

STATE OF NEW YORK

5395--C

2019-2020 Regular Sessions

IN ASSEMBLY

February 11, 2019

Introduced by M. of A. ORTIZ, DAVILA, PICHARDO, TAYLOR, MOSLEY, COOK, SEAWRIGHT, CARROLL, DE LA ROSA, QUART, GLICK, SIMOTAS, REYES, SIMON, LAVINE, D'URSO, CRUZ, DICKENS, O'DONNELL, ROMEO, EPSTEIN, GOTTFRIED, ARROYO, L. ROSENTHAL, BRONSON -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- 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 the designation of sex by applicants for non-driver identification cards, drivers' licenses and learners' permits

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 undesig-
3 nated paragraph as amended by chapter 248 of the laws of 2016, is
4 amended to read as follows:
5 2. Application. (a) 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 surren-
8 dered, 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:

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

LBD05830-12-9

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 health shall not maintain records of any person
5 who checks "skip this question". Except where the application is made in
6 person or electronically, failure to check a box shall not impair the
7 validity of an application, and failure to check "yes" or checking "skip
8 this question" shall not be construed to imply a wish not to donate. In
9 the case of an applicant under eighteen years of age, checking "yes"
10 shall not constitute consent to make an anatomical gift or registration
11 in the donate life registry, except as otherwise provided pursuant to
12 the provisions of paragraph (b) of subdivision one of section forty-
13 three hundred one of the public health law. Where an applicant has
14 previously consented to make an anatomical gift or registered in the
15 donate life registry, checking "skip this question" or failing to check
16 a box shall not impair that consent or registration.

17 (b) The identification card shall display the sex designation of M, F,
18 or X as certified by the applicant, with no additional documentation
19 required. The applicant may amend the sex designation of their identifi-
20 cation card upon request.

21 § 2. Subdivision 1 of section 502 of the vehicle and traffic law, as
22 amended by chapter 465 of the laws of 2012, the third undesignated para-
23 graph as amended by chapter 248 of the laws of 2016, is amended to read
24 as follows:

25 1. Application for license. Application for a driver's license shall
26 be made to the commissioner. The fee prescribed by law may be submitted
27 with such application. The applicant shall furnish such proof of identi-
28 ty, age, and fitness as may be required by the commissioner. The license
29 shall display the sex designation of M, F, or X as certified by the
30 applicant, with no additional documentation required. The applicant may
31 amend the sex designation of their driver's license upon request. Upon
32 amendment of the sex designation, the change shall be made consistent
33 through all affiliated records within the control of the department. The
34 commissioner may also provide that the application procedure shall
35 include the taking of a photo image or images of the applicant in
36 accordance with rules and regulations prescribed by the commissioner. In
37 addition, the commissioner also shall require that the applicant provide
38 ~~[his or her]~~ such applicant's social security number and shall provide
39 space on the application so that the applicant may register in the New
40 York state organ and tissue donor registry under section forty-three
41 hundred ten of the public health law with the following stated on the
42 application in clear and conspicuous type:

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

46 The commissioner of health shall not maintain records of any person
47 who checks "skip this question". Except where the application is made in
48 person or electronically, failure to check a box shall not impair the
49 validity of an application, and failure to check "yes" or checking "skip
50 this question" shall not be construed to imply a wish not to donate. In
51 the case of an applicant under eighteen years of age, checking "yes"
52 shall not constitute consent to make an anatomical gift or registration
53 in the donate life registry, except as otherwise provided pursuant to
54 the provisions of paragraph (b) of subdivision one of section forty-
55 three hundred one of the public health law. Where an applicant has
56 previously consented to make an anatomical gift or registered in the

1 donate life registry, checking "skip this question" or failing to check
2 a box shall not impair that consent or registration. In addition, an
3 applicant for a commercial driver's license who will operate a commer-
4 cial motor vehicle in interstate commerce shall certify that such appli-
5 cant meets the requirements to operate a commercial motor vehicle, as
6 set forth in public law 99-570, title XII, and title 49 of the code of
7 federal regulations, and all regulations promulgated by the United
8 States secretary of transportation under the hazardous materials trans-
9 portation act. In addition, an applicant for a commercial driver's
10 license shall submit a medical certificate at such intervals as required
11 by the federal motor carrier safety improvement act of 1999 and Part
12 383.71(h) of title 49 of the code of federal regulations relating to
13 medical certification and in a manner prescribed by the commissioner.
14 For purposes of this section and sections five hundred three, five
15 hundred ten-a, and five hundred ten-aa of this title, the terms "medical
16 certificate" and "medical certification" shall mean a form substantially
17 in compliance with the form set forth in Part 391.43(h) of title 49 of
18 the code of federal regulations. Upon a determination that the holder of
19 a commercial driver's license has made any false statement, with respect
20 to the application for such license, the commissioner shall revoke such
21 license.

22 § 3. This act shall take effect one year after it shall have become a
23 law. Effective immediately, the addition, amendment and/or repeal of any
24 rule or regulation necessary for the implementation of this act on its
25 effective date are authorized to be made and completed on or before such
26 date.