

6306

2013-2014 Regular Sessions

I N A S S E M B L Y

March 25, 2013

Introduced by M. of A. GABRYSZAK, CORWIN -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to providing an address for a driver's license and registration; 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 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, ADDRESS, age, and fitness as may be required by the commissioner.
8 WHEN PROVIDING AN ADDRESS TO THE DEPARTMENT, IF AN APPLICANT USES A POST
9 OFFICE BOX AS HIS OR HER MAILING ADDRESS, THE APPLICANT SHALL ALSO
10 PROVIDE THE DEPARTMENT WITH HIS OR HER STREET ADDRESS. The commissioner
11 may also provide that the application procedure shall include the taking
12 of a photo image or images of the applicant in accordance with rules and
13 regulations prescribed by the commissioner. In addition, the commission-
14 er also shall require that the applicant provide his or her social secu-
15 rity number and provide space on the application so that the applicant
16 may register in the New York state organ and tissue donor registry under
17 section forty-three hundred ten of the public health law. In addition,
18 an applicant for a commercial driver's license who will operate a
19 commercial motor vehicle in interstate commerce shall certify that such
20 applicant meets the requirements to operate a commercial motor vehicle,
21 as set forth in public law 99-570, title XII, and title 49 of the code
22 of federal regulations, and all regulations promulgated by the United
23 States secretary of transportation under the hazardous materials trans-
24 portation act. In addition, an applicant for a commercial driver's

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

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1 license shall submit a medical certificate at such intervals as required
2 by the federal motor carrier safety improvement act of 1999 and Part
3 383.71(h) of title 49 of the code of federal regulations relating to
4 medical certification and in a manner prescribed by the commissioner.
5 For purposes of this section and sections five hundred three, five
6 hundred ten-a, and five hundred ten-aa of this title, the terms "medical
7 certificate" and "medical certification" shall mean a form substantially
8 in compliance with the form set forth in Part 391.43(h) of title 49 of
9 the code of federal regulations. Upon a determination that the holder of
10 a commercial driver's license has made any false statement, with respect
11 to the application for such license, the commissioner shall revoke such
12 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, ADDRESS, AGE, AND FITNESS AS MAY BE REQUIRED BY THE COMMISSIONER.
20 WHEN PROVIDING AN ADDRESS TO THE DEPARTMENT, IF AN APPLICANT USES A POST
21 OFFICE BOX AS HIS OR HER MAILING ADDRESS, THE APPLICANT SHALL ALSO
22 PROVIDE THE DEPARTMENT WITH HIS OR HER STREET ADDRESS. THE COMMISSIONER
23 MAY ALSO PROVIDE THAT THE APPLICATION PROCEDURE SHALL INCLUDE THE TAKING
24 OF A PHOTO IMAGE OR IMAGES OF THE APPLICANT IN ACCORDANCE WITH RULES AND
25 REGULATIONS PRESCRIBED BY THE COMMISSIONER. IN ADDITION, THE COMMISSION-
26 ER ALSO SHALL REQUIRE THAT THE APPLICANT PROVIDE HIS OR HER SOCIAL SECUR-
27 ITY NUMBER WHERE SUCH APPLICANT IS A LEGAL IMMIGRANT AND SHALL PROVIDE
28 SPACE ON THE APPLICATION SO THAT THE APPLICANT MAY REGISTER IN THE NEW
29 YORK STATE ORGAN AND TISSUE DONOR REGISTRY UNDER SECTION FORTY-THREE
30 HUNDRED TEN OF THE PUBLIC HEALTH LAW WITH THE FOLLOWING STATED ON THE
31 APPLICATION IN CLEAR AND CONSPICUOUS TYPE:

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

35 THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL NOT MAINTAIN
36 RECORDS OF ANY PERSON WHO CHECKS "SKIP THIS QUESTION". FAILURE TO CHECK
37 A BOX SHALL NOT IMPAIR THE VALIDITY OF AN APPLICATION, AND FAILURE TO
38 CHECK "YES" OR CHECKING "SKIP THIS QUESTION" SHALL NOT BE CONSTRUED TO
39 IMPLY A WISH NOT TO DONATE. IN THE CASE OF AN APPLICANT UNDER EIGHTEEN
40 YEARS OF AGE, CHECKING "YES" SHALL NOT CONSTITUTE CONSENT TO MAKE AN
41 ANATOMICAL GIFT OR REGISTRATION IN THE DONATE LIFE REGISTRY. WHERE AN
42 APPLICANT HAS PREVIOUSLY CONSENTED TO MAKE AN ANATOMICAL GIFT OR REGIS-
43 TERED IN THE DONATE LIFE REGISTRY, CHECKING "SKIP THIS QUESTION" OR
44 FAILING TO CHECK A BOX SHALL NOT IMPAIR THAT CONSENT OR REGISTRATION. IN
45 ADDITION, THE COMMISSIONER ALSO SHALL REQUIRE THAT SPACE SHALL BE
46 PROVIDED ON THE APPLICATION SO THAT THE APPLICANT MAY REQUEST A NOTATION
47 UPON SUCH LICENSE THAT HE OR SHE IS A VETERAN OF THE UNITED STATES ARMED
48 FORCES. IN ADDITION, AN APPLICANT FOR A COMMERCIAL DRIVER'S LICENSE WHO
49 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 HUNDRED
4 THREE, FIVE HUNDRED TEN-A, AND FIVE HUNDRED TEN-AA OF THIS TITLE, THE
5 TERMS "MEDICAL CERTIFICATE" AND "MEDICAL CERTIFICATION" SHALL MEAN A
6 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, ADDRESS, age, and fitness as may be required by the commissioner.
17 WHEN PROVIDING AN ADDRESS TO THE DEPARTMENT, IF AN APPLICANT USES A POST
18 OFFICE BOX AS HIS OR HER MAILING ADDRESS, THE APPLICANT SHALL ALSO
19 PROVIDE THE DEPARTMENT WITH HIS OR HER STREET ADDRESS. The commissioner
20 may also provide that the application procedure shall include the taking
21 of a photo image or images of the applicant in accordance with rules and
22 regulations prescribed by the commissioner. In addition, the commission-
23 er also shall require that the applicant provide his other social secu-
24 rity number where such applicant is a legal immigrant and [shall]
25 provide space on the application so that the applicant may register in
26 the New York state organ and tissue donor registry under section forty-
27 three hundred ten of the public health law [with the following stated on
28 the application in clear and conspicuous type:

