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:

Section 1. Subdivision 1 of section 502 of the vehicle and traffic law, as separately amended by chapters 465 and 487 of the laws of 2012, is REPEALED and a new subdivision 1 is added to read as follows: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 OR FORM FROM THE UNITED STATES SOCIAL SECURITY ADMINISTRATION THAT STATES THAT THE APPLICANT IS NOT ELIGIBLE OR SUBMIT A SWORN STATEMENT UNDER THE EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.
S. 2554--B

1 PENALTY OF PERJURY, STATING THAT THE APPLICANT DOES NOT HAVE A SOCIAL
2 SECURITY NUMBER OR ITIN, AND SHALL PROVIDE SPACE ON THE APPLICATION SO
3 THAT THE APPLICANT MAY REGISTER IN THE NEW YORK STATE ORGAN AND TISSUE
4 DONOR Registry UNDER SECTION FORTY-THREE HUNDRED TEN OF THE PUBLIC
5 HEALTH LAW WITH THE FOLLOWING STATED ON THE APPLICATION IN CLEAR AND
6 CONSPICUOUS TYPE:
7 "YOU MUST FILL OUT THE FOLLOWING SECTION: WOULD YOU LIKE TO BE ADDED
8 TO THE DONATE LIFE REGISTRY? CHECK BOX FOR 'YES' OR 'SKIP THIS QUES-
9 TION'."

10 THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL NOT MAINTAIN
11 RECORDS OF ANY PERSON WHO CHECKS "SKIP THIS QUESTION". FAILURE TO CHECK
12 A BOX SHALL NOT IMPAIR THE VALIDITY OF AN APPLICATION, AND FAILURE TO
13 CHECK "YES" OR CHECKING "SKIP THIS QUESTION" SHALL NOT BE CONSTRUED TO
14 IMPLY A WISH NOT TO DONATE. IN THE CASE OF AN APPLICANT UNDER EIGHTEEN
15 YEARS OF AGE, CHECKING "YES" SHALL NOT CONSTITUTE CONSENT TO MAKE AN
16 ANATOMICAL GIFT OR REGISTRATION IN THE DONATE LIFE REGISTRY. WHERE AN
17 APPLICANT HAS PREVIOUSLY CONSENTED TO MAKE AN ANATOMICAL GIFT OR REGIS-
18 TERED IN THE DONATE LIFE REGISTRY, CHECKING "SKIP THIS QUESTION" OR
19 FAILING TO CHECK A BOX SHALL NOT IMPAIR THAT CONSENT OR REGISTRATION. IN
20 ADDITION, THE COMMISSIONER ALSO SHALL REQUIRE THAT SPACE SHALL BE
21 PROVIDED ON THE APPLICATION SO THAT THE APPLICANT MAY REQUEST A NOTATION
22 UPON SUCH LICENSE THAT HE OR SHE IS A VETERAN OF THE UNITED STATES ARMED
23 FORCES AND SPACE SO THAT THE APPLICANT MAY REQUEST A NOTATION UPON SUCH
24 LICENSE THAT HE OR SHE IS AN EMERGENCY MEDICAL PERSONNEL. IN ADDITION,
25 AN APPLICANT FOR A COMMERCIAL DRIVER'S LICENSE WHO WILL OPERATE A
26 COMMERCIAL MOTOR VEHICLE IN INTERSTATE COMMERCE SHALL CERTIFY THAT SUCH
27 APPLICANT MEETS THE REQUIREMENTS TO OPERATE A COMMERCIAL MOTOR VEHICLE,
28 AS SET FORTH IN PUBLIC LAW 99-570, TITLE XII, AND TITLE 49 OF THE CODE
29 OF FEDERAL REGULATIONS, AND ALL REGULATIONS PROMULGATED BY THE UNITED
30 STATES SECRETARY OF TRANSPORTATION UNDER THE HAZARDOUS MATERIALS TRANS-
31 PORTATION ACT. IN ADDITION, AN APPLICANT FOR A COMMERCIAL DRIVER'S
32 LICENSE SHALL SUBMIT A MEDICAL CERTIFICATE AT SUCH INTERVALS AS REQUIRED
33 BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND PART
34 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS RELATING TO
35 MEDICAL CERTIFICATION AND IN A MANNER PRESCRIBED BY THE COMMISSIONER.
36 FOR PURPOSES OF THIS SECTION AND SECTIONS FIVE HUNDRED THREE, FIVE
37 HUNDRED TEN-A, AND FIVE HUNDRED TEN-AA OF THIS TITLE, THE TERMS "MEDICAL
38 CERTIFICATE" AND "MEDICAL CERTIFICATION" SHALL MEAN A FORM SUBSTANTIALLY
39 IN COMPLIANCE WITH THE FORM SET FORTH IN PART 391.43(H) OF TITLE 49 OF
40 THE CODE OF FEDERAL REGULATIONS. UPON A DETERMINATION THAT THE HOLDER OF
41 A COMMERCIAL DRIVER'S LICENSE HAS MADE ANY FALSE STATEMENT, WITH RESPECT
42 TO THE APPLICATION FOR SUCH LICENSE, THE COMMISSIONER SHALL REVOKE SUCH
43 LICENSE.
44
45 S 2. Subdivision 1 of section 502 of the vehicle and traffic law, as
46 added by section one of this act, is amended to read as follows:
47 1. Application for license. Application for a driver's license shall
48 be made to the commissioner. The fee prescribed by law may be submitted
49 with such application. The applicant shall furnish such proof of identi-
50 ty, age, and fitness as may be required by the commissioner. Acceptable
51 proof of identity shall include, but not be limited to foreign passports
52 (visa stamps are not required), valid documentation issued by USCIS and
53 consular identification documents. Eligibility for a driver's license
54 shall not be conditioned on a particular immigration status. The
55 commissioner may also provide that the application procedure shall
56 include the taking of a photo image or images of the applicant in
57 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 immi-
grant, or individual taxpayer identification number (ITIN) or a letter
or form from the United States social security administration that
states that the applicant is not eligible or submit a sworn statement
under the penalty of perjury, stating that the applicant does not have a
social security number of ITIN, and [shall] provide space on the appli-
cation so that the applicant may register in the New York state organ
and tissue 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 ques-
tion'."

