2554

2015-2016 Regular Sessions

IN SENATE

January 26, 2015

Introduced by Sen. PARKER -- 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 issuance of driver's 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:

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1 of section 502 of the vehicle and traffic law, as separately amended by chapters 465 and 487 of the laws of 2012, is REPEALED and a new subdivision 1 is added to read as follows: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 DRIVER'S 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 PENALTY OF PERJURY, STATING THAT THE APPLICANT DOES NOT HAVE A SOCIAL SECURITY NUMBER OR ITIN, 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

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

LBD07004-01-5
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 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. 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 COMMER-CIAL MOTOR VEHICLE, AS SET FORTH IN PUBLIC LAW 99-570, TITLE XII, AND TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, AND ALL REGULATIONS PROMUL-GATED BY THE UNITED STATES SECRETARY OF TRANSPORTATION UNDER THE HAZARD-OUS 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 REGU-LATIONS 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 DETER-MINATION 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 identi-ty, 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 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
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. 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 commer-
cial motor vehicle, as set forth in public law 99-570, title XII, and
title 49 of the code of federal regulations, and all regulations promul-
gated by the United States secretary of transportation under the hazard-
ous 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 regu-
lations 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 deter-
mination 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 hazard-
ous 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. 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, 2017.