

STATE OF NEW YORK

10260

IN ASSEMBLY

March 27, 2018

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the civil rights law, the vehicle and traffic law and the public health law, in relation to enacting the "Gender Recognition Act"; and repealing subdivision 1 of section 502 of the vehicle and traffic law relating to driver's licenses

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Gender Recognition Act".

3 § 2. The civil rights law is amended by adding a new section 66 to
4 read as follows:

5 § 66. Change of name to conform to gender identity. 1. Any person may
6 elect to assume a new name for purposes of changing their name to
7 conform to their gender identity.

8 2. The proceeding for a change of name to conform the petitioner's
9 name to the petitioner's gender identity is exempt from any requirement
10 for publication.

11 § 3. Subdivision 1 of section 502 of the vehicle and traffic law, as
12 amended by chapter 487 of the laws of 2012, is REPEALED.

13 § 4. Subdivision 1 of section 502 of the vehicle and traffic law, as
14 amended by chapter 465 of the laws of 2012, the third undesignated para-
15 graph as amended by chapter 248 of the laws of 2016, is amended to read
16 as follows:

17 1. Application for license. Application for a driver's license shall
18 be made to the commissioner. The fee prescribed by law may be submitted
19 with such application. The applicant shall furnish such proof of identi-
20 ty, age, gender category, and fitness as may be required by the commis-
21 sioner. The applicant shall choose their gender category of male,
22 female, or nonbinary, and the commissioner shall not require documenta-
23 tion for an original driver's license applicant's initial choice of a
24 gender category or a licensed applicant's request for an amendment to a
25 gender category other than the following: the applicant's self-certifi-
26 cation of their chosen gender category; or documentation required by

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

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1 this chapter as necessary to establish that an applicant is lawfully
2 entitled to a license. The commissioner may also provide that the appli-
3 cation procedure shall include the taking of a photo image or images of
4 the applicant in accordance with rules and regulations prescribed by the
5 commissioner. In addition, the commissioner also shall require that the
6 applicant provide [~~his or her~~] such applicant's social security number,
7 shall provide space so that the applicant may request a notation upon
8 such license that the applicant is a veteran of the United States armed
9 forces, and shall provide space on the application so that the applicant
10 may register in the New York state organ and tissue donor registry under
11 section forty-three hundred ten of the public health law with the
12 following stated on the application in clear and conspicuous type:

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

16 The commissioner of health shall not maintain records of any person
17 who checks "skip this question". Except where the application is made in
18 person or electronically, failure to check a box shall not impair the
19 validity of an application, and failure to check "yes" or checking "skip
20 this question" shall not be construed to imply a wish not to donate. In
21 the case of an applicant under eighteen years of age, checking "yes"
22 shall not constitute consent to make an anatomical gift or registration
23 in the donate life registry, except as otherwise provided pursuant to
24 the provisions of paragraph (b) of subdivision one of section forty-
25 three hundred one of the public health law. Where an applicant has
26 previously consented to make an anatomical gift or registered in the
27 donate life registry, checking "skip this question" or failing to check
28 a box shall not impair that consent or registration. In addition, an
29 applicant for a commercial driver's license who will operate a commer-
30 cial motor vehicle in interstate commerce shall certify that such appli-
31 cant meets the requirements to operate a commercial motor vehicle, as
32 set forth in public law 99-570, title XII, and title 49 of the code of
33 federal regulations, and all regulations promulgated by the United
34 States secretary of transportation under the hazardous materials trans-
35 portation act. In addition, an applicant for a commercial driver's
36 license shall submit a medical certificate at such intervals as required
37 by the federal motor carrier safety improvement act of 1999 and Part
38 383.71(h) of title 49 of the code of federal regulations relating to
39 medical certification and in a manner prescribed by the commissioner.
40 For purposes of this section and sections five hundred three, five
41 hundred ten-a, and five hundred ten-aa of this title, the terms "medical
42 certificate" and "medical certification" shall mean a form substantially
43 in compliance with the form set forth in Part 391.43(h) of title 49 of
44 the code of federal regulations. Upon a determination that the holder of
45 a commercial driver's license has made any false statement, with respect
46 to the application for such license, the commissioner shall revoke such
47 license.

48 § 5. The section heading and paragraph (e) of subdivision 1 of section
49 4138 of the public health law, the section heading as amended by chapter
50 201 of the laws of 1972 and paragraph (e) as amended by chapter 214 of
51 the laws of 1998, are amended and a new subdivision 8 is added to read
52 as follows:

53 Birth certificate; new certificate in case of subsequent marriage of
54 unwed parents; adoption; adjudication of parentage; change of name;
55 gender transition.

1 (e) the certificate of birth of a child born out of wedlock as defined
2 in paragraph (b) of subdivision one of section four thousand one hundred
3 thirty-five of this article has been filed without entry of the name of
4 the father and the commissioner thereafter receives the acknowledgment
5 of paternity pursuant to section one hundred eleven-k of the social
6 services law or section four thousand one hundred thirty-five-b of this
7 article executed by the putative father and mother which authorizes the
8 entry of the name of such father, and which may also authorize a
9 conforming change in the surname of the child; or,

10 (f) proper proof is submitted to the commissioner from or by the clerk
11 of a court of a competent jurisdiction to reflect a change of gender to
12 female, male, or nonbinary pursuant to subdivision eight of this
13 section.

14 8. The commissioner shall require that a petition pursuant to para-
15 graph (f) of subdivision one of this section be accompanied by an affi-
16 davit attesting under penalty of perjury that the request for a change
17 of gender to female, male, or nonbinary is to conform the person's legal
18 gender to the person's gender identity and is not made for any fraudu-
19 lent purpose. In addition, if applicable, the petition shall be accompa-
20 nied by a certified copy of the court order from a competent jurisdic-
21 tion changing the applicant's name pursuant to section sixty-six of the
22 civil rights law.

23 § 6. This act shall take effect on the one hundred eightieth day after
24 it shall have become a law. Effective immediately, the addition, amend-
25 ment and/or repeal of any rule or regulation necessary for the implemen-
26 tation of this act on its effective date are authorized to be made and
27 completed on or before such effective date.