

STATE OF NEW YORK

6447

2019-2020 Regular Sessions

IN SENATE

June 11, 2019

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the vehicle and traffic law, in relation to the placement of a discreet disability designation on non-driver identification cards, drivers' licenses and learners' permits and making technical and conforming changes; and to repeal section 2 of chapter 487 of the laws of 2012, relating to forms of identification cards and licenses of veterans

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

1 Section 1. Paragraph (a) of subdivision 3 of section 490 of the vehicle and traffic law, is amended by adding a new subparagraph (iv) to read as follows:

2 (iv) The commissioner shall provide space so that an applicant may
3 request a notation upon such identification card that such applicant has
4 a disability. An applicant requesting a notation of disability shall
5 submit either a copy of such applicant's social security disability
6 benefit verification letter or a form, to be promulgated by the commis-
7 sioner in consultation with the commissioner of health, commissioner of
8 mental health, the commissioner of the office for people with develop-
9 mental disabilities and the commissioner of alcoholism and substance
10 abuse services, verifying that such applicant has a disability, includ-
11 ing chronic illness or pain. Such form shall be signed by:

12 (A) a licensed physician, including a licensed neurologist or a
13 licensed psychiatrist;

14 (B) a commissioned medical officer of the armed forces of the United
15 States;

16 (C) a licensed physician assistant;

17 (D) a licensed podiatrist;

18 (E) a certified nurse practitioner;

19 (F) a licensed physical therapist; or

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

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1 (G) a licensed psychologist.

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

5 (b) The identification card shall contain a distinguishing number or
6 mark and adequate space upon which an anatomical gift, pursuant to arti-
7 cle forty-three of the public health law, by the holder may be recorded
8 and shall contain such other information and shall be issued in such
9 form as the commissioner shall determine; provided, however, every iden-
10 tification card or renewal thereof issued to a person under the age of
11 twenty-one years shall have prominently imprinted thereon the statement
12 "UNDER 21 YEARS OF AGE" in notably distinctive print or format.
13 Provided, further, however, that every identification card issued to an
14 applicant who was a member of the armed forces of the United States and
15 received an honorable discharge or was released therefrom under honor-
16 able conditions shall, upon his or her request and submission of proof
17 as set forth herein, contain a distinguishing mark, in such form as the
18 commissioner shall determine, indicating that he or she is a veteran.
19 Such proof shall consist of a certificate of release or discharge from
20 active duty including but not limited to a DD Form 214 or other proof
21 satisfactory to the commissioner. Provided, further, that every iden-
22 tification card issued to an applicant who has a disability shall, upon
23 the request of such applicant pursuant to the provisions of subparagraph
24 (iv) of paragraph (a) of this subdivision, contain a distinguishing
25 mark, in such form as the commissioner shall determine, which is
26 discreet and represents all types of disabilities, including cognitive,
27 neurological or physical disabilities. The commissioner shall not
28 require fees for the issuance of such identification cards or renewals
29 thereof to persons under twenty-one years of age which are different
30 from the fees required for the issuance of identification cards or
31 renewals thereof to persons twenty-one years of age or over, nor fees to
32 persons requesting a veteran distinguishing mark which are different
33 from fees that would otherwise be required, nor fees to persons request-
34 ing a disability distinguishing mark which are different from fees that
35 would otherwise be required. Provided, however, that notwithstanding
36 the provisions of section four hundred ninety-one of this article, the
37 commissioner shall not require any fees for the duplication or amendment
38 of an identification card prior to its renewal if such duplication or
39 amendment was solely for the purpose of adding a veteran distinguishing
40 mark or a disability distinguishing mark to such identification card.

