

STATE OF NEW YORK

4664

2021-2022 Regular Sessions

IN SENATE

February 8, 2021

Introduced by Sens. PARKER, RIVERA -- 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 issuance of
driver's licenses and emergency medical personnel designation; and to
repeal certain provisions of such law relating thereto

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

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2 law is REPEALED and a new subdivision 1 is added to read as follows:

3 1. Application for license. Application for a driver's license shall
4 be made to the commissioner. The fee prescribed by law may be submitted
5 with such application. The applicant shall furnish such proof of identi-
6 ty, age, and fitness as may be required by the commissioner. Acceptable
7 proof of identity shall include, but not be limited to foreign passports
8 (visa stamps are not required), valid documentation issued by USCIS and
9 consular identification documents. Eligibility for a drivers' license
10 shall not be conditioned on a particular immigration status. The commis-
11 sioner may also provide that the application procedure shall include the
12 taking of a photo image or images of the applicant in accordance with
13 rules and regulations prescribed by the commissioner. In addition, the
14 commissioner also shall require that the applicant provide his or her
15 social security number where such applicant is a legal immigrant, or
16 individual taxpayer identification number (ITIN) or a letter or form
17 from the United States social security administration that states that
18 the applicant is not eligible or submit a sworn statement under the
19 penalty of perjury, stating that the applicant does not have a social
20 security number or ITIN, and shall provide space on the application so
21 that the applicant may register in the New York state organ and tissue
22 donor registry under section forty-three hundred ten of the public
23 health law with the following stated on the application in clear and
24 conspicuous type:

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

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

4 The commissioner of the department of health shall not maintain
5 records of any person who checks "skip this question". Failure to check
6 a box shall not impair the validity of an application, and failure to
7 check "yes" or checking "skip this question" shall not be construed to
8 imply a wish not to donate. In the case of an applicant under eighteen
9 years of age, checking "yes" shall not constitute consent to make an
10 anatomical gift or registration in the donate life registry. Where an
11 applicant has previously consented to make an anatomical gift or regis-
12 tered in the donate life registry, checking "skip this question" or
13 failing to check a box shall not impair that consent or registration. In
14 addition, the commissioner also shall require that space shall be
15 provided on the application so that the applicant may request a notation
16 upon such license that he or she is a veteran of the United States armed
17 forces and space so that the applicant may request a notation upon such
18 license that he or she is an emergency medical personnel. In addition,
19 an applicant for a commercial driver's license who will operate a
20 commercial motor vehicle in interstate commerce shall certify that such
21 applicant meets the requirements to operate a commercial motor vehicle,
22 as set forth in public law 99-570, title XII, and title 49 of the code
23 of federal regulations, and all regulations promulgated by the United
24 States secretary of transportation under the hazardous materials trans-
25 portation act. In addition, an applicant for a commercial driver's
26 license shall submit a medical certificate at such intervals as required
27 by the federal motor carrier safety improvement act of 1999 and Part
28 383.71(h) of title 49 of the code of federal regulations relating to
29 medical certification and in a manner prescribed by the commissioner.
30 For purposes of this section and sections five hundred three, five
31 hundred ten-a, and five hundred ten-aa of this title, the terms "medical
32 certificate" and "medical certification" shall mean a form substantially
33 in compliance with the form set forth in Part 391.43(h) of title 49 of
34 the code of federal regulations. Upon a determination that the holder of
35 a commercial driver's license has made any false statement, with respect
36 to the application for such license, the commissioner shall revoke such
37 license.

38 § 2. Subdivision 1 of section 502 of the vehicle and traffic law, as
39 added by section one of this act, is amended to read as follows:

40 1. Application for license. Application for a driver's license shall
41 be made to the commissioner. The fee prescribed by law may be submitted
42 with such application. The applicant shall furnish such proof of identi-
43 ty, age, and fitness as may be required by the commissioner. Acceptable
44 proof of identity shall include, but not be limited to foreign passports
45 (visa stamps are not required), valid documentation issued by USCIS and
46 consular identification documents. Eligibility for a drivers' license
47 shall not be conditioned on a particular immigration status. The
48 commissioner may also provide that the application procedure shall
49 include the taking of a photo image or images of the applicant in
50 accordance with rules and regulations prescribed by the commissioner. In
51 addition, the commissioner also shall require that the applicant provide
52 his or her social security number where such applicant is a legal immi-
53 grant, or individual taxpayer identification number (ITIN) or a letter
54 or form from the United States social security administration that
55 states that the applicant is not eligible or submit a sworn statement
56 under the penalty of perjury, stating that the applicant does not have a

1 social security number of ITIN, and [~~shall~~] provide space on the appli-
2 cation so that the applicant may register in the New York state organ
3 and tissue donor registry under section forty-three hundred ten of the
4 public health law [~~with the following stated on the application in clear
5 and conspicuous type:~~

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

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

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

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

46 (a) A license issued pursuant to subdivision five of this section
47 shall be valid until the expiration date contained thereon, unless such
48 license is suspended, revoked or cancelled. Such license may be renewed
49 by submission of an application for renewal, the fee prescribed by law,
50 proofs of prior licensing, fitness and acceptable vision prescribed by
51 the commissioner, the applicant's social security number or, in lieu
52 thereof, with respect to an application for a non-commercial driver's
53 license or learner's permit which does not meet federal standards for
54 identification, an affidavit signed by such applicant that they have not
55 been issued a social security number, or individual taxpayer identifica-
56 tion number (ITIN) or a letter or form from the United States social

1 security administration that states that the applicant is not eligible
2 or submit a sworn statement under the penalty of perjury, stating that
3 the applicant does not have a social security number or ITIN, and if
4 required by the commissioner, a photo image of the applicant in such
5 numbers and form as the commissioner shall prescribe. In addition, an
6 applicant for renewal of a license containing a hazardous material
7 endorsement shall pass an examination to retain such endorsement. The
8 commissioner shall, with respect to the renewal of a hazardous materials
9 endorsement, comply with the requirements imposed upon states by
10 sections 383.141 and 1572.13 of title 49 of the code of federal regu-
11 lations. A renewal of such license shall be issued by the commissioner
12 upon approval of such application, except that no such license shall be
13 issued if its issuance would be inconsistent with the provisions of
14 section five hundred sixteen of this title, and except that the commis-
15 sioner may refuse to renew such license if the applicant is the holder
16 of a currently valid or renewable license to drive issued by another
17 state or foreign country unless the applicant surrenders such license.

18 § 4. Subdivision 1 of section 504 of the vehicle and traffic law is
19 amended by adding a new paragraph (a-2) to read as follows:

20 (a-2) Every license or renewal thereof issued to an applicant who is
21 an emergency medical personnel, upon his or her request and submission
22 of proof as set forth herein, contain a distinguishing mark, in such
23 form as the commissioner shall determine, indicating that he or she is
24 an emergency medical personnel. Such proof shall consist of any proof
25 satisfactory to the commissioner. The commissioner shall not require
26 fees for the issuance of such licenses or renewals thereof to persons
27 requesting an emergency medical personnel notation which is different
28 from fees otherwise required.

29 § 5. This act shall take effect on the one hundred twentieth day after
30 it shall have become a law; provided, however, that section two of this
31 act shall take effect October 3, 2023.