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

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I N A S S E M B L Y

April 12, 2016

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the election law, in relation to notification of the national bone marrow program; and repealing certain provisions of the vehicle and traffic law relating thereto

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

Section 1. The vehicle and traffic law is amended by adding a new section 101-d to read as follows:

S 101-D. BONE MARROW DONOR CONTACT INFORMATION. THE NATIONAL MARROW DONOR PROGRAM CONTACT INFORMATION INCLUDING THE MAILING ADDRESS, CONTACT TELEPHONE NUMBER AND WEBSITE ADDRESS.

S 2. The third undesignated paragraph of subdivision 2 of section 490 of the vehicle and traffic law, as amended by chapter 405 of the laws of 2015, is amended to read as follows:

The commissioner of health shall not maintain records of any person who checks "skip this question". Except where the application is made in person or electronically, 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. ADDITIONALLY, THE COMMISSIONER SHALL ENSURE THAT SPACE IS PROVIDED ON THE APPLICATION TO ADVISE APPLICANTS OF THE EXISTENCE OF THE NATIONAL MARROW DONOR PROGRAM AND TO PROVIDE, AT A MINIMUM, THE CONTACT INFORMATION FOR THIS PROGRAM AND A DESCRIPTION OF ITS PURPOSE.

S 3. Subdivision 2 of section 490 of the vehicle and traffic law, as amended by chapter 575 of the laws of 2006, is amended to read as follows:

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

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2. Application. Any person to whom a driver's license or learner's permit has not been issued by the commissioner, or whose driver's license or learner's permit is expired, suspended, revoked or surrendered, may make application to the commissioner for the issuance of an identification card. ADDITIONALLY, THE COMMISSIONER SHALL ENSURE THAT SPACE IS PROVIDED ON THE APPLICATION TO ADVISE APPLICANTS OF THE EXISTENCE OF THE NATIONAL MARROW DONOR PROGRAM AND TO PROVIDE, AT A MINIMUM, THE CONTACT INFORMATION FOR THIS PROGRAM AND A DESCRIPTION OF ITS PURPOSE.

S 4. Subdivision 1 of section 502 of the vehicle and traffic law 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. 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 AND SHALL PROVIDE SPACE ON THE APPLICATION 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 QUESTION'."

THE COMMISSIONER OF HEALTH SHALL NOT MAINTAIN RECORDS OF ANY PERSON WHO CHECKS "SKIP THIS QUESTION". EXCEPT WHERE THE APPLICATION IS MADE IN PERSON OR ELECTRONICALLY, 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. ADDITIONALLY, THE COMMISSIONER SHALL ENSURE THAT SPACE IS PROVIDED ON THE APPLICATION TO ADVISE APPLICANTS OF THE EXISTENCE OF THE NATIONAL MARROW DONOR PROGRAM AND TO PROVIDE, AT A MINIMUM, THE CONTACT INFORMATION FOR THIS PROGRAM AND A DESCRIPTION OF ITS PURPOSE.

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 5. Subdivision 1 of section 502 of the vehicle and traffic law, as added by section four 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. 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 and [shall] provide space on the application 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 question'."

The commissioner of health shall not maintain records of any person who checks "skip this question". Except where the application is made in person or electronically, 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. Additionally, the commissioner shall ensure that space is provided on the application to advise applicants of the existence of the national marrow donor program and to provide, at a minimum, the contact information for this program and a description of its purpose.

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 6. Section 508 of the vehicle and traffic law is amended by adding a new subdivision 6 to read as follows:

6. THE COMMISSIONER IS DIRECTED TO DEVELOP THE LICENSE APPLICATION AND RENEWAL FORMS AND THE DIRECTIONS ACCOMPANYING THESE FORMS TO ADVISE APPLICANTS OF THE EXISTENCE OF THE NATIONAL MARROW DONOR PROGRAM AND TO PROVIDE, AT A MINIMUM, THE CONTACT INFORMATION FOR THIS PROGRAM AND A DESCRIPTION OF ITS PURPOSE, AND TO FURTHER AMEND THE WEBSITE OF THE DEPARTMENT TO PROVIDE NATIONAL MARROW DONOR PROGRAM CONTACT INFORMATION AND A DESCRIPTION OF ITS PURPOSE.

S 7. Section 1-104 of the election law is amended by adding a new paragraph 38 to read as follows:

38. THE TERM "BONE MARROW CONTACT INFORMATION" SHALL MEAN THE NATIONAL MARROW DONOR PROGRAM CONTACT INFORMATION INCLUDING THE MAILING ADDRESS, CONTACT TELEPHONE NUMBER AND WEBSITE ADDRESS.

S 8. Paragraph k of subdivision 5 of section 5-210 of the election law is amended by adding a new subparagraph (xiii) to read as follows:

(XIII) NOTIFICATION OF THE NATIONAL BONE MARROW PROGRAM CONTACT INFORMATION AND A DESCRIPTION OF ITS PURPOSE.

S 9. Notwithstanding any other provision of law, rule or regulation to the contrary, the department of motor vehicles shall revise the paper applications or renewal forms to include the information pertaining to the national bone marrow program pursuant to sections one, two, three, four, five and six of this act when the current stock of forms have been depleted.

S 10. This act shall take effect on the one hundred eightieth day after it shall have become law; provided, however, that the amendments to subdivision 2 of section 490 of the vehicle and traffic law made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 6 of chapter 465 of the laws of 2012, as amended, when upon such date the provisions of section three of this act shall take effect; and provided further that section five of this act shall take effect October 3, 2016. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.