

# STATE OF NEW YORK

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2355

2017-2018 Regular Sessions

## IN SENATE

January 13, 2017

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Introduced by Sens. PARKER, RIVERA -- 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 emergency medical personnel designation; and to  
repeal certain provisions of such law relating thereto

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

1 Section 1. Subdivision 1 of section 502 of the vehicle and traffic  
2 law is REPEALED and a new subdivision 1 is added to read as follows:

3 1. Application for license. Application for a driver's license shall  
4 be made to the commissioner. The fee prescribed by law may be submitted  
5 with such application. The applicant shall furnish such proof of identi-  
6 ty, age, and fitness as may be required by the commissioner. Acceptable  
7 proof of identity shall include, but not be limited to foreign passports  
8 (visa stamps are not required), valid documentation issued by USCIS and  
9 consular identification documents. Eligibility for a drivers' license  
10 shall not be conditioned on a particular immigration status. The commis-  
11 sioner may also provide that the application procedure shall include the  
12 taking of a photo image or images of the applicant in accordance with  
13 rules and regulations prescribed by the commissioner. In addition, the  
14 commissioner also shall require that the applicant provide his or her  
15 social security number where such applicant is a legal immigrant, or  
16 individual taxpayer identification number (ITIN) or a letter or form  
17 from the United States social security administration that states that  
18 the applicant is not eligible or submit a sworn statement under the  
19 penalty of perjury, stating that the applicant does not have a social  
20 security number or ITIN, and shall provide space on the application so  
21 that the applicant may register in the New York state organ and tissue  
22 donor registry under section forty-three hundred ten of the public  
23 health law with the following stated on the application in clear and  
24 conspicuous type:

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

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

4 The commissioner of the department of health shall not maintain  
5 records of any person who checks "skip this question". Failure to check  
6 a box shall not impair the validity of an application, and failure to  
7 check "yes" or checking "skip this question" shall not be construed to  
8 imply a wish not to donate. In the case of an applicant under eighteen  
9 years of age, checking "yes" shall not constitute consent to make an  
10 anatomical gift or registration in the donate life registry. Where an  
11 applicant has previously consented to make an anatomical gift or regis-  
12 tered in the donate life registry, checking "skip this question" or  
13 failing to check a box shall not impair that consent or registration. In  
14 addition, the commissioner also shall require that space shall be  
15 provided on the application so that the applicant may request a notation  
16 upon such license that he or she is a veteran of the United States armed  
17 forces and space so that the applicant may request a notation upon such  
18 license that he or she is an emergency medical personnel. In addition,  
19 an applicant for a commercial driver's license who will operate a  
20 commercial motor vehicle in interstate commerce shall certify that such  
21 applicant meets the requirements to operate a commercial motor vehicle,  
22 as set forth in public law 99-570, title XII, and title 49 of the code  
23 of federal regulations, and all regulations promulgated by the United  
24 States secretary of transportation under the hazardous materials trans-  
25 portation act. In addition, an applicant for a commercial driver's  
26 license shall submit a medical certificate at such intervals as required  
27 by the federal motor carrier safety improvement act of 1999 and Part  
28 383.71(h) of title 49 of the code of federal regulations relating to  
29 medical certification and in a manner prescribed by the commissioner.  
30 For purposes of this section and sections five hundred three, five  
31 hundred ten-a, and five hundred ten-aa of this title, the terms "medical  
32 certificate" and "medical certification" shall mean a form substantially  
33 in compliance with the form set forth in Part 391.43(h) of title 49 of  
34 the code of federal regulations. Upon a determination that the holder of  
35 a commercial driver's license has made any false statement, with respect  
36 to the application for such license, the commissioner shall revoke such  
37 license.

38 § 2. Subdivision 1 of section 502 of the vehicle and traffic law, as  
39 added by section one of this act, is amended to read as follows:

40 1. Application for license. Application for a driver's license shall  
41 be made to the commissioner. The fee prescribed by law may be submitted  
42 with such application. The applicant shall furnish such proof of identi-  
43 ty, age, and fitness as may be required by the commissioner. Acceptable  
44 proof of identity shall include, but not be limited to foreign passports  
45 (visa stamps are not required), valid documentation issued by USCIS and  
46 consular identification documents. Eligibility for a drivers' license  
47 shall not be conditioned on a particular immigration status. The  
48 commissioner may also provide that the application procedure shall  
49 include the taking of a photo image or images of the applicant in  
50 accordance with rules and regulations prescribed by the commissioner. In  
51 addition, the commissioner also shall require that the applicant provide  
52 his or her social security number where such applicant is a legal immi-  
53 grant, or individual taxpayer identification number (ITIN) or a letter  
54 or form from the United States social security administration that  
55 states that the applicant is not eligible or submit a sworn statement  
56 under the penalty of perjury, stating that the applicant does not have a

