

STATE OF NEW YORK

1094--A

2017-2018 Regular Sessions

IN SENATE

January 6, 2017

Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommended to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to health care proxy information on 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:

1 Section 1. Subdivision 2 of section 490 of the vehicle and traffic
2 law, as amended by chapter 465 of the laws of 2012, the third undesignated
3 paragraph as amended by chapter 248 of the laws of 2016, is
4 amended to read as follows:

5 2. Application. Any person to whom a driver's license or learner's
6 permit has not been issued by the commissioner, or whose driver's
7 license or learner's permit is expired, suspended, revoked or surrendered,
8 may make application to the commissioner for the issuance of an
9 identification card. The commissioner shall ensure that space is
10 provided on the application so that the applicant shall register or
11 decline registration in the donate life registry for organ and tissue
12 donations pursuant to section forty-three hundred ten of the public
13 health law and that the following is stated on the application in clear
14 and conspicuous type:

15 "You must fill out the following section: Would you like to be added
16 to the Donate Life Registry? Check box for 'yes' or 'skip this question'.
17 "

18 The commissioner of health shall not maintain records of any person
19 who checks "skip this question". Except where the application is made in
20 person or electronically, failure to check a box shall not impair the
21 validity of an application, and failure to check "yes" or checking "skip

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

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1 this question" shall not be construed to imply a wish not to donate. In
2 the case of an applicant under eighteen years of age, checking "yes"
3 shall not constitute consent to make an anatomical gift or registration
4 in the donate life registry, except as otherwise provided pursuant to
5 the provisions of paragraph (b) of subdivision one of section forty-
6 three hundred one of the public health law. Where an applicant has
7 previously consented to make an anatomical gift or registered in the
8 donate life registry, checking "skip this question" or failing to check
9 a box shall not impair that consent or registration. Additionally, the
10 commissioner shall ensure that space is provided on the application so
11 that the applicant shall indicate a declaration relating to the desig-
12 nation of a health care proxy pursuant to section twenty-nine hundred
13 eighty-one of the public health law and that the following is typed in
14 clear and conspicuous type:

15 "You must fill out the following section: Have you completed a health
16 care proxy? Check box for 'yes' or 'skip this question'." Followed by a
17 space for the health care agent's name.

18 The commissioner shall also ensure that space is provided on the
19 application so that the applicant shall indicate a declaration relating
20 to the use of life-sustaining treatment and that the following is typed
21 in clear and conspicuous type:

22 "You must fill out the following section: Have you completed a living
23 will? Check box for 'yes' or 'skip this question'."

24 The commissioner shall make whatever provisions are feasible and
25 desirable to maintain and issue all suitable documents regarding
26 advanced directives at driver's license examining offices.

27 § 2. Paragraph (b) of subdivision 3 of section 490 of the vehicle and
28 traffic law, as amended by chapter 429 of the laws of 2014, is amended
29 to read as follows:

30 (b) The identification card shall contain a distinguishing number or
31 mark and adequate space upon which an anatomical gift, pursuant to arti-
32 cle forty-three of the public health law, a declaration relating to a
33 health care proxy, pursuant to section twenty-nine hundred eighty-one of
34 the public health law, and a declaration relating to the use of life-
35 sustaining treatments by the holder may be recorded and shall contain
36 such other information and shall be issued in such form as the commis-
37 sioner shall determine; provided, however, every identification card or
38 renewal thereof issued to a person under the age of twenty-one years
39 shall have prominently imprinted thereon the statement "UNDER 21 YEARS
40 OF AGE" in notably distinctive print or format. Provided, further,
41 however, that every identification card issued to an applicant who was a
42 member of the armed forces of the United States and received an honor-
43 able discharge or was released therefrom under honorable conditions
44 shall, upon his or her request and submission of proof as set forth
45 herein, contain a distinguishing mark, in such form as the commissioner
46 shall determine, indicating that he or she is a veteran. Such proof
47 shall consist of a certificate of release or discharge from active duty
48 including but not limited to a DD Form 214 or other proof satisfactory
49 to the commissioner. The commissioner shall not require fees for the
50 issuance of such identification cards or renewals thereof to persons
51 under twenty-one years of age which are different from the fees required
52 for the issuance of identification cards or renewals thereof to persons
53 twenty-one years of age or over, nor fees to persons requesting a veter-
54 an distinguishing mark which are different from fees that would other-
55 wise be required. Provided, however, that notwithstanding the provisions
56 of section four hundred ninety-one of this article, the commissioner

1 shall not require any fees for the duplication or amendment of an iden-
2 tification card prior to its renewal if such duplication or amendment
3 was solely for the purpose of adding a veteran distinguishing mark to
4 such identification card.

