

S T A T E O F N E W Y O R K

1964

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ORTIZ, ABBATE, SWEENEY, RIVERA, RAMOS, JACOBS,
CASTRO -- Multi-Sponsored by -- M. of A. FARRELL, GOTTFRIED, MAISEL,
THIELE -- read once and referred to the Committee on Transportation

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 ASSEM-
BLY, 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 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 also shall require that the applicant provide his or her
12 social security number OR THE INDIVIDUAL TAX IDENTIFICATION NUMBER WHERE
13 SUCH APPLICANT IS A LEGAL IMMIGRANT and provide space on the application
14 so that the applicant may register in the New York state organ and
15 tissue donor registry under section forty-three hundred ten of the
16 public health law. In addition, an applicant for a commercial driver's
17 license who will operate a commercial motor vehicle in interstate
18 commerce shall certify that such applicant meets the requirements to
19 operate a commercial motor vehicle, as set forth in public law 99-570,
20 title XII, and title 49 of the code of federal regulations, and all
21 regulations promulgated by the United States secretary of transportation
22 under the hazardous materials transportation act. In addition, an appli-

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

LBD05494-01-3

1 cant for a commercial driver's license shall submit a medical certifi-
2 cate at such intervals as required by the federal motor carrier safety
3 improvement act of 1999 and Part 383.71(h) of title 49 of the code of
4 federal regulations relating to medical certification and in a manner
5 prescribed by the commissioner. For purposes of this section and
6 sections five hundred three, five hundred ten-a, and five hundred ten-aa
7 of this title, the terms "medical certificate" and "medical certifi-
8 cation" shall mean a form substantially in compliance with the form set
9 forth in Part 391.43(h) of title 49 of the code of federal regulations.
10 Upon a determination that the holder of a commercial driver's license
11 has made any false statement, with respect to the application for such
12 license, the commissioner shall revoke such license.

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15 REPEALED and a new subdivision 1 is added to read as follows:

16 1. APPLICATION FOR LICENSE. APPLICATION FOR A DRIVER'S LICENSE SHALL
17 BE MADE TO THE COMMISSIONER. THE FEE PRESCRIBED BY LAW MAY BE SUBMITTED
18 WITH SUCH APPLICATION. THE APPLICANT SHALL FURNISH SUCH PROOF OF IDENTI-
19 TY, AGE, AND FITNESS AS MAY BE REQUIRED BY THE COMMISSIONER. THE
20 COMMISSIONER MAY ALSO PROVIDE THAT THE APPLICATION PROCEDURE SHALL
21 INCLUDE THE TAKING OF A PHOTO IMAGE OR IMAGES OF THE APPLICANT IN
22 ACCORDANCE WITH RULES AND REGULATIONS PRESCRIBED BY THE COMMISSIONER.
23 IN ADDITION, THE COMMISSIONER ALSO SHALL REQUIRE THAT THE APPLICANT
24 PROVIDE HIS OR HER SOCIAL SECURITY NUMBER OR THE INDIVIDUAL TAX IDEN-
25 TIFICATION NUMBER WHERE SUCH APPLICANT IS A LEGAL IMMIGRANT AND SHALL
26 PROVIDE SPACE ON THE APPLICATION SO THAT THE APPLICANT MAY REGISTER IN
27 THE NEW YORK STATE ORGAN AND TISSUE DONOR REGISTRY UNDER SECTION FORTY-
28 THREE HUNDRED TEN OF THE PUBLIC HEALTH LAW WITH THE FOLLOWING STATED ON
29 THE APPLICATION IN CLEAR AND CONSPICUOUS TYPE:

