

2590--B

2013-2014 Regular Sessions

I N S E N A T E

January 22, 2013

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 requirements of proof for certain 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. Subparagraph (i) of paragraph (a) of subdivision 3 of
2 section 490 of the vehicle and traffic law, as amended by chapter 487 of
3 the laws of 2012, is amended to read as follows:
4 (i) The commissioner shall upon submission of an appropriate applica-
5 tion, upon payment of the prescribed fee, and upon being satisfied that
6 the person described is the applicant and that such applicant meets the
7 requirements set forth in subdivision two of this section, issue to such
8 applicant a nontransferable identification card. In addition, the
9 commissioner also shall require that an applicant for an identification
10 card or renewal thereof provide his or her social security number, OR
11 PROVIDE PROOF THAT HE OR SHE IS NOT ELIGIBLE FOR A SOCIAL SECURITY
12 NUMBER. SUCH PROOF MAY INCLUDE ANY DOCUMENTS SUBMITTED BY AN APPLICANT
13 TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR THE PURPOSE OF
14 DETERMINING WHETHER SUCH APPLICANT IS ELIGIBLE TO RECEIVE A SOCIAL SECU-
15 RITY NUMBER. The commissioner shall provide space so that an applicant
16 may request a notation upon such identification card that he or she is a
17 veteran of the United States armed forces.

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

LBD07262-03-4

1 S 2. Subdivision 1 of section 502 of the vehicle and traffic law, as
2 separately amended by chapters 465 and 487 of the laws of 2012, is
3 REPEALED and a new subdivision 1 is added to read as follows: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 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 SHALL REQUIRE THAT THE APPLICANT PROVIDE HIS OR HER SOCIAL
12 SECURITY NUMBER, OR PROVIDE PROOF THAT HE OR SHE IS NOT ELIGIBLE FOR A
13 SOCIAL SECURITY NUMBER. SUCH PROOF MAY INCLUDE ANY DOCUMENTS SUBMITTED
14 BY AN APPLICANT TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR
15 THE PURPOSE OF DETERMINING WHETHER SUCH APPLICANT IS ELIGIBLE TO RECEIVE
16 A SOCIAL SECURITY NUMBER. THE COMMISSIONER SHALL ALSO PROVIDE SPACE ON
17 THE APPLICATION SO THAT THE APPLICANT MAY REGISTER IN THE NEW YORK STATE
18 ORGAN AND TISSUE DONOR REGISTRY UNDER SECTION FORTY-THREE HUNDRED TEN OF
19 THE PUBLIC HEALTH LAW WITH THE FOLLOWING STATED ON THE APPLICATION IN
20 CLEAR AND CONSPICUOUS TYPE:

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

24 THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL NOT MAINTAIN
25 RECORDS OF ANY PERSON WHO CHECKS "SKIP THIS QUESTION". FAILURE TO CHECK
26 A BOX SHALL NOT IMPAIR THE VALIDITY OF AN APPLICATION, AND FAILURE TO
27 CHECK "YES" OR CHECKING "SKIP THIS QUESTION" SHALL NOT BE CONSTRUED TO
28 IMPLY A WISH NOT TO DONATE. IN THE CASE OF AN APPLICANT UNDER EIGHTEEN
29 YEARS OF AGE, CHECKING "YES" SHALL NOT CONSTITUTE CONSENT TO MAKE AN
30 ANATOMICAL GIFT OR REGISTRATION IN THE DONATE LIFE REGISTRY. WHERE AN
31 APPLICANT HAS PREVIOUSLY CONSENTED TO MAKE AN ANATOMICAL GIFT OR REGIS-
32 TERED IN THE DONATE LIFE REGISTRY, CHECKING "SKIP THIS QUESTION" OR
33 FAILING TO CHECK A BOX SHALL NOT IMPAIR THAT CONSENT OR REGISTRATION.
34 THE APPLICATION SHALL ALSO PROVIDE SPACE SO THAT THE APPLICANT MAY
35 REQUEST A NOTATION UPON SUCH LICENSE THAT HE OR SHE IS A VETERAN OF THE
36 UNITED STATES ARMED FORCES. IN ADDITION, AN APPLICANT FOR A COMMERCIAL
37 DRIVER'S LICENSE WHO WILL OPERATE A COMMERCIAL MOTOR VEHICLE IN INTER-
38 STATE COMMERCE SHALL CERTIFY THAT SUCH APPLICANT MEETS THE REQUIREMENTS
39 TO OPERATE A COMMERCIAL MOTOR VEHICLE, AS SET FORTH IN PUBLIC LAW
40 99-570, TITLE XII, AND TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, AND
41 ALL REGULATIONS PROMULGATED BY THE UNITED STATES SECRETARY OF TRANSPOR-
42 TATION UNDER THE HAZARDOUS MATERIALS TRANSPORTATION ACT. IN ADDITION, AN
43 APPLICANT FOR A COMMERCIAL DRIVER'S LICENSE SHALL SUBMIT A MEDICAL
44 CERTIFICATE AT SUCH INTERVALS AS REQUIRED BY THE FEDERAL MOTOR CARRIER
45 SAFETY IMPROVEMENT ACT OF 1999 AND PART 383.71(H) OF TITLE 49 OF THE
46 CODE OF FEDERAL REGULATIONS RELATING TO MEDICAL CERTIFICATION AND IN A
47 MANNER PRESCRIBED BY THE COMMISSIONER. FOR PURPOSES OF THIS SECTION AND
48 SECTIONS FIVE HUNDRED THREE, FIVE HUNDRED TEN-A, AND FIVE HUNDRED TEN-AA
49 OF THIS TITLE, THE TERMS "MEDICAL CERTIFICATE" AND "MEDICAL CERTIF-
50 ICATION" SHALL MEAN A FORM SUBSTANTIALLY IN COMPLIANCE WITH THE FORM SET
51 FORTH IN PART 391.43(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS.
52 UPON A DETERMINATION THAT THE HOLDER OF A COMMERCIAL DRIVER'S LICENSE
53 HAS MADE ANY FALSE STATEMENT, WITH RESPECT TO THE APPLICATION FOR SUCH
54 LICENSE, THE COMMISSIONER SHALL REVOKE SUCH LICENSE.

