

STATE OF NEW YORK

3925

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

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

AN ACT to amend the vehicle and traffic law, in relation to applications for licenses; 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. Subdivision 1 of section 502 of the vehicle and traffic
2 law, as amended by chapter 37 of the laws of 2019, is amended to read as
3 follows:

4 1. Application for license. Application for a driver's license shall
5 be made to the commissioner. The fee prescribed by law may be submitted
6 with such application. The applicant shall furnish such proof of identi-
7 ty, age, and fitness as may be required by the commissioner. With
8 respect to a non-commercial driver's license or learner's permit which
9 does not meet federal standards for identification, in addition to the
10 acceptable proofs of age and identity approved by the commissioner as of
11 January first, two thousand nineteen, acceptable proof of identity shall
12 also include, but not be limited to, a valid, unexpired foreign passport
13 issued by the applicant's country of citizenship (which shall also be
14 eligible as proof of age), a valid, unexpired consular identification
15 document issued by a consulate from the applicant's country of citizen-
16 ship, or a valid foreign driver's license that includes a photo image of
17 the applicant and which is unexpired or expired for less than twenty-
18 four months of its date of expiration, as primary forms of such proof.
19 Nothing contained in this subdivision shall be deemed to preclude the
20 commissioner from approving additional proofs of identity and age. The
21 commissioner may also provide that the application procedure shall
22 include the taking of a photo image or images of the applicant in
23 accordance with rules and regulations prescribed by the commissioner. In
24 addition, the commissioner also shall require that the applicant provide

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

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1 his or her social security number or, in lieu thereof, with respect to
2 an application for a non-commercial driver's license or learner's permit
3 which does not meet federal standards for identification, an affidavit
4 signed by such applicant that they have not been issued a social securi-
5 ty number. The commissioner also shall provide space on the application
6 so that the applicant may request a notation upon such license that he
7 or she is a veteran of the United States armed forces, and space on the
8 application so that the applicant may register in the New York state
9 organ and tissue donor registry under section forty-three hundred ten of
10 the public health law with the following stated on the application in
11 clear and conspicuous type:

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

15 The commissioner of health shall not maintain records of any person
16 who checks "skip this question". Except where the application is made in
17 person or electronically, failure to check a box shall not impair the
18 validity of an application, and failure to check "yes" or checking "skip
19 this question" shall not be construed to imply a wish not to donate. In
20 the case of an applicant under eighteen years of age, checking "yes"
21 shall not constitute consent to make an anatomical gift or registration
22 in the donate life registry, except as otherwise provided pursuant to
23 the provisions of paragraph (b) of subdivision one of section forty-
24 three hundred one of the public health law. Where an applicant has
25 previously consented to make an anatomical gift or registered in the
26 donate life registry, checking "skip this question" or failing to check
27 a box shall not impair that consent or registration. In addition, an
28 applicant for a commercial driver's license who will operate a commer-
29 cial motor vehicle in interstate commerce shall certify that such appli-
30 cant meets the requirements to operate a commercial motor vehicle, as
31 set forth in public law 99-570, title XII, and title 49 of the code of
32 federal regulations, and all regulations promulgated by the United
33 States secretary of transportation under the hazardous materials trans-
34 portation 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 § 2. Subdivision 1 of section 502 of the vehicle and traffic law, as
48 amended by chapter 487 of the laws of 2012, is REPEALED.

49 § 3. This act shall take effect immediately.