

5101--A

Cal. No. 824

2015-2016 Regular Sessions

I N S E N A T E

April 30, 2015

Introduced by Sens. HANNON, CARLUCCI, GALLIVAN, LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

1 Section 1. Subparagraph (ii) of paragraph (b) of subdivision 5 of
2 section 4310 of the public health law, as amended by section 27 of part
3 A of chapter 60 of the laws of 2014, is amended to read as follows:
4 (ii) The commissioner shall not maintain records of any person who
5 checks "skip this question". [Failure] EXCEPT WHERE THE APPLICATION IS
6 MADE IN PERSON OR ELECTRONICALLY, FAILURE to check a box shall not
7 impair the validity of an application, and failure to check "yes" or
8 checking "skip this question" shall not be construed to imply a wish not
9 to donate. In the case of an applicant under eighteen years of age,
10 checking "yes" shall not constitute consent to make an anatomical gift
11 or registration in the donate life registry. Where an applicant has
12 previously consented to make an anatomical gift or registered in the
13 donate life registry, checking "skip this question" or failing to check
14 a box shall not impair that consent or registration.
15 S 2. The third undesignated paragraph of subdivision 2 of section 490
16 of the vehicle and traffic law, as added by chapter 465 of the laws of
17 2012, is amended to read as follows:
18 The commissioner of [the department of] health shall not maintain
19 records of any person who checks "skip this question". [Failure] EXCEPT
20 WHERE THE APPLICATION IS MADE IN PERSON OR ELECTRONICALLY, FAILURE to
21 check a box shall not impair the validity of an application, and failure
22 to check "yes" or checking "skip this question" shall not be construed

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

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1 to imply a wish not to donate. In the case of an applicant under eigh-
2 teen years of age, checking "yes" shall not constitute consent to make
3 an anatomical gift or registration in the donate life registry. Where an
4 applicant has previously consented to make an anatomical gift or regis-
5 tered in the donate life registry, checking "skip this question" or
6 failing to check a box shall not impair that consent or registration.

7 S 3. The third undesignated paragraph of subdivision 1 of section 502
8 of the vehicle and traffic law, as added by chapter 465 of the laws of
9 2012, is amended to read as follows:

10 The commissioner of [the department of] health shall not maintain
11 records of any person who checks "skip this question". [Failure] EXCEPT
12 WHERE THE APPLICATION IS MADE IN PERSON OR ELECTRONICALLY, FAILURE to
13 check a box shall not impair the validity of an application, and failure
14 to check "yes" or checking "skip this question" shall not be construed
15 to imply a wish not to donate. In the case of an applicant under eigh-
16 teen years of age, checking "yes" shall not constitute consent to make
17 an anatomical gift or registration in the donate life registry. Where an
18 applicant has previously consented to make an anatomical gift or regis-
19 tered in the donate life registry, checking "skip this question" or
20 failing to check a box shall not impair that consent or registration. In
21 addition, an applicant for a commercial driver's license who will oper-
22 ate a commercial motor vehicle in interstate commerce shall certify that
23 such applicant meets the requirements to operate a commercial motor
24 vehicle, as set forth in public law 99-570, title XII, and title 49 of
25 the code of federal regulations, and all regulations promulgated by the
26 United States secretary of transportation under the hazardous materials
27 transportation act. In addition, an applicant for a commercial driver's
28 license shall submit a medical certificate at such intervals as required
29 by the federal motor carrier safety improvement act of 1999 and Part
30 383.71(h) of title 49 of the code of federal regulations relating to
31 medical certification and in a manner prescribed by the commissioner.
32 For purposes of this section and sections five hundred three, five
33 hundred ten-a, and five hundred ten-aa of this title, the terms "medical
34 certificate" and "medical certification" shall mean a form substantially
35 in compliance with the form set forth in Part 391.43(h) of title 49 of
36 the code of federal regulations. Upon a determination that the holder of
37 a commercial driver's license has made any false statement, with respect
38 to the application for such license, the commissioner shall revoke such
39 license.

40 S 4. This act shall take effect immediately; provided that the amend-
41 ments to subdivision (ii) of paragraph (b) of subdivision 5 of section
42 4310 of the public health law, made by section one of this act, shall
43 not affect the expiration of the amendments to such subdivision by chap-
44 ter 465 of the laws of 2012, and shall expire therewith; provided,
45 further that the amendments to the third undesignated paragraph of
46 subdivision 2 of section 490 of the vehicle and traffic law, made by
47 section two of this act, shall not affect the expiration and repeal of
48 such paragraph, and shall be deemed repealed therewith; and provided,
49 further that the amendments to the third undesignated paragraph of
50 subdivision 1 of section 502 of the vehicle and traffic law, made by
51 section three of this act, shall not affect the expiration of the amend-
52 ments to such subdivision by chapter 465 of the laws of 2012, and shall
53 expire therewith.