

# STATE OF NEW YORK

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91

2019-2020 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 9, 2019

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Introduced by M. of A. PERRY -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to identification requirements for obtaining a 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. Subparagraph (i) of paragraph (a) of subdivision 3 of  
2 section 490 of the vehicle and traffic law, as amended by chapter 487 of  
3 the laws of 2012, is amended to read as follows:

4 (i) The commissioner shall upon submission of an appropriate applica-  
5 tion, upon payment of the prescribed fee, and upon being satisfied that  
6 the person described is the applicant and that such applicant meets the  
7 requirements set forth in subdivision two of this section, issue to such  
8 applicant a nontransferable identification card. In addition, the  
9 commissioner also shall require that an applicant for an identification  
10 card or renewal thereof provide his or her social security number or a  
11 foreign passport as proof of identity, provided that the passport exhib-  
12 its proof of the applicant's legal entry into the United States. The  
13 commissioner shall provide space so that an applicant may request a  
14 notation upon such identification card that he or she is a veteran of  
15 the United States armed forces.

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17 REPEALED and a new subdivision 1 is added to read as follows:

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

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

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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 a foreign passport as proof of identity, provided that the passport exhibits proof of the applicant's legal entry into the United States, 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 years of age, checking "yes" shall not constitute consent to make an anatomical gift or registration in the donate life registry. Where an applicant has previously consented to make an anatomical gift or registered in the donate life registry, checking "skip this question" or failing to check a box shall not impair that consent or registration. In addition, the commissioner shall provide space so that an applicant may request a notation upon such identification card that he or she is a veteran of the United States armed forces. In addition, an applicant for a commercial driver's license who will operate a commercial motor vehicle in interstate commerce shall certify that such applicant meets the requirements to operate a commercial motor vehicle, as set forth in public law 99-570, title XII, and title 49 of the code of federal regulations, and all regulations promulgated by the United States secretary of transportation under the hazardous materials transportation act. In addition, an applicant for a commercial driver's license shall submit a medical certificate at such intervals as required by the federal motor carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of the code of federal regulations relating to medical certification and in a manner prescribed by the commissioner. For purposes of this section and sections five hundred three, five hundred ten-a, and five hundred ten-aa of this title, the terms "medical certificate" and "medical certification" shall mean a form substantially in compliance with the form set forth in Part 391.43(h) of title 49 of the code of federal regulations. Upon a determination that the holder of a commercial driver's license has made any false statement, with respect to the application for such license, the commissioner shall revoke such license.

§ 3. Subdivision 1 of section 502 of the vehicle and traffic law, as added by section two of this act, is amended 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. 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 a foreign passport as proof of identity, provided that the passport exhibits proof of the applicant's legal entry into the United States, and ~~shall~~ provide space on the application so

1 that the applicant may register in the New York state organ and tissue  
2 donor registry under section forty-three hundred ten of the public  
3 health law [~~with the following stated on the application in clear and~~  
4 ~~conspicuous type:~~

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

8 ~~The commissioner of the department of health shall not maintain~~  
9 ~~records of any person who checks "skip this question". Failure to check~~  
10 ~~a box shall not impair the validity of an application, and failure to~~  
11 ~~check "yes" or checking "skip this question" shall not be construed to~~  
12 ~~imply a wish not to donate. In the case of an applicant under eighteen~~  
13 ~~years of age, checking "yes" shall not constitute consent to make an~~  
14 ~~anatomical gift or registration in the donate life registry. Where an~~  
15 ~~applicant has previously consented to make an anatomical gift or regis-~~  
16 ~~tered in the donate life registry, checking "skip this question" or~~  
17 ~~failing to check a box shall not impair that consent or registration].~~

18 In addition, the commissioner shall provide space so that an applicant  
19 may request a notation upon such identification card that he or she is a  
20 veteran of the United States armed forces. In addition, an applicant for  
21 a commercial driver's license who will operate a commercial motor vehi-  
22 cle in interstate commerce shall certify that such applicant meets the  
23 requirements to operate a commercial motor vehicle, as set forth in  
24 public law 99-570, title XII, and title 49 of the code of federal regu-  
25 lations, and all regulations promulgated by the United States secretary  
26 of transportation under the hazardous materials transportation act. In  
27 addition, an applicant for a commercial driver's license shall submit a  
28 medical certificate at such intervals as required by the federal motor  
29 carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of  
30 the code of federal regulations relating to medical certification and in  
31 a manner prescribed by the commissioner. For purposes of this section  
32 and sections five hundred three, five hundred ten-a, and five hundred  
33 ten-aa of this title, the terms "medical certificate" and "medical  
34 certification" shall mean a form substantially in compliance with the  
35 form set forth in Part 391.43(h) of title 49 of the code of federal  
36 regulations. Upon a determination that the holder of a commercial driv-  
37 er's license has made any false statement, with respect to the applica-  
38 tion for such license, the commissioner shall revoke such license.

39 § 4. This act shall take effect on the ninetieth day after it shall  
40 have become a law; provided, however, that section three of this act  
41 shall take effect October 3, 2020.