S T A T E O F N E W Y O R K

7431

2015-2016 Regular Sessions

I N A S S E M B L Y

May 12, 2015

Introduced by M. of A. ORTIZ, PALMESANO, JAFFEE -- read once and referred to the Committee on Health

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:

Section 1. Subparagraph (ii) of paragraph (b) of subdivision 5 of section 4310 of the public health law, as amended by section 27 of part A of chapter 60 of the laws of 2014, is amended to read as follows:

(ii) The commissioner 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.

S 2. The third undesignated paragraph of subdivision 2 of section 490 of the vehicle and traffic law, as added by chapter 465 of the laws of 2012, is amended to read as follows:

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 regis-

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

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tered in the donate life registry, checking "skip this question" or failing to check a box shall not impair that consent or registration.

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

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, 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 4. This act shall take effect immediately; provided that the amendments to subdivision (ii) of paragraph (b) of subdivision 5 of section 4310 of the public health law, made by section one of this act, shall not affect the expiration of the amendments to such subdivision by chapter 465 of the laws of 2012, and shall expire therewith; provided, further that the amendments to the third undesignated paragraph of subdivision 2 of section 490 of the vehicle and traffic law, made by section two of this act, shall not affect the expiration and repeal of such paragraph, and shall be deemed repealed therewith; and provided, further that the amendments to the third undesignated paragraph of subdivision 1 of section 502 of the vehicle and traffic law, made by section three of this act, shall not affect the expiration of the amendments to such subdivision by chapter 465 of the laws of 2012, and shall expire therewith.