5 § 3. Subdivision 1 of section 502 of the vehicle and traffic law, as
6 separately amended by chapters 465 and 487 of the laws of 2012, is
7 REPEALED and a new subdivision 1 is added to read as follows:

8 1. Application for license. Application for a driver's license shall
9 be made to the commissioner. The fee prescribed by law may be submitted
10 with such application. The applicant shall furnish such proof of identi-
11 ty, age, and fitness as may be required by the commissioner. Eligibility
12 for a driver's license shall not be conditioned on a particular immi-
13 gration status. The commissioner may also provide that the application
14 procedure shall include the taking of a photo image or images of the
15 applicant in accordance with rules and regulations prescribed by the
16 commissioner. In addition, the commissioner also shall require that the
17 applicant provide his or her social security number where such applicant
18 is a legal immigrant and shall provide space on the application so that
19 the applicant may register in the New York state organ and tissue donor
20 registry under section forty-three hundred ten of the public health law
21 with the following stated on the application in clear and conspicuous
22 type:

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

26 The commissioner of the department of health shall not maintain
27 records of any person who checks "skip this question". Failure to check
28 a box shall not impair the validity of an application, and failure to
29 check "yes" or checking "skip this question" shall not be construed to
30 imply a wish not to donate. In the case of an applicant under eighteen
31 years of age, checking "yes" shall not constitute consent to make an
32 anatomical gift or registration in the donate life registry. Where an
33 applicant has previously consented to make an anatomical gift or regis-
34 tered in the donate life registry, checking "skip this question" or
35 failing to check a box shall not impair that consent or registration. In
36 addition, the commissioner also shall require that space shall be
37 provided on the application so that the applicant may request a notation
38 upon such license that he or she is a veteran of the United States armed
39 forces. Additionally, the commissioner shall ensure that space is
40 provided on the application so that the applicant shall indicate a
41 declaration relating to the designation of a health care proxy pursuant
42 to section twenty-nine hundred eighty-one of the public health law and
43 that the following is typed in clear and conspicuous type:

44 "You must fill out the following section: Have you completed a health
45 care proxy? Check box for 'yes' or 'skip this question'." Followed by a
46 space for the health care agent's name.

47 The commissioner shall also ensure that space is provided on the
48 application so that the applicant shall indicate a declaration relating
49 to the use of life-sustaining treatment and that the following is typed
50 in clear and conspicuous type:

51 "You must fill out the following section: Have you completed a living
52 will? Check box for 'yes' or 'skip this question'."

53 The commissioner shall make whatever provisions are feasible and
54 desirable to maintain and issue all suitable documents regarding
55 advanced directives at driver's license examining offices. In addition,
56 an applicant for a commercial driver's license who will operate a

1 commercial motor vehicle in interstate commerce shall certify that such
2 applicant meets the requirements to operate a commercial motor vehicle,
3 as set forth in public law 99-570, title XII, and title 49 of the code
4 of federal regulations, and all regulations promulgated by the United
5 States secretary of transportation under the hazardous materials trans-
6 portation act. In addition, an applicant for a commercial driver's
7 license shall submit a medical certificate at such intervals as required
8 by the federal motor carrier safety improvement act of 1999 and Part
9 383.71(h) of title 49 of the code of federal regulations relating to
10 medical certification and in a manner prescribed by the commissioner.
11 For purposes of this section and sections five hundred three, five
12 hundred ten-a, and five hundred ten-aa of this title, the terms "medical
13 certificate" and "medical certification" shall mean a form substantially
14 in compliance with the form set forth in Part 391.43(h) of title 49 of
15 the code of federal regulations. Upon a determination that the holder of
16 a commercial driver's license has made any false statement, with respect
17 to the application for such license, the commissioner shall revoke such
18 license.

19 § 4. Subdivision 1 of section 502 of the vehicle and traffic law, as
20 added by section three of this act, is amended to read as follows:

21 1. Application for license. Application for a driver's license shall
22 be made to the commissioner. The fee prescribed by law may be submitted
23 with such application. The applicant shall furnish such proof of identi-
24 ty, age, and fitness as may be required by the commissioner. Eligibility
25 for a driver's license shall not be conditioned on a particular immi-
26 gration status. The commissioner may also provide that the application
27 procedure shall include the taking of a photo image or images of the
28 applicant in accordance with rules and regulations prescribed by the
29 commissioner. In addition, the commissioner also shall require that the
30 applicant provide his or her social security number where such applicant
31 is a legal immigrant and [~~shall~~] provide space on the application so
32 that the applicant may register in the New York state organ and tissue
33 donor registry under section forty-three hundred ten of the public
34 health law [~~with the following stated on the application in clear and~~
35 ~~conspicuous type:~~

