

2584

2015-2016 Regular Sessions

I N S E N A T E

January 26, 2015

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

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.
18 S 2. Subdivision 1 of section 502 of the vehicle and traffic law, as
19 separately amended by chapters 465 and 487 of the laws of 2012, is
20 REPEALED and a new subdivision 1 is added to read as follows:
21 1. APPLICATION FOR LICENSE. APPLICATION FOR A DRIVER'S LICENSE SHALL
22 BE MADE TO THE COMMISSIONER. THE FEE PRESCRIBED BY LAW MAY BE SUBMITTED
23 WITH SUCH APPLICATION. THE APPLICANT SHALL FURNISH SUCH PROOF OF IDENTI-
24 TY, AGE, AND FITNESS AS MAY BE REQUIRED BY THE COMMISSIONER. THE COMMIS-

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

LBD08319-01-5

1 SIONER MAY ALSO PROVIDE THAT THE APPLICATION PROCEDURE SHALL INCLUDE THE
2 TAKING OF A PHOTO IMAGE OR IMAGES OF THE APPLICANT IN ACCORDANCE WITH
3 RULES AND REGULATIONS PRESCRIBED BY THE COMMISSIONER. IN ADDITION, THE
4 COMMISSIONER SHALL REQUIRE THAT THE APPLICANT PROVIDE HIS OR HER SOCIAL
5 SECURITY NUMBER, OR PROVIDE PROOF THAT HE OR SHE IS NOT ELIGIBLE FOR A
6 SOCIAL SECURITY NUMBER. SUCH PROOF MAY INCLUDE ANY DOCUMENTS SUBMITTED
7 BY AN APPLICANT TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR
8 THE PURPOSE OF DETERMINING WHETHER SUCH APPLICANT IS ELIGIBLE TO RECEIVE
9 A SOCIAL SECURITY NUMBER. THE COMMISSIONER SHALL ALSO PROVIDE SPACE ON
10 THE APPLICATION SO THAT THE APPLICANT MAY REGISTER IN THE NEW YORK STATE
11 ORGAN AND TISSUE DONOR REGISTRY UNDER SECTION FORTY-THREE HUNDRED TEN OF
12 THE PUBLIC HEALTH LAW WITH THE FOLLOWING STATED ON THE APPLICATION IN
13 CLEAR AND CONSPICUOUS TYPE:

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

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

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

50 1. Application for license. Application for a driver's license shall
51 be made to the commissioner. The fee prescribed by law may be submitted
52 with such application. The applicant shall furnish such proof of identi-
53 ty, age, and fitness as may be required by the commissioner. The commis-
54 sioner may also provide that the application procedure shall include the
55 taking of a photo image or images of the applicant in accordance with
56 rules and regulations prescribed by the commissioner. In addition, the

1 commissioner shall require that the applicant provide his or her social
2 security number, or provide proof that he or she is not eligible for a
3 social security number. Such proof may include any documents submitted
4 by an applicant to the United States department of homeland security for
5 the purpose of determining whether such applicant is eligible to receive
6 a social security number. The commissioner shall also provide space on
7 the application so that the applicant may register in the New York state
8 organ and tissue donor registry under section forty-three hundred ten of
9 the public health law [with the following stated on the application in
10 clear and conspicuous type:

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

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

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

48 (a) A license issued pursuant to subdivision five of this section
49 shall be valid until the expiration date contained thereon, unless such
50 license is suspended, revoked or cancelled. Such license may be renewed
51 by submission of an application for renewal, the fee prescribed by law,
52 proofs of prior licensing, fitness and acceptable vision prescribed by
53 the commissioner, AND the applicant's social security number[, and if
54 required by the commissioner] OR PROVIDE PROOF THAT HE OR SHE IS NOT
55 ELIGIBLE FOR A SOCIAL SECURITY NUMBER. SUCH PROOF MAY INCLUDE ANY DOCU-
56 MENTS SUBMITTED BY AN APPLICANT TO THE UNITED STATES DEPARTMENT OF HOME-

1 LAND SECURITY FOR THE PURPOSE OF DETERMINING WHETHER SUCH APPLICANT IS
2 ELIGIBLE TO RECEIVE A SOCIAL SECURITY NUMBER. THE COMMISSIONER MAY ALSO
3 REQUIRE SUBMISSION OF a photo image of the applicant in such numbers and
4 form as the commissioner shall prescribe. In addition, an applicant for
5 renewal of a license containing a hazardous material endorsement shall
6 pass an examination to retain such endorsement. The commissioner shall,
7 with respect to the renewal of a hazardous materials endorsement, comply
8 with the requirements imposed upon states by sections 383.141 and
9 1572.13 of title 49 of the code of federal regulations. A renewal of
10 such license shall be issued by the commissioner upon approval of such
11 application, except that no such license shall be issued if its issuance
12 would be inconsistent with the provisions of section five hundred
13 sixteen of this title, and except that the commissioner may refuse to
14 renew such license if the applicant is the holder of a currently valid
15 or renewable license to drive issued by another state or foreign country
16 unless the applicant surrenders such license.

17 S 5. This act shall take effect immediately; provided however that
18 section three of this act shall take effect October 3, 2016.