

# STATE OF NEW YORK

3892

2019-2020 Regular Sessions

## IN SENATE

February 20, 2019

Introduced by Sens. RANZENHOFER, GALLIVAN -- 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 and the election law, in relation to notification of the national bone marrow program; and to repeal certain provisions of the vehicle and traffic law relating thereto

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

1 Section 1. The vehicle and traffic law is amended by adding a new  
2 section 101-d to read as follows:

3 § 101-d. Bone marrow donor contact information. The national marrow  
4 donor program contact information including the mailing address, contact  
5 telephone number and website address.

6 § 2. Section 490 of the vehicle and traffic law is amended by adding a  
7 new subdivision 2-a to read as follows:

8 2-a. In addition to the provision of subdivision two of this section,  
9 the commissioner shall ensure that space is provided on the application  
10 to advise applicants of the existence of the national marrow donor  
11 program and to provide, at a minimum, the contact information for this  
12 program and a description of its purpose.

13 § 3. Subdivision 1 of section 502 of the vehicle and traffic law is  
14 REPEALED and a new subdivision 1 is added to read as follows:

15 1. Application for license. Application for a driver's license shall  
16 be made to the commissioner. The fee prescribed by law may be submitted  
17 with such application. The applicant shall furnish such proof of identi-  
18 ty, age, and fitness as may be required by the commissioner. The  
19 commissioner may also provide that the application procedure shall  
20 include the taking of a photo image or images of the applicant in  
21 accordance with rules and regulations prescribed by the commissioner. In  
22 addition, the commissioner also shall require that the applicant provide

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

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1 his or her social security number 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 health shall not maintain records of any person  
10 who checks "skip this question". Except where the application is made in  
11 person or electronically, failure to check a box shall not impair the  
12 validity of an application, and failure to check "yes" or checking "skip  
13 this question" shall not be construed to imply a wish not to donate. In  
14 the case of an applicant under eighteen years of age, checking "yes"  
15 shall not constitute consent to make an anatomical gift or registration  
16 in the donate life registry, except as otherwise provided pursuant to  
17 the provisions of paragraph (b) of subdivision one of section forty-  
18 three hundred one of the public health law. Where an applicant has  
19 previously consented to make an anatomical gift or registered in the  
20 donate life registry, checking "skip this question" or failing to check  
21 a box shall not impair that consent or registration. In addition, the  
22 commissioner also shall require that space shall be provided on the  
23 application so that the applicant may request a notation upon such  
24 license that he or she is a veteran of the United States armed forces.  
25 Additionally, the commissioner shall ensure that space is provided on  
26 the application to advise applicants of the existence of the national  
27 marrow donor program and to provide, at a minimum, the contact informa-  
28 tion for this program and a description of its purpose.

29 In addition, an applicant for a commercial driver's license who will  
30 operate a commercial motor vehicle in interstate commerce shall certify  
31 that such applicant meets the requirements to operate a commercial motor  
32 vehicle, as set forth in public law 99-570, title XII, and title 49 of  
33 the code of federal regulations, and all regulations promulgated by the  
34 United States secretary of transportation under the hazardous materials  
35 transportation 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 § 4. Section 508 of the vehicle and traffic law is amended by adding a  
49 new subdivision 6 to read as follows:

50 6. The commissioner is directed to develop the license application and  
51 renewal forms and the directions accompanying these forms to advise  
52 applicants of the existence of the national marrow donor program and to  
53 provide, at a minimum, the contact information for this program and a  
54 description of its purpose, and to further amend the website of the  
55 department to provide national marrow donor program contact information  
56 and a description of its purpose.

1 § 5. Section 1-104 of the election law is amended by adding a new  
2 subdivision 38 to read as follows:

3 38. The term "bone marrow contact information" shall mean the national  
4 marrow donor program contact information including the mailing address,  
5 contact telephone number and website address.

6 § 6. Paragraph (k) of subdivision 5 of section 5-210 of the election  
7 law is amended by adding a new subparagraph (xiii) to read as follows:

8 (xiii) Notification of the national bone marrow program contact infor-  
9 mation and a description of its purpose.

10 § 7. Notwithstanding any other provision of law, rule or regulation to  
11 the contrary, the department of motor vehicles shall revise the paper  
12 applications or renewal forms to include the information pertaining to  
13 the national bone marrow program pursuant to sections one, two, three  
14 and four of this act when the current stock of forms have been depleted.

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