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. When an
applicant has previously consented to make an anatomical gift or regis-
tered 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 trans-
portation 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 3. 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 INDIVIDUAL
TAXPAYER IDENTIFICATION NUMBER (ITIN) OR A LETTER OR FORM FROM THE
UNITED STATES SOCIAL SECURITY ADMINISTRATION THAT STATES THAT THE APPLI-
CANT IS NOT ELIGIBLE OR SUBMIT A SWORN STATEMENT UNDER THE PENALTY OF
PERJURY, STATING THAT THE APPLICANT DOES NOT HAVE A SOCIAL SECURITY
NUMBER OR ITIN, 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 4. Subdivision 1 of section 504 of the vehicle and traffic law is
amended by adding a new paragraph (a-2) to read as follows:
(A-2) EVERY LICENSE OR RENEWAL THEREOF ISSUED TO AN APPLICANT WHO IS
AN EMERGENCY MEDICAL PERSONNEL, UPON HIS OR HER REQUEST AND SUBMISSION
OF PROOF AS SET FORTH HEREIN, CONTAIN A DISTINGUISHING MARK, IN SUCH
FORM AS THE COMMISSIONER SHALL DETERMINE, INDICATING THAT HE OR SHE IS
AN EMERGENCY MEDICAL PERSONNEL. SUCH PROOF SHALL CONSIST OF ANY PROOF
SATISFACTORY TO THE COMMISSIONER. THE COMMISSIONER SHALL NOT REQUIRE
FEES FOR THE ISSUANCE OF SUCH LICENSES OR RENEWALS THEREOF TO PERSONS
REQUESTING AN EMERGENCY MEDICAL PERSONNEL NOTATION WHICH IS DIFFERENT
FROM FEES OTHERWISE REQUIRED.
S 5. This act shall take effect on the one hundred twentieth day after
it shall have become a law; provided, however, that section two of this
act shall take effect October 3, 2018.