

# STATE OF NEW YORK

5972

2019-2020 Regular Sessions

## IN SENATE

May 16, 2019

Introduced by Sen. SERRANO -- 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 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. Section 490 of the vehicle and traffic law, is amended by  
2 adding a new subdivision 2-a to read as follows:

3 2-a. In addition to the provisions of subdivision two of this section,  
4 the commissioner shall ensure that space is provided on the application  
5 so that the applicant shall indicate a declaration relating to the  
6 designation of a health care proxy pursuant to section twenty-nine  
7 hundred eighty-one of the public health law and that the following is  
8 typed in clear and conspicuous type:

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

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

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

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

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

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

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(b) The identification card shall contain a distinguishing number or mark and adequate space upon which an anatomical gift, pursuant to article forty-three of the public health law, a declaration relating to a health care proxy, pursuant to section twenty-nine hundred eighty-one of the public health law, and a declaration relating to the use of life-sustaining treatments by the holder may be recorded and shall contain such other information and shall be issued in such form as the commissioner shall determine; provided, however, every identification card or renewal thereof issued to a person under the age of twenty-one years shall have prominently imprinted thereon the statement "UNDER 21 YEARS OF AGE" in notably distinctive print or format. Provided, further, however, that every identification card issued to an applicant who was a member of the armed forces of the United States and received an honorable discharge or was released therefrom under honorable conditions shall, upon his or her request and submission of proof as set forth herein, contain a distinguishing mark, in such form as the commissioner shall determine, indicating that he or she is a veteran. Such proof shall consist of a certificate of release or discharge from active duty including but not limited to a DD Form 214 or other proof satisfactory to the commissioner. The commissioner shall not require fees for the issuance of such identification cards or renewals thereof to persons under twenty-one years of age which are different from the fees required for the issuance of identification cards or renewals thereof to persons twenty-one years of age or over, nor fees to persons requesting a veteran distinguishing mark which are different from fees that would otherwise be required. Provided, however, that notwithstanding the provisions of section four hundred ninety-one of this article, the commissioner shall not require any fees for the duplication or amendment of an identification card prior to its renewal if such duplication or amendment was solely for the purpose of adding a veteran distinguishing mark to such identification card.

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

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

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

The commissioner of the department of health shall not maintain records of any person who checks "skip this question". Failure to check a box shall not impair the validity of an application, and failure to check "yes" or checking "skip this question" shall not be construed to imply a wish not to donate. In the case of an applicant under eighteen

1 years of age, checking "yes" shall not constitute consent to make an  
2 anatomical gift or registration in the donate life registry. Where an  
3 applicant has previously consented to make an anatomical gift or regis-  
4 tered in the donate life registry, checking "skip this question" or  
5 failing to check a box shall not impair that consent or registration. In  
6 addition, the commissioner also shall require that space shall be  
7 provided on the application so that the applicant may request a notation  
8 upon such license that he or she is a veteran of the United States armed  
9 forces. Additionally, the commissioner shall ensure that space is  
10 provided on the application so that the applicant shall indicate a  
11 declaration relating to the designation of a health care proxy pursuant  
12 to section twenty-nine hundred eighty-one of the public health law and  
13 that the following is typed in clear and conspicuous type:

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

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

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

23 The commissioner shall make whatever provisions are feasible and  
24 desirable to maintain and issue all suitable documents regarding  
25 advanced directives at driver's license examining offices. In addition,  
26 an applicant for a commercial driver's license who will operate a  
27 commercial motor vehicle in interstate commerce shall certify that such  
28 applicant meets the requirements to operate a commercial motor vehicle,  
29 as set forth in public law 99-570, title XII, and title 49 of the code  
30 of federal regulations, and all regulations promulgated by the United  
31 States secretary of transportation under the hazardous materials trans-  
32 portation act. In addition, an applicant for a commercial driver's  
33 license shall submit a medical certificate at such intervals as required  
34 by the federal motor carrier safety improvement act of 1999 and Part  
35 383.71(h) of title 49 of the code of federal regulations relating to  
36 medical certification and in a manner prescribed by the commissioner.  
37 For purposes of this section and sections five hundred three, five  
38 hundred ten-a, and five hundred ten-aa of this title, the terms "medical  
39 certificate" and "medical certification" shall mean a form substantially  
40 in compliance with the form set forth in Part 391.43(h) of title 49 of  
41 the code of federal regulations. Upon a determination that the holder of  
42 a commercial driver's license has made any false statement, with respect  
43 to the application for such license, the commissioner shall revoke such  
44 license.