1 social security number of ITIN, and [~~shall~~] provide space on the appli-  
2 cation so that the applicant may register in the New York state organ  
3 and tissue donor registry under section forty-three hundred ten of the  
4 public health law [~~with the following stated on the application in clear~~  
5 ~~and conspicuous type:~~

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

9 ~~The commissioner of the department of health shall not maintain~~  
10 ~~records of any person who checks "skip this question". Failure to check~~  
11 ~~a box shall not impair the validity of an application, and failure to~~  
12 ~~check "yes" or checking "skip this question" shall not be construed to~~  
13 ~~imply a wish not to donate. In the case of an applicant under eighteen~~  
14 ~~years of age, checking "yes" shall not constitute consent to make an~~  
15 ~~anatomical gift or registration in the donate life registry. When an~~  
16 ~~applicant has previously consented to make an anatomical gift or regis-~~  
17 ~~tered in the donate life registry, checking "skip this question" or~~  
18 ~~failing to check a box shall not impair that consent or registration].~~

19 In addition, the commissioner also shall require that space shall be  
20 provided on the application so that the applicant may request a notation  
21 upon such license that he or she is a veteran of the United States armed  
22 forces and space so that the applicant may request a notation upon such  
23 license that he or she is an emergency medical personnel. In addition,  
24 an applicant for a commercial driver's license who will operate a  
25 commercial motor vehicle in interstate commerce shall certify that such  
26 applicant meets the requirements to operate a commercial motor vehicle,  
27 as set forth in public law 99-570, title XII, and title 49 of the code  
28 of federal regulations, and all regulations promulgated by the United  
29 States secretary of transportation under the hazardous materials trans-  
30 portation act. In addition, an applicant for a commercial driver's  
31 license shall submit a medical certificate at such intervals as required  
32 by the federal motor carrier safety improvement act of 1999 and Part  
33 383.71(h) of title 49 of the code of federal regulations relating to  
34 medical certification and in a manner prescribed by the commissioner.  
35 For purposes of this section and sections five hundred three, five  
36 hundred ten-a, and five hundred ten-aa of this title, the terms "medical  
37 certificate" and "medical certification" shall mean a form substantially  
38 in compliance with the form set forth in Part 391.43(h) of title 49 of  
39 the code of federal regulations. Upon a determination that the holder of  
40 a commercial driver's license has made any false statement, with respect  
41 to the application for such license, the commissioner shall revoke such  
42 license.

43 § 3. Paragraph (a) of subdivision 6 of section 502 of the vehicle and  
44 traffic law, as amended by section 3 of part K of chapter 59 of the laws  
45 of 2009, is amended to read as follows:

46 (a) A license issued pursuant to subdivision five of this section  
47 shall be valid until the expiration date contained thereon, unless such  
48 license is suspended, revoked or cancelled. Such license may be renewed  
49 by submission of an application for renewal, the fee prescribed by law,  
50 proofs of prior licensing, fitness and acceptable vision prescribed by  
51 the commissioner, the applicant's social security number, or individual  
52 taxpayer identification number (ITIN) or a letter or form from the  
53 United States social security administration that states that the appli-  
54 cant is not eligible or submit a sworn statement under the penalty of  
55 perjury, stating that the applicant does not have a social security  
56 number or ITIN, and if required by the commissioner a photo image of the

1 applicant in such numbers and form as the commissioner shall prescribe.  
2 In addition, an applicant for renewal of a license containing a hazard-  
3 ous material endorsement shall pass an examination to retain such  
4 endorsement. The commissioner shall, with respect to the renewal of a  
5 hazardous materials endorsement, comply with the requirements imposed  
6 upon states by sections 383.141 and 1572.13 of title 49 of the code of  
7 federal regulations. A renewal of such license shall be issued by the  
8 commissioner upon approval of such application, except that no such  
9 license shall be issued if its issuance would be inconsistent with the  
10 provisions of section five hundred sixteen of this title, and except  
11 that the commissioner may refuse to renew such license if the applicant  
12 is the holder of a currently valid or renewable license to drive issued  
13 by another state or foreign country unless the applicant surrenders such  
14 license.

15 § 4. Subdivision 1 of section 504 of the vehicle and traffic law is  
16 amended by adding a new paragraph (a-2) to read as follows:

17 (a-2) Every license or renewal thereof issued to an applicant who is  
18 an emergency medical personnel, upon his or her request and submission  
19 of proof as set forth herein, contain a distinguishing mark, in such  
20 form as the commissioner shall determine, indicating that he or she is  
21 an emergency medical personnel. Such proof shall consist of any proof  
22 satisfactory to the commissioner. The commissioner shall not require  
23 fees for the issuance of such licenses or renewals thereof to persons  
24 requesting an emergency medical personnel notation which is different  
25 from fees otherwise required.

26 § 5. This act shall take effect on the one hundred twentieth day after  
27 it shall have become a law; provided, however, that section two of this  
28 act shall take effect October 3, 2019.