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

39 ~~The commissioner of the department of health shall not maintain~~
40 ~~records of any person who checks "skip this question". Failure to check~~
41 ~~a box shall not impair the validity of an application, and failure to~~
42 ~~check "yes" or checking "skip this question" shall not be construed to~~
43 ~~imply a wish not to donate. In the case of an applicant under eighteen~~
44 ~~years of age, checking "yes" shall not constitute consent to make an~~
45 ~~anatomical gift or registration in the donate life registry. Where an~~
46 ~~applicant has previously consented to make an anatomical gift or regis-~~
47 ~~tered in the donate life registry, checking "skip this question" or~~
48 ~~failing to check a box shall not impair that consent or registration].~~

49 In addition, the commissioner also shall require that space shall be
50 provided on the application so that the applicant may request a notation
51 upon such license that he or she is a veteran of the United States armed
52 forces. Additionally, the commissioner shall ensure that space is
53 provided on the application so that the applicant shall indicate a
54 declaration relating to the designation of a health care proxy pursuant
55 to section twenty-nine hundred eighty-one of the public health law and
56 that the following is typed in clear and conspicuous type:

1 "You must fill out the following section: Have you completed a health
2 care proxy? Check box for 'yes' or 'skip this question'." Followed by a
3 space for the health care agent's name.

4 The commissioner shall also ensure that space is provided on the
5 application so that the applicant shall indicate a declaration relating
6 to the use of life-sustaining treatment and that the following is typed
7 in clear and conspicuous type:

8 "You must fill out the following section: Have you completed a living
9 will? Check box for 'yes' or 'skip this question'."

10 The commissioner shall make whatever provisions are feasible and
11 desirable to maintain and issue all suitable documents regarding
12 advanced directives at driver's license examining offices. In addition,
13 an applicant for a commercial driver's license who will operate a
14 commercial motor vehicle in interstate commerce shall certify that such
15 applicant meets the requirements to operate a commercial motor vehicle,
16 as set forth in public law 99-570, title XII, and title 49 of the code
17 of federal regulations, and all regulations promulgated by the United
18 States secretary of transportation under the hazardous materials trans-
19 portation act. In addition, an applicant for a commercial driver's
20 license shall submit a medical certificate at such intervals as required
21 by the federal motor carrier safety improvement act of 1999 and Part
22 383.71(h) of title 49 of the code of federal regulations relating to
23 medical certification and in a manner prescribed by the commissioner.
24 For purposes of this section and sections five hundred three, five
25 hundred ten-a, and five hundred ten-aa of this title, the terms "medical
26 certificate" and "medical certification" shall mean a form substantially
27 in compliance with the form set forth in Part 391.43(h) of title 49 of
28 the code of federal regulations. Upon a determination that the holder of
29 a commercial driver's license has made any false statement, with respect
30 to the application for such license, the commissioner shall revoke such
31 license.

32 § 5. Paragraph (a) of subdivision 1 of section 504 of the vehicle and
33 traffic law, as separately amended by chapters 568 and 639 of the laws
34 of 2006, is amended to read as follows:

35 (a) Every license or renewal thereof shall contain a distinguishing
36 mark and adequate space upon which an anatomical gift, pursuant to
37 section forty-three hundred ten of the public health law, by the licen-
38 see shall be recorded and shall contain such other information and shall
39 be issued in such form as the commissioner shall determine; provided,
40 however, every license or renewal thereof issued to a person under the
41 age of twenty-one years shall have prominently imprinted upon it the
42 statement "UNDER 21 YEARS OF AGE" in notably distinctive print or
43 format; provided further, however, every license or renewal thereof
44 issued to a person making an anatomical gift shall have prominently
45 printed upon the front of such license or renewal thereof the statement
46 "ORGAN DONOR" in notably distinctive print or format; provided that
47 every license shall have imprinted on the back "Designated health care
48 agent:" followed by a space for the health care agent's name and contact
49 information; and provided further that every license shall have
50 imprinted on the back "Executed declaration relating to life-sustaining
51 treatment:" followed by a space to mark the appropriate box "Yes" or
52 "No". The commissioner shall not require fees for the issuance of such
53 licenses or renewals thereof to persons under twenty-one years of age or
54 to persons making an anatomical gift which are different from the fees
55 required for the issuance of licenses or renewals thereof to persons

1 twenty-one years of age or over or to persons not making an anatomical
2 gift.

3 § 6. This act shall take effect immediately; provided, however, that
4 section three of this act shall take effect on the one hundred eightieth
5 day after it shall have become a law, and section four of this act shall
6 take effect October 3, 2019.