

2554--A

2015-2016 Regular Sessions

I N S E N A T E

January 26, 2015

Introduced by Sen. PARKER -- 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

AN ACT to amend the vehicle and traffic law, in relation to issuance of driver's licenses and emergency medical personnel designation; 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 separately amended by chapters 465 and 487 of the laws of 2012,
3 is REPEALED and a new subdivision 1 is added to read as follows: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. ACCEPTABLE
8 PROOF OF IDENTITY SHALL INCLUDE, BUT NOT BE LIMITED TO FOREIGN PASSPORTS
9 (VISA STAMPS ARE NOT REQUIRED), VALID DOCUMENTATION ISSUED BY USCIS AND
10 CONSULAR IDENTIFICATION DOCUMENTS. ELIGIBILITY FOR A DRIVERS' LICENSE
11 SHALL NOT BE CONDITIONED ON A PARTICULAR IMMIGRATION STATUS. THE COMMIS-
12 SIONER MAY ALSO PROVIDE THAT THE APPLICATION PROCEDURE SHALL INCLUDE THE
13 TAKING OF A PHOTO IMAGE OR IMAGES OF THE APPLICANT IN ACCORDANCE WITH
14 RULES AND REGULATIONS PRESCRIBED BY THE COMMISSIONER. IN ADDITION, THE
15 COMMISSIONER ALSO SHALL REQUIRE THAT THE APPLICANT PROVIDE HIS OR HER
16 SOCIAL SECURITY NUMBER WHERE SUCH APPLICANT IS A LEGAL IMMIGRANT, OR
17 INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER (ITIN) OR A LETTER OR FORM
18 FROM THE UNITED STATES SOCIAL SECURITY ADMINISTRATION THAT STATES THAT
19 THE APPLICANT IS NOT ELIGIBLE OR SUBMIT A SWORN STATEMENT UNDER THE
20 PENALTY OF PERJURY, STATING THAT THE APPLICANT DOES NOT HAVE A SOCIAL
21 SECURITY NUMBER OR ITIN, AND SHALL PROVIDE SPACE ON THE APPLICATION SO
22 THAT THE APPLICANT MAY REGISTER IN THE NEW YORK STATE ORGAN AND TISSUE

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

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DONOR REGISTRY UNDER SECTION FORTY-THREE HUNDRED TEN OF THE PUBLIC HEALTH LAW WITH THE FOLLOWING STATED ON THE APPLICATION IN CLEAR AND CONSPICUOUS TYPE:

"YOU MUST FILL OUT THE FOLLOWING SECTION: WOULD YOU LIKE TO BE ADDED TO THE DONATE LIFE REGISTRY? CHECK BOX FOR 'YES' OR 'SKIP THIS QUESTION'."

THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL NOT MAINTAIN RECORDS OF ANY PERSON WHO CHECKS "SKIP THIS QUESTION". FAILURE TO CHECK A BOX SHALL NOT IMPAIR THE VALIDITY OF AN APPLICATION, AND FAILURE TO CHECK "YES" OR CHECKING "SKIP THIS QUESTION" SHALL NOT BE CONSTRUED TO IMPLY A WISH NOT TO DONATE. IN THE CASE OF AN APPLICANT UNDER EIGHTEEN YEARS OF AGE, CHECKING "YES" SHALL NOT CONSTITUTE CONSENT TO MAKE AN ANATOMICAL GIFT OR REGISTRATION IN THE DONATE LIFE REGISTRY. WHERE AN APPLICANT HAS PREVIOUSLY CONSENTED TO MAKE AN ANATOMICAL GIFT OR REGISTERED IN THE DONATE LIFE REGISTRY, CHECKING "SKIP THIS QUESTION" OR FAILING TO CHECK A BOX SHALL NOT IMPAIR THAT CONSENT OR REGISTRATION. IN ADDITION, THE COMMISSIONER ALSO SHALL REQUIRE THAT SPACE SHALL BE PROVIDED ON THE APPLICATION SO THAT THE APPLICANT MAY REQUEST A NOTATION UPON SUCH LICENSE THAT HE OR SHE IS A VETERAN OF THE UNITED STATES ARMED FORCES AND SPACE SO THAT THE APPLICANT MAY REQUEST A NOTATION UPON SUCH LICENSE THAT HE OR SHE IS AN EMERGENCY MEDICAL PERSONNEL. IN ADDITION, AN APPLICANT FOR A COMMERCIAL DRIVER'S LICENSE WHO WILL OPERATE A COMMERCIAL MOTOR VEHICLE IN INTERSTATE COMMERCE SHALL CERTIFY THAT SUCH APPLICANT MEETS THE REQUIREMENTS TO OPERATE A COMMERCIAL MOTOR VEHICLE, AS SET FORTH IN PUBLIC LAW 99-570, TITLE XII, AND TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, AND ALL REGULATIONS PROMULGATED BY THE UNITED STATES SECRETARY OF TRANSPORTATION UNDER THE HAZARDOUS MATERIALS TRANSPORTATION ACT. IN ADDITION, AN APPLICANT FOR A COMMERCIAL DRIVER'S LICENSE SHALL SUBMIT A MEDICAL CERTIFICATE AT SUCH INTERVALS AS REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND PART 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS RELATING TO MEDICAL CERTIFICATION AND IN A MANNER PRESCRIBED BY THE COMMISSIONER. FOR PURPOSES OF THIS SECTION AND SECTIONS FIVE HUNDRED THREE, FIVE HUNDRED TEN-A, AND FIVE HUNDRED TEN-AA OF THIS TITLE, THE TERMS "MEDICAL CERTIFICATE" AND "MEDICAL CERTIFICATION" SHALL MEAN A FORM SUBSTANTIALLY IN COMPLIANCE WITH THE FORM SET FORTH IN PART 391.43(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS. UPON A DETERMINATION 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 2. Subdivision 1 of section 502 of the vehicle and traffic law, as added by section one of this act, is amended to read as follows:

