

# STATE OF NEW YORK

2305

2021-2022 Regular Sessions

## IN ASSEMBLY

January 14, 2021

Introduced by M. of A. L. ROSENTHAL, GALEF -- read once and referred 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14 REPEALED and a new subdivision 1 is added to read as follows: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  
23 his or her social security number and shall provide space on the appli-

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

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

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

47 § 4. Section 508 of the vehicle and traffic law is amended by adding a  
48 new subdivision 6 to read as follows:

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

1     § 5. Section 1-104 of the election law is amended by adding a new  
2 subdivision 39 to read as follows:

3     39. 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 (xiv) to read as follows:

8     (xiv) 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.