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

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

1 hundred ten-a, five hundred ten-aa of this title, the terms "medical
2 certificate" and "medical certification" shall mean a form substantially
3 in compliance with the form set forth in Part 391.43(h) of title 49 of
4 the code of the federal regulations. Upon a determination that the hold-
5 er of a commercial driver's license has made any false statement, with
6 respect to the application for such license, the commissioner shall
7 revoke such license.

8 S 4. The vehicle and traffic law is amended by adding a new section
9 201-a to read as follows:

10 S 201-A. ACCESS TO INFORMATION. THE DEPARTMENT SHALL ALLOW LAW
11 ENFORCEMENT PERSONNEL ACCESS TO ANY INDIVIDUAL'S STREET ADDRESS PROVIDED
12 PURSUANT TO PARAGRAPH B OF SUBDIVISION ONE OF SECTION FOUR HUNDRED ONE
13 AND SUBDIVISION ONE OF SECTION FIVE HUNDRED TWO OF THIS CHAPTER.

14 S 5. Paragraph b of subdivision 1 of section 401 of the vehicle and
15 traffic law, as amended by chapter 222 of the laws of 1996, is amended
16 to read as follows:

17 b. Every owner of a motor vehicle which shall be operated or driven
18 upon the public highways of this state shall, except as otherwise
19 expressly provided, cause to be presented, by mail or otherwise, to the
20 office or a branch office of the commissioner, or to any agent of the
21 commissioner, constituted as provided in this chapter, an application
22 for registration addressed to the commissioner, and on a blank to be
23 prepared under the direction of and furnished by the commissioner for
24 that purpose, containing: (a) a brief description of the motor vehicle
25 to be registered, including the name and factory number of such vehicle,
26 and such other facts as the commissioner shall require; (b) the weight
27 of the vehicle upon which the registration fee is based if the fee is
28 based on weight; (c) the name and residence, including county, of the
29 owner of such motor vehicle; PROVIDED, THAT IF AN APPLICANT USES A POST
30 OFFICE BOX WHEN PROVIDING A RESIDENCE ADDRESS, THE APPLICANT SHALL ALSO
31 PROVIDE HIS OR HER STREET ADDRESS; (d) provided that, if such motor
32 vehicle is used or to be used as an omnibus, the applicant also shall so
33 certify, and in the case of an omnibus also certify as to the seating
34 capacity, and if the omnibus is to be operated wholly within a munici-
35 pality pursuant to a franchise other than a franchise express or implied
36 in articles of incorporation upon certain streets designated in such
37 franchise, those facts shall also be certified, and a certified copy of
38 such franchise furnished to the commissioner; (e) provided, that, if
39 such motor vehicle is an altered livery, the applicant shall so furnish
40 a certified copy of the length of the center panel of such vehicle,
41 provided, however, that the commissioner shall require such proof, as he
42 may determine is necessary, in the application for registration and
43 provided further, if the center panel of such vehicle exceeds one
44 hundred inches, the commissioner shall require proof that such vehicle
45 is in compliance with all applicable federal and state motor vehicle
46 safety standards; and (f) such additional facts or evidence as the
47 commissioner may require in connection with the application for regis-
48 tration. Every owner of a trailer shall also make application for the
49 registration thereof in the manner herein provided for an application to
50 register a motor vehicle, but shall contain a statement showing the
51 manufacturer's number or other identification satisfactory to the
52 commissioner and no number plate for a trailer issued under the
53 provisions of subdivision three of section four hundred two of this
54 chapter shall be transferred to or used upon any other trailer than the
55 one for which number plate is issued. The commissioner shall require
56 proof, in the application for registration, or otherwise, as such

1 commissioner may determine, that the motor vehicle for which registra-
2 tion is applied for is equipped with lights conforming in all respects
3 to the requirements of this chapter, and no motor vehicle shall be
4 registered unless it shall appear by such proofs that such motor vehicle
5 is equipped with proper lights as aforesaid. The said application shall
6 contain or be accompanied by such evidence of the ownership of the motor
7 vehicle described in the application as may be required by the commis-
8 sioner or his agent and which, with respect to new vehicles, shall
9 include, unless otherwise specifically provided by the commissioner, the
10 manufacturer's statement of origin. Applications received by an agent of
11 the commissioner shall be forwarded to the commissioner as he shall
12 direct for filing. No application for registration shall be accepted
13 unless the applicant is at least sixteen years of age.

14 S 6. This act shall take effect on the ninetieth day after it shall
15 have become a law; provided, however, that section two of this act shall
16 take effect on October 3, 2013; and provided further that section three
17 of this act shall take effect on October 3, 2016.