TO BE CONTACTED BY THE DIVISION VIA
11 EMAIL, TELEPHONE OR MAIL REGARDING BENEFITS TO WHICH THEY MAY BE ENTI-
12 TLED.

13 S 8. Subdivision 3 of section 502 of the vehicle and traffic law, as
14 amended by chapter 458 of the laws of 2011, is amended to read as
15 follows:

16 3. Application for learner's permit. An application for a learner's
17 permit shall be included in the application for a license. THE COMMIS-
18 SIONER SHALL ENSURE THAT SPACE IS PROVIDED ON THE APPLICATION TO ENABLE
19 ANY APPLICANT WHO HAS SERVED IN THE ARMED FORCES OF THE UNITED STATES
20 FOR ANY DURATION OF TIME, TO REGISTER OR RECEIVE INFORMATION FROM THE
21 DIVISION OF VETERANS' AFFAIRS BY EMAIL OR TELEPHONE REGARDING BENEFITS
22 TO WHICH SUCH APPLICANT MAY BE ENTITLED AND THAT THE FOLLOWING IS STATED
23 ON THE APPLICATION: "BY CHECKING THIS BOX, YOU CERTIFY THAT YOU SERVED
24 IN THE ARMED FORCES OF THE UNITED STATES AND YOU GIVE PERMISSION TO THE
25 DEPARTMENT OF MOTOR VEHICLES TO SHARE YOUR NAME AND CONTACT INFORMATION
26 WITH THE DIVISION OF VETERANS' AFFAIRS TO ENABLE THE DIVISION OF VETER-
27 ANS' AFFAIRS TO CONTACT YOU VIA EMAIL, TELEPHONE OR MAIL REGARDING BENE-
28 FITS TO WHICH YOU MAY BE ENTITLED". A learner's permit shall be issued
29 in such form as the commissioner shall determine but shall not be issued
30 unless the applicant has successfully passed the vision test required by
31 this section and the test set forth in paragraph (a) of subdivision four
32 of this section with respect to laws relating to traffic and ability to
33 read and comprehend traffic signs and symbols and has satisfactorily
34 completed any course required pursuant to paragraph (a) of subdivision
35 four of this section. Upon acceptance of an application for a learner's
36 permit the commissioner shall provide the applicant with a driver's
37 manual which includes but is not limited to the laws relating to traf-
38 fic, the laws relating to and physiological effects of driving while
39 ability impaired and driving while intoxicated, the law for exercising
40 due care to avoid colliding with a parked, stopped or standing author-
41 ized emergency vehicle or hazard vehicle pursuant to section eleven
42 hundred forty-four-a of this chapter, explanations of traffic signs and
43 symbols and such other matters as the commissioner may prescribe.

44 S 9. This act shall take effect on the ninetieth day after it shall
45 have become a law; provided, however, that section two of this act shall
46 take effect October 3, 2013; and provided further that section three of
47 this act shall take effect October 3, 2016.