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

33 THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL NOT MAINTAIN
34 RECORDS OF ANY PERSON WHO CHECKS "SKIP THIS QUESTION". FAILURE TO CHECK
35 A BOX SHALL NOT IMPAIR THE VALIDITY OF AN APPLICATION, AND FAILURE TO
36 CHECK "YES" OR CHECKING "SKIP THIS QUESTION" SHALL NOT BE CONSTRUED TO
37 IMPLY A WISH NOT TO DONATE. IN THE CASE OF AN APPLICANT UNDER EIGHTEEN
38 YEARS OF AGE, CHECKING "YES" SHALL NOT CONSTITUTE CONSENT TO MAKE AN
39 ANATOMICAL GIFT OR REGISTRATION IN THE DONATE LIFE REGISTRY. WHERE AN
40 APPLICANT HAS PREVIOUSLY CONSENTED TO MAKE AN ANATOMICAL GIFT OR REGIS-
41 TERED IN THE DONATE LIFE REGISTRY, CHECKING "SKIP THIS QUESTION" OR
42 FAILING TO CHECK A BOX SHALL NOT IMPAIR THAT CONSENT OR REGISTRATION. IN
43 ADDITION, THE COMMISSIONER ALSO SHALL REQUIRE THAT SPACE SHALL BE
44 PROVIDED ON THE APPLICATION SO THAT THE APPLICANT MAY REQUEST A NOTATION
45 UPON SUCH LICENSE THAT HE OR SHE IS A VETERAN OF THE UNITED STATES ARMED
46 FORCES. IN ADDITION, AN APPLICANT FOR A COMMERCIAL DRIVER'S LICENSE WHO
47 WILL OPERATE A COMMERCIAL MOTOR VEHICLE IN INTERSTATE COMMERCE SHALL
48 CERTIFY THAT SUCH APPLICANT MEETS THE REQUIREMENTS TO OPERATE A COMMER-
49 CIAL MOTOR VEHICLE, AS SET FORTH IN PUBLIC LAW 99-570, TITLE XII, AND
50 TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, AND ALL REGULATIONS PROMUL-
51 GATED BY THE UNITED STATES SECRETARY OF TRANSPORTATION UNDER THE HAZARD-
52 OUS MATERIALS TRANSPORTATION ACT. IN ADDITION, AN APPLICANT FOR A
53 COMMERCIAL DRIVER'S LICENSE SHALL SUBMIT A MEDICAL CERTIFICATE AT SUCH
54 INTERVALS AS REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT
55 ACT OF 1999 AND PART 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL REGU-
56 LATIONS RELATING TO MEDICAL CERTIFICATION AND IN A MANNER PRESCRIBED BY

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

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

11 1. Application for license. Application for a driver's license shall
12 be made to the commissioner. The fee prescribed by law may be submitted
13 with such application. The applicant shall furnish such proof of identi-
14 ty, age, and fitness as may be required by the commissioner. The
15 commissioner may also provide that the application procedure shall
16 include the taking of a photo image or images of the applicant in
17 accordance with rules and regulations prescribed by the commissioner.
18 In addition, the commissioner also shall require that the applicant
19 provide his or her social security number or the individual tax iden-
20 tification number where such applicant is a legal immigrant and shall
21 provide space on the application so that the applicant may register in
22 the New York state organ and tissue donor registry under section forty-
23 three hundred ten of the public health law [with the following stated on
24 the application in clear and conspicuous type:

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

28 The commissioner of the department of health shall not maintain
29 records of any person who checks "skip this question". Failure to check
30 a box shall not impair the validity of an application, and failure to
31 check "yes" or checking "skip this question" shall not be construed to
32 imply a wish not to donate. In the case of an applicant under eighteen
33 years of age, checking "yes" shall not constitute consent to make an
34 anatomical gift or registration in the donate life registry. Where an
35 applicant has previously consented to make an anatomical gift or regis-
36 tered in the donate life registry, checking "skip this question" or
37 failing to check a box shall not impair that consent or registration].
38 In addition, the commissioner also shall require that space shall be
39 provided on the application so that the applicant may request a notation
40 upon such license that he or she is a veteran of the United States armed
41 forces. In addition, an applicant for a commercial driver's license who
42 will operate a commercial motor vehicle in interstate commerce shall
43 certify that such applicant meets the requirements to operate a commer-
44 cial motor vehicle, as set forth in public law 99-570, title XII, and
45 title 49 of the code of federal regulations, and all regulations promul-
46 gated by the United States secretary of transportation under the hazard-
47 ous materials transportation act. In addition, an applicant for a
48 commercial driver's license shall submit a medical certificate at such
49 intervals as required by the federal motor carrier safety improvement
50 act of 1999 and Part 383.71(h) of title 49 of the code of federal regu-
51 lations relating to medical certification and in a manner prescribed by
52 the commissioner. For purposes of this section and sections five hundred
53 three, five hundred ten-a, and five hundred ten-aa of this title, the
54 terms "medical certificate" and "medical certification" shall mean a
55 form substantially in compliance with the form set forth in Part
56 391.43(h) of title 49 of the code of federal regulations. Upon a deter-

mination that the holder of a commercial driver's license has made any false statement, with respect to the application for such license, the commissioner shall revoke such license.

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

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

S 5. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that section two of this act shall take effect on October 3, 2013; and provided further that section three of this act shall take effect on October 3, 2016.