1. Application for license. Application for a driver's license shall be made to the commissioner. The fee prescribed by law may be submitted with such application. The applicant shall furnish such proof of identity, age, and fitness as may be required by the commissioner. Acceptable proof of identity shall include, but not be limited to foreign passports (visa stamps are not required), valid documentation issued by USCIS and consular identification documents. Eligibility for a drivers' license shall not be conditioned on a particular immigration status. The commissioner may also provide that the application procedure shall include the taking of a photo image or images of the applicant in accordance with rules and regulations prescribed by the commissioner. In addition, the commissioner also shall require that the applicant provide his or her social security number where such applicant is a legal immigrant, or individual taxpayer identification number (ITIN) or a letter

1 or form from the United States social security administration that
2 states that the applicant is not eligible or submit a sworn statement
3 under the penalty of perjury, stating that the applicant does not have a
4 social security number of ITIN, and [shall] provide space on the appli-
5 cation so that the applicant may register in the New York state organ
6 and tissue donor registry under section forty-three hundred ten of the
7 public health law [with the following stated on the application in clear
8 and conspicuous type:

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

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

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

49 (a) A license issued pursuant to subdivision five of this section
50 shall be valid until the expiration date contained thereon, unless such
51 license is suspended, revoked or cancelled. Such license may be renewed
52 by submission of an application for renewal, the fee prescribed by law,
53 proofs of prior licensing, fitness and acceptable vision prescribed by
54 the commissioner, the applicant's social security number, OR INDIVIDUAL
55 TAXPAYER IDENTIFICATION NUMBER (ITIN) OR A LETTER OR FORM FROM THE
56 UNITED STATES SOCIAL SECURITY ADMINISTRATION THAT STATES THAT THE APPLI-

1 CANT IS NOT ELIGIBLE OR SUBMIT A SWORN STATEMENT UNDER THE PENALTY OF
2 PERJURY, STATING THAT THE APPLICANT DOES NOT HAVE A SOCIAL SECURITY
3 NUMBER OR ITIN, and if required by the commissioner a photo image of the
4 applicant in such numbers and form as the commissioner shall prescribe.
5 In addition, an applicant for renewal of a license containing a hazard-
6 ous material endorsement shall pass an examination to retain such
7 endorsement. The commissioner shall, with respect to the renewal of a
8 hazardous materials endorsement, comply with the requirements imposed
9 upon states by sections 383.141 and 1572.13 of title 49 of the code of
10 federal regulations. A renewal of such license shall be issued by the
11 commissioner upon approval of such application, except that no such
12 license shall be issued if its issuance would be inconsistent with the
13 provisions of section five hundred sixteen of this title, and except
14 that the commissioner may refuse to renew such license if the applicant
15 is the holder of a currently valid or renewable license to drive issued
16 by another state or foreign country unless the applicant surrenders such
17 license.

18 S 4. Subdivision 1 of section 504 of the vehicle and traffic law is
19 amended by adding a new paragraph (a-2) to read as follows:

20 (A-2) EVERY LICENSE OR RENEWAL THEREOF ISSUED TO AN APPLICANT WHO IS
21 AN EMERGENCY MEDICAL PERSONNEL, UPON HIS OR HER REQUEST AND SUBMISSION
22 OF PROOF AS SET FORTH HEREIN, CONTAIN A DISTINGUISHING MARK, IN SUCH
23 FORM AS THE COMMISSIONER SHALL DETERMINE, INDICATING THAT HE OR SHE IS
24 AN EMERGENCY MEDICAL PERSONNEL. SUCH PROOF SHALL CONSIST OF ANY PROOF
25 SATISFACTORY TO THE COMMISSIONER. THE COMMISSIONER SHALL NOT REQUIRE
26 FEES FOR THE ISSUANCE OF SUCH LICENSES OR RENEWALS THEREOF TO PERSONS
27 REQUESTING AN EMERGENCY MEDICAL PERSONNEL NOTATION WHICH IS DIFFERENT
28 FROM FEES OTHERWISE REQUIRED.

29 S 5. This act shall take effect on the one hundred twentieth day after
30 it shall have become a law; provided, however, that section two of this
31 act shall take effect October 3, 2017.