

STATE OF NEW YORK

5667

2021-2022 Regular Sessions

IN ASSEMBLY

February 22, 2021

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

AN ACT to amend the vehicle and traffic law, in relation to repealing the driver's license access and privacy act; to repeal certain provisions of such law relating thereto; and to repeal section 7 of chapter 39 of the laws of 2019, amending the vehicle and traffic law relating to the issuance of non-commercial drivers' licenses and learners' permits; and to repeal subdivision 1 of section 502 of the vehicle and traffic law

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

1 Section 1. Subdivisions 8, 9, 10, 11, and 12 of section 201 of the
2 vehicle and traffic law are REPEALED.

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4 REPEALED and a new subdivision 1 is added to read as follows:

5 1. Application for license. Application for a driver's license shall
6 be made to the commissioner. The fee prescribed by law may be submitted
7 with such application. The applicant shall furnish such proof of identi-
8 ty, age, and fitness as may be required by the commissioner. The
9 commissioner may also provide that the application procedure shall
10 include the taking of a photo image or images of the applicant in
11 accordance with rules and regulations prescribed by the commissioner. In
12 addition, the commissioner also shall require that the applicant provide
13 his or her social security number and shall provide space on the appli-
14 cation so that the applicant may register in the New York state organ
15 and tissue donor registry under section forty-three hundred ten of the
16 public health law with the following stated on the application in clear
17 and conspicuous type:

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

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

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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, an applicant for a commercial driver's
21 license shall submit a medical certificate at such intervals as required
22 by the federal motor carrier safety improvement act of 1999 and Part
23 383.71(h) of title 49 of the code of federal regulations relating to
24 medical certification and in a manner prescribed by the commissioner.
25 For purposes of this section and sections five hundred three, five
26 hundred ten-a, and five hundred ten-aa of this title, the terms "medical
27 certificate" and "medical certification" shall mean a form substantially
28 in compliance with the form set forth in Part 391.43(h) of title 49 of
29 the code of federal regulations. Upon a determination that the holder of
30 a commercial driver's license has made any false statement, with respect
31 to the application for such license, the commissioner shall revoke such
32 license.

33 § 3. Paragraph (a) of subdivision 6 of section 502 of the vehicle and
34 traffic law, as amended by chapter 37 of the laws of 2019, is amended to
35 read as follows:

36 (a) A license issued pursuant to subdivision five of this section
37 shall be valid until the expiration date contained thereon, unless such
38 license is suspended, revoked or cancelled. Such license may be renewed
39 by submission of an application for renewal, the fee prescribed by law,
40 proofs of prior licensing, fitness and acceptable vision prescribed by
41 the commissioner, the applicant's social security number [~~er, in lieu~~
42 ~~thereof, with respect to an application for a non-commercial driver's~~
43 ~~license or learner's permit which does not meet federal standards for~~
44 ~~identification, an affidavit signed by such applicant that they have not~~
45 ~~been issued a social security number~~], and if required by the commis-
46 sioner, a photo image of the applicant in such numbers and form as the
47 commissioner shall prescribe. In addition, an applicant for renewal of a
48 license containing a hazardous material endorsement shall pass an exam-
49 ination to retain such endorsement. The commissioner shall, with respect
50 to the renewal of a hazardous materials endorsement, comply with the
51 requirements imposed upon states by sections 383.141 and 1572.13 of
52 title 49 of the code of federal regulations. A renewal of such license
53 shall be issued by the commissioner upon approval of such application,
54 except that no such license shall be issued if its issuance would be
55 inconsistent with the provisions of section five hundred sixteen of this
56 title, and except that the commissioner may refuse to renew such license

1 if the applicant is the holder of a currently valid or renewable license
2 to drive issued by another state or foreign country unless the applicant
3 surrenders such license.

4 § 4. Subdivisions 7 and 8 of section 502 of the vehicle and traffic
5 law are REPEALED and a new subdivision 7 is added to read as follows:

6 7. Compliance with selective service act required. (a) All persons who
7 are at least eighteen years of age but less than twenty-six years of age
8 who apply to the commissioner for a learner's permit, driver's license,
9 renewal of license, or non-driver's identification card, shall either:
10 (i) be in compliance with the requirements of the military selective
11 service act as provided for pursuant to 50 U.S.C. App 451 et. seq., as
12 amended, or (ii) consent to permit the commissioner to forward such
13 information as is required to register such individual with the selec-
14 tive service system, if such individual must be registered pursuant to
15 such act.

16 (b) The commissioner shall forward in an electronic format the neces-
17 sary personal information required for registration of such individuals
18 specified in paragraph (a) of this subdivision with the selective
19 service system. Such individual's application to the commissioner for a
20 learner's permit, driver's license, renewal of license or non-driver's
21 identification card shall serve as an indication that the applicant has
22 already registered with the military selective service act or that such
23 individual is authorizing the commissioner to forward to the selective
24 service system the necessary information for such selective service
25 registration. The commissioner shall notify such applicants on the
26 application form that any application for a learner's permit, driver's
27 license, renewal of license or non-driver's identification card shall
28 serve as consent to be registered with the selective service system, if
29 so required by federal law.

30 § 5. Subdivisions 2 and 3 of section 508 of the vehicle and traffic
31 law, as amended by chapter 37 of the laws of 2019, are amended to read
32 as follows:

33 2. Any application required to be filed under this article shall be in
34 a manner and on a form or forms prescribed by the commissioner. The
35 applicant shall furnish all information required by statute and~~[, except~~
36 ~~as otherwise provided in this title,~~] such other information as the
37 commissioner shall deem appropriate.

38 3. License record. The commissioner shall keep a record of every
39 license issued which record shall be open to public inspection during
40 reasonable business hours. ~~[Provided, however, that the following infor-~~
41 ~~mation whenever contained within the record of non-commercial drivers'~~
42 ~~licenses and learners' permits shall not be open to public inspection:~~
43 ~~the photo image, social security number, client identification number,~~
44 ~~name, address, telephone number, place of birth, country of origin,~~
45 ~~place of employment, school or educational institution attended, source~~
46 ~~of income, status as a recipient of public benefits, the customer iden-~~
47 ~~tification number associated with a public utilities account, medical~~
48 ~~information or disability information of any holders of, or applicants~~
49 ~~for, such licenses and permits, and whether such licenses or permits~~
50 ~~meet federal standards for identification or do not meet federal stand-~~
51 ~~ards for identification.]~~ Neither the commissioner nor his agent shall
52 be required to allow the inspection of an application, or to furnish a
53 copy thereof, or information therefrom, until a license has been issued
54 thereon.

1 § 6. Section 7 of chapter 37 of the laws of 2019, amending the vehicle
2 and traffic law relating to the issuance of non-commercial drivers'
3 licenses and learners' permits, is REPEALED.

4 § 7. This act shall take effect immediately. Effective immediately,
5 the addition, amendment and/or repeal of any rule or regulation neces-
6 sary for the implementation of this act on its effective date are
7 authorized to be made and completed on or before such date.