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

47 1. Application for license. Application for a driver's license shall  
48 be made to the commissioner. The fee prescribed by law may be submitted  
49 with such application. The applicant shall furnish such proof of identi-  
50 ty, age, and fitness as may be required by the commissioner. Eligibility  
51 for a driver's license shall not be conditioned on a particular immi-  
52 gration status. The commissioner may also provide that the application  
53 procedure shall include the taking of a photo image or images of the  
54 applicant in accordance with rules and regulations prescribed by the  
55 commissioner. In addition, the commissioner also shall require that the  
56 applicant provide his or her social security number where such applicant

1 is a legal immigrant and [~~shall~~] provide space on the application so  
2 that the applicant may register in the New York state organ and tissue  
3 donor registry under section forty-three hundred ten of the public  
4 health law [~~with the following stated on the application in clear and~~  
5 ~~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. Where 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. Additionally, the commissioner shall ensure that space is  
23 provided on the application so that the applicant shall indicate a  
24 declaration relating to the designation of a health care proxy pursuant  
25 to section twenty-nine hundred eighty-one of the public health law and  
26 that the following is typed in clear and conspicuous type:

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

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

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

36 The commissioner shall make whatever provisions are feasible and  
37 desirable to maintain and issue all suitable documents regarding  
38 advanced directives at driver's license examining offices. In addition,  
39 an applicant for a commercial driver's license who will operate a  
40 commercial motor vehicle in interstate commerce shall certify that such  
41 applicant meets the requirements to operate a commercial motor vehicle,  
42 as set forth in public law 99-570, title XII, and title 49 of the code  
43 of federal regulations, and all regulations promulgated by the United  
44 States secretary of transportation under the hazardous materials trans-  
45 portation act. In addition, an applicant for a commercial driver's  
46 license shall submit a medical certificate at such intervals as required  
47 by the federal motor carrier safety improvement act of 1999 and Part  
48 383.71(h) of title 49 of the code of federal regulations relating to  
49 medical certification and in a manner prescribed by the commissioner.  
50 For purposes of this section and sections five hundred three, five  
51 hundred ten-a, and five hundred ten-aa of this title, the terms "medical  
52 certificate" and "medical certification" shall mean a form substantially  
53 in compliance with the form set forth in Part 391.43(h) of title 49 of  
54 the code of federal regulations. Upon a determination that the holder of  
55 a commercial driver's license has made any false statement, with respect

1 to the application for such license, the commissioner shall revoke such  
2 license.

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

6 (a) Every license or renewal thereof shall contain a distinguishing  
7 mark and adequate space upon which an anatomical gift, pursuant to  
8 section forty-three hundred ten of the public health law, by the licen-  
9 see shall be recorded and shall contain such other information and shall  
10 be issued in such form as the commissioner shall determine; provided,  
11 however, every license or renewal thereof issued to a person under the  
12 age of twenty-one years shall have prominently imprinted upon it the  
13 statement "UNDER 21 YEARS OF AGE" in notably distinctive print or  
14 format; provided further, however, every license or renewal thereof  
15 issued to a person making an anatomical gift shall have prominently  
16 printed upon the front of such license or renewal thereof the statement  
17 "ORGAN DONOR" in notably distinctive print or format; provided that  
18 every license shall have imprinted on the back "Designated health care  
19 agent:" followed by a space for the health care agent's name and contact  
20 information; and provided further that every license shall have  
21 imprinted on the back "Executed declaration relating to life-sustaining  
22 treatment;" followed by a space to mark the appropriate box "Yes" or  
23 "No". The commissioner shall not require fees for the issuance of such  
24 licenses or renewals thereof to persons under twenty-one years of age or  
25 to persons making an anatomical gift which are different from the fees  
26 required for the issuance of licenses or renewals thereof to persons  
27 twenty-one years of age or over or to persons not making an anatomical  
28 gift.

29 § 6. This act shall take effect immediately; provided, however, that  
30 section three of this act shall take effect on the one hundred eightieth  
31 day after it shall have become a law, and section four of this act shall  
32 take effect October 3, 2022.