41 § 3. Subdivision 1 of section 502 of the vehicle and traffic law, as
42 amended by chapter 465 of the laws of 2012, the third undesignated para-
43 graph as amended by chapter 248 of the laws of 2016, is amended to read
44 as follows:

45 1. Application for license. Application for a driver's license shall
46 be made to the commissioner. The fee prescribed by law may be submitted
47 with such application. The applicant shall furnish such proof of identi-
48 ty, age, and fitness as may be required by the commissioner. The commis-
49 sioner may also provide that the application procedure shall include the
50 taking of a photo image or images of the applicant in accordance with
51 rules and regulations prescribed by the commissioner. In addition, the
52 commissioner also shall require that the applicant provide his or her
53 social security number and shall provide space on the application so
54 that the applicant may register in the New York state organ and tissue
55 donor registry under section forty-three hundred ten of the public

1 health law with the following stated on the application in clear and
2 conspicuous type:

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

6 The commissioner of health shall not maintain records of any person
7 who checks "skip this question". Except where the application is made in
8 person or electronically, failure to check a box shall not impair the
9 validity of an application, and failure to check "yes" or checking "skip
10 this question" shall not be construed to imply a wish not to donate. In
11 the case of an applicant under eighteen years of age, checking "yes"
12 shall not constitute consent to make an anatomical gift or registration
13 in the donate life registry, except as otherwise provided pursuant to
14 the provisions of paragraph (b) of subdivision one of section forty-
15 three hundred one of the public health law. Where an applicant has
16 previously consented to make an anatomical gift or registered in the
17 donate life registry, checking "skip this question" or failing to check
18 a box shall not impair that consent or registration. In addition, the
19 commissioner shall provide space on the application so that the appli-
20 cant may request a notation upon such license that such applicant is a
21 veteran of the United States armed forces. In addition, the commissioner
22 shall provide space on the application so that the applicant may request
23 a notation upon such license that such applicant has a disability. In
24 addition, an applicant for a commercial driver's license who will oper-
25 ate a commercial motor vehicle in interstate commerce shall certify that
26 such applicant meets the requirements to operate a commercial motor
27 vehicle, as set forth in public law 99-570, title XII, and title 49 of
28 the code of federal regulations, and all regulations promulgated by the
29 United States secretary of transportation under the hazardous materials
30 transportation 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 § 4. Section 2 of chapter 487 of the laws of 2012 is REPEALED.

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

46 (a-2) Every license or renewal thereof issued to an applicant who has
47 a disability shall, upon the request of such applicant and submission of
48 verification of such disability as set forth herein, contain a distin-
49 guishing mark, in such form as the commissioner shall determine, which
50 is discreet and represents all types of disabilities, including cogni-
51 tive, neurological or physical disabilities. An applicant requesting a
52 notation of disabled status shall submit either a copy of such appli-
53 cant's social security disability benefit verification letter or a form,
54 to be promulgated by the commissioner in consultation with the commis-
55 sioner of health, commissioner of mental health, the commissioner of the
56 office for people with developmental disabilities and the commissioner

1 of alcoholism and substance abuse services, verifying that such appli-
2 cant has a disability, including chronic illness or pain. Such form
3 shall be signed by (i) a licensed physician, including a licensed
4 neurologist or a licensed psychiatrist, (ii) a commissioned medical
5 officer of the armed forces of the United States, (iii) a licensed
6 physician assistant, (iv) a licensed podiatrist, (v) a certified nurse
7 practitioner, (vi) a licensed physical therapist, or (vii) a licensed
8 psychologist. The commissioner shall not require fees for the issuance
9 of such licenses or renewals thereof to persons requesting a disability
10 distinguishing mark which are different from fees otherwise required;
11 provided, however, that notwithstanding the provisions of this section,
12 the commissioner shall not require fees for a duplication or amendment
13 of a license prior to its renewal if such duplication or amendment was
14 solely for the purpose of adding a disability distinguishing mark to
15 such license.

16 § 6. This act shall take effect on the thirtieth day after it shall
17 have become a law. Effective immediately, the addition, amendment
18 and/or repeal of any rule or regulation necessary for the implementation
19 of this act on its effective date are authorized to be made and
20 completed on or before such effective date.