

S T A T E   O F   N E W   Y O R K

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7431--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

May 12, 2015

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Introduced by M. of A. ORTIZ, PALMESANO, JAFFEE, McDONALD, GALEF, GOODELL, FAHY, GOTTFRIED -- Multi-Sponsored by -- M. of A. OAKS, TENNEY -- read once and referred to the Committee on Health -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law and the vehicle and traffic law, in relation to registration of consent to make an anatomical gift

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subparagraph (ii) of paragraph (b) of subdivision 5 of  
2     section 4310 of the public health law, as amended by section 27 of part  
3     A of chapter 60 of the laws of 2014, is amended to read as follows:  
4     (ii) The commissioner shall not maintain records of any person who  
5     checks "skip this question". [Failure] EXCEPT WHERE THE APPLICATION IS  
6     MADE IN PERSON OR ELECTRONICALLY, FAILURE to check a box shall not  
7     impair the validity of an application, and failure to check "yes" or  
8     checking "skip this question" shall not be construed to imply a wish not  
9     to donate. In the case of an applicant under eighteen years of age,  
10    checking "yes" shall not constitute consent to make an anatomical gift  
11    or registration in the donate life registry. Where an applicant has  
12    previously consented to make an anatomical gift or registered in the  
13    donate life registry, checking "skip this question" or failing to check  
14    a box shall not impair that consent or registration.  
15    S 2. The third undesignated paragraph of subdivision 2 of section 490  
16    of the vehicle and traffic law, as added by chapter 465 of the laws of  
17    2012, is amended to read as follows:  
18    The commissioner of [the department of] health shall not maintain  
19    records of any person who checks "skip this question". [Failure] EXCEPT  
20    WHERE THE APPLICATION IS MADE IN PERSON OR ELECTRONICALLY, FAILURE to  
21    check a box shall not impair the validity of an application, and failure

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

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1 to check "yes" or checking "skip this question" shall not be construed  
2 to imply a wish not to donate. In the case of an applicant under eigh-  
3 teen years of age, checking "yes" shall not constitute consent to make  
4 an anatomical gift or registration in the donate life registry. Where an  
5 applicant has previously consented to make an anatomical gift or regis-  
6 tered in the donate life registry, checking "skip this question" or  
7 failing to check a box shall not impair that consent or registration.

8 S 3. The third undesignated paragraph of subdivision 1 of section 502  
9 of the vehicle and traffic law, as added by chapter 465 of the laws of  
10 2012, is amended to read as follows:

11 The commissioner of [the department of] health shall not maintain  
12 records of any person who checks "skip this question". [Failure] EXCEPT  
13 WHERE THE APPLICATION IS MADE IN PERSON OR ELECTRONICALLY, FAILURE to  
14 check a box shall not impair the validity of an application, and failure  
15 to check "yes" or checking "skip this question" shall not be construed  
16 to imply a wish not to donate. In the case of an applicant under eigh-  
17 teen years of age, checking "yes" shall not constitute consent to make  
18 an anatomical gift or registration in the donate life registry. Where 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. In  
22 addition, an applicant for a commercial driver's license who will oper-  
23 ate a commercial motor vehicle in interstate commerce shall certify that  
24 such applicant meets the requirements to operate a commercial motor  
25 vehicle, as set forth in public law 99-570, title XII, and title 49 of  
26 the code of federal regulations, and all regulations promulgated by the  
27 United States secretary of transportation under the hazardous materials  
28 transportation act. In addition, an applicant for a commercial driver's  
29 license shall submit a medical certificate at such intervals as required  
30 by the federal motor carrier safety improvement act of 1999 and Part  
31 383.71(h) of title 49 of the code of federal regulations relating to  
32 medical certification and in a manner prescribed by the commissioner.  
33 For purposes of this section and sections five hundred three, five  
34 hundred ten-a, and five hundred ten-aa of this title, the terms "medical  
35 certificate" and "medical certification" shall mean a form substantially  
36 in compliance with the form set forth in Part 391.43(h) of title 49 of  
37 the code of federal regulations. Upon a determination that the holder of  
38 a commercial driver's license has made any false statement, with respect  
39 to the application for such license, the commissioner shall revoke such  
40 license.

41 S 4. This act shall take effect immediately; provided that the amend-  
42 ments to subdivision (ii) of paragraph (b) of subdivision 5 of section  
43 4310 of the public health law, made by section one of this act, shall  
44 not affect the expiration of the amendments to such subdivision by chap-  
45 ter 465 of the laws of 2012, and shall expire therewith; provided,  
46 further that the amendments to the third undesignated paragraph of  
47 subdivision 2 of section 490 of the vehicle and traffic law, made by  
48 section two of this act, shall not affect the expiration and repeal of  
49 such paragraph, and shall be deemed repealed therewith; and provided,  
50 further that the amendments to the third undesignated paragraph of  
51 subdivision 1 of section 502 of the vehicle and traffic law, made by  
52 section three of this act, shall not affect the expiration of the amend-  
53 ments to such subdivision by chapter 465 of the laws of 2012, and shall  
54 expire therewith.