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

1 1. Application for license. Application for a driver's license shall
2 be made to the commissioner. The fee prescribed by law may be submitted
3 with such application. The applicant shall furnish such proof of identi-
4 ty, age, and fitness as may be required by the commissioner. The commis-
5 sioner may also provide that the application procedure shall include the
6 taking of a photo image or images of the applicant in accordance with
7 rules and regulations prescribed by the commissioner. In addition, the
8 commissioner shall require that the applicant provide his or her social
9 security number, or provide proof that he or she is not eligible for a
10 social security number. Such proof may include any documents submitted
11 by an applicant to the United States department of homeland security for
12 the purpose of determining whether such applicant is eligible to receive
13 a social security number. The commissioner shall also provide space on
14 the application so that the applicant may register in the New York state
15 organ and tissue donor registry under section forty-three hundred ten of
16 the public health law [with the following stated on the application in
17 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'."

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

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

55 (a) A license issued pursuant to subdivision five of this section
56 shall be valid until the expiration date contained thereon, unless such

1 license is suspended, revoked or cancelled. Such license may be renewed
2 by submission of an application for renewal, the fee prescribed by law,
3 proofs of prior licensing, fitness and acceptable vision prescribed by
4 the commissioner, AND the applicant's social security number[, and if
5 required by the commissioner] OR PROVIDE PROOF THAT HE OR SHE IS NOT
6 ELIGIBLE FOR A SOCIAL SECURITY NUMBER. SUCH PROOF MAY INCLUDE ANY DOCU-
7 MENTS SUBMITTED BY AN APPLICANT TO THE UNITED STATES DEPARTMENT OF HOME-
8 LAND SECURITY FOR THE PURPOSE OF DETERMINING WHETHER SUCH APPLICANT IS
9 ELIGIBLE TO RECEIVE A SOCIAL SECURITY NUMBER. THE COMMISSIONER MAY ALSO
10 REQUIRE SUBMISSION OF a photo image of the applicant in such numbers and
11 form as the commissioner shall prescribe. In addition, an applicant for
12 renewal of a license containing a hazardous material endorsement shall
13 pass an examination to retain such endorsement. The commissioner shall,
14 with respect to the renewal of a hazardous materials endorsement, comply
15 with the requirements imposed upon states by sections 383.141 and
16 1572.13 of title 49 of the code of federal regulations. A renewal of
17 such license shall be issued by the commissioner upon approval of such
18 application, except that no such license shall be issued if its issuance
19 would be inconsistent with the provisions of section five hundred
20 sixteen of this title, and except that the commissioner may refuse to
21 renew such license if the applicant is the holder of a currently valid
22 or renewable license to drive issued by another state or foreign country
23 unless the applicant surrenders such license.
24 S 5. This act shall take effect immediately; provided however that
25 section three of this act shall take effect October 3, 2016.