

# STATE OF NEW YORK

6890

2019-2020 Regular Sessions

## IN SENATE

December 6, 2019

Introduced by Sen. THOMAS -- 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 including if a person has autism spectrum disorder on his or her driver's license; 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. Autism spectrum disorder. In addition to the provisions of subdivi-  
4 vision two of this section, the commissioner shall ensure that space is  
5 provided on the application so that the applicant shall indicate if he  
6 or she has autism spectrum disorder and that the following is typed in  
7 clear and conspicuous type:

8 "You must fill out the following section: Are you a person with autism  
9 spectrum disorder? Check box for 'yes' or 'skip this question'."

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

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

16 (b) The identification card shall contain a distinguishing number or  
17 mark and adequate space upon which an anatomical gift, pursuant to arti-  
18 cle forty-three of the public health law, by the holder may be recorded  
19 and shall contain such other information and shall be issued in such  
20 form as the commissioner shall determine; provided, however, every iden-  
21 tification card or renewal thereof issued to a person with autism spec-  
22 trum disorder shall contain a distinctive mark; provided, however, every  
23 identification card or renewal thereof issued to a person under the age  
24 of twenty-one years shall have prominently imprinted thereon the state-

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

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ment "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. With respect to a non-commercial driver's license or learner's permit which does not meet federal standards for identification, in addition to the acceptable proofs of age and identity approved by the commissioner as of January first, two thousand nineteen, acceptable proof of identity shall also include, but not be limited to, a valid, unexpired foreign passport issued by the applicant's country of citizenship (which shall also be eligible as proof of age), a valid, unexpired consular identification document issued by a consulate from the applicant's country of citizenship, or a valid foreign driver's license that includes a photo image of the applicant and which is unexpired or expired for less than twenty-four months of its date of expiration, as primary forms of such proof. Nothing contained in this subdivision shall be deemed to preclude the commissioner from approving additional proofs of identity and age. 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 or, in lieu thereof, with respect to an application for a non-commercial driver's license or learner's permit which does not meet federal standards for identification, an affidavit signed by such applicant that they have not been issued a social security number. The commissioner also 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'."

1     The commissioner of health shall not maintain records of any person  
2 who checks "skip this question". Except where the application is made in  
3 person or electronically, failure to check a box shall not impair the  
4 validity of an application, and failure to check "yes" or checking "skip  
5 this question" shall not be construed to imply a wish not to donate. In  
6 the case of an applicant under eighteen years of age, checking "yes"  
7 shall not constitute consent to make an anatomical gift or registration  
8 in the donate life registry, except as otherwise provided pursuant to  
9 the provisions of paragraph (b) of subdivision one of section forty-  
10 three hundred one of the public health law. Where an applicant has  
11 previously consented to make an anatomical gift or registered in the  
12 donate life registry, checking "skip this question" or failing to check  
13 a box shall not impair that consent or registration. In addition, an  
14 applicant for a commercial driver's license who will operate a commer-  
15 cial motor vehicle in interstate commerce shall certify that such appli-  
16 cant meets the requirements to operate a commercial motor vehicle, as  
17 set forth in public law 99-570, title XII, and title 49 of the code of  
18 federal regulations, and all regulations promulgated by the United  
19 States secretary of transportation under the hazardous materials trans-  
20 portation act. In addition, the commissioner shall ensure that space is  
21 provided on the application so that the applicant shall indicate a  
22 declaration relating to if the applicant is a person with autism spec-  
23 trum disorder that the following is typed in clear and conspicuous type:

24     "You must fill out the following section: Are you a person with autism  
25 spectrum disorder? Check box for 'yes' or 'skip this question'."

26     The commissioner shall make whatever provisions are feasible and  
27 desirable to maintain and issue all suitable documents regarding  
28 advanced directives at driver's license examining offices. In addition,  
29 an applicant for a commercial driver's license shall submit a medical  
30 certificate at such intervals as required by the federal motor carrier  
31 safety improvement act of 1999 and Part 383.71(h) of title 49 of the  
32 code of federal regulations relating to medical certification and in a  
33 manner prescribed by the commissioner. For purposes of this section and  
34 sections five hundred three, five hundred ten-a, and five hundred ten-aa  
35 of this title, the terms "medical certificate" and "medical certif-  
36 ication" shall mean a form substantially in compliance with the form set  
37 forth in Part 391.43(h) of title 49 of the code of federal regulations.  
38 Upon a determination that the holder of a commercial driver's license  
39 has made any false statement, with respect to the application for such  
40 license, the commissioner shall revoke such license.

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

44     (a) Every license or renewal thereof shall contain a distinguishing  
45 mark and adequate space upon which an anatomical gift, pursuant to  
46 section forty-three hundred ten of the public health law, by the licen-  
47 see shall be recorded and shall contain such other information and shall  
48 be issued in such form as the commissioner shall determine; provided,  
49 however, every license or renewal thereof issued to a person under the  
50 age of twenty-one years shall have prominently imprinted upon it the  
51 statement "UNDER 21 YEARS OF AGE" in notably distinctive print or  
52 format; provided further, however, every license or renewal thereof  
53 issued to a person making an anatomical gift shall have prominently  
54 printed upon the front of such license or renewal thereof the statement  
55 "ORGAN DONOR" in notably distinctive print or format; provided that  
56 every license or renewal thereof issued to a person who has indicated on

1 an application or renewal that he or she is a person with autism spec-  
2 trum disorder shall have imprinted on the front of such license or  
3 renewal thereof a distinctive mark which indicates such. The commission-  
4 er shall not require fees for the issuance of such licenses or renewals  
5 thereof to persons under twenty-one years of age ~~[or]~~ to persons making  
6 an anatomical gift or to a person with autism spectrum disorder which  
7 are different from the fees required for the issuance of licenses or  
8 renewals thereof to persons twenty-one years of age or over ~~[or]~~ to  
9 persons not making an anatomical gift or to persons who did not indicate  
10 on an application or renewal that they are a person with autism spectrum  
11 disorder.

12 § 5. This act shall take effect immediately; provided, however, that  
13 section three of this act shall take effect on the one hundred eightieth  
14 day after it shall have become a law.