

STATE OF NEW YORK

6878

2021-2022 Regular Sessions

IN SENATE

May 20, 2021

Introduced by Sen. BRISPORT -- 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 the designation of sex by applicants for non-driver identification cards, drivers' licenses and learners' permits; in relation to making technical corrections to such law; 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 2 of section 490 of the vehicle and traffic
2 law, as amended by chapter 465 of the laws of 2012, the third undesig-
3 nated paragraph as amended by chapter 248 of the laws of 2016, is
4 amended to read as follows:

5 2. Application. (a) Any person to whom a driver's license or learner's
6 permit has not been issued by the commissioner, or whose driver's
7 license or learner's permit is expired, suspended, revoked or surren-
8 dered, may make application to the commissioner for the issuance of an
9 identification card. The commissioner shall ensure that space is
10 provided on the application so that the applicant shall register or
11 decline registration in the donate life registry for organ and tissue
12 donations pursuant to section forty-three hundred ten of the public
13 health law and that the following is stated on the application in clear
14 and conspicuous type:

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

18 The commissioner of health shall not maintain records of any person
19 who checks "skip this question". Except where the application is made in
20 person or electronically, failure to check a box shall not impair the
21 validity of an application, and failure to check "yes" or checking "skip
22 this question" shall not be construed to imply a wish not to donate. In

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

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1 the case of an applicant under eighteen years of age, checking "yes"
2 shall not constitute consent to make an anatomical gift or registration
3 in the donate life registry, except as otherwise provided pursuant to
4 the provisions of paragraph (b) of subdivision one of section forty-
5 three hundred one of the public health law. Where an applicant has
6 previously consented to make an anatomical gift or registered in the
7 donate life registry, checking "skip this question" or failing to check
8 a box shall not impair that consent or registration.

9 (b) The identification card shall display the sex designation of M, F,
10 or X as certified by the applicant, with no additional documentation
11 required. The applicant may amend the sex designation of their identifi-
12 cation card upon request.

13 § 2. Subdivision 1 of section 502 of the vehicle and traffic law, as
14 amended by chapter 37 of the laws of 2019, is amended to read as
15 follows:

16 1. Application for license. Application for a driver's license shall
17 be made to the commissioner. The fee prescribed by law may be submitted
18 with such application. The applicant shall furnish such proof of identi-
19 ty, age, and fitness as may be required by the commissioner. With
20 respect to a non-commercial driver's license or learner's permit which
21 does not meet federal standards for identification, in addition to the
22 acceptable proofs of age and identity approved by the commissioner as of
23 January first, two thousand nineteen, acceptable proof of identity shall
24 also include, but not be limited to, a valid, unexpired foreign passport
25 issued by the applicant's country of citizenship (which shall also be
26 eligible as proof of age), a valid, unexpired consular identification
27 document issued by a consulate from the applicant's country of citizen-
28 ship, or a valid foreign driver's license that includes a photo image of
29 the applicant and which is unexpired or expired for less than twenty-
30 four months of its date of expiration, as primary forms of such proof.
31 Nothing contained in this subdivision shall be deemed to preclude the
32 commissioner from approving additional proofs of identity and age. The
33 license shall display the sex designation of M, F, or X as certified by
34 the applicant, with no additional documentation required. The applicant
35 may amend the sex designation of their driver's license upon request.
36 Upon amendment of the sex designation, the change shall be made consist-
37 ent through all affiliated records within the control of the department.

38 The commissioner may also provide that the application procedure shall
39 include the taking of a photo image or images of the applicant in
40 accordance with rules and regulations prescribed by the commissioner. In
41 addition, the commissioner also shall require that the applicant provide
42 [~~his or her~~] such applicant's social security number or, in lieu there-
43 of, with respect to an application for a non-commercial driver's license
44 or learner's permit which does not meet federal standards for identifi-
45 cation, an affidavit signed by such applicant that they have not been
46 issued a social security number. The commissioner also shall provide
47 space on the application so that the applicant may register in the New
48 York state organ and tissue donor registry under section forty-three
49 hundred ten of the public health law with the following stated on the
50 application in clear and conspicuous type:

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

54 The commissioner of health shall not maintain records of any person
55 who checks "skip this question". Except where the application is made in
56 person or electronically, failure to check a box shall not impair the

1 validity of an application, and failure to check "yes" or checking "skip
2 this question" shall not be construed to imply a wish not to donate. In
3 the case of an applicant under eighteen years of age, checking "yes"
4 shall not constitute consent to make an anatomical gift or registration
5 in the donate life registry, except as otherwise provided pursuant to
6 the provisions of paragraph (b) of subdivision one of section forty-
7 three hundred one of the public health law. Where an applicant has
8 previously consented to make an anatomical gift or registered in the
9 donate life registry, checking "skip this question" or failing to check
10 a box shall not impair that consent or registration. In addition, the
11 commissioner shall provide space on the application so that the appli-
12 cant may request a notation upon such applicant's license that such
13 applicant is a veteran of the United States armed forces. In addition,
14 an applicant for a commercial driver's license who will operate a
15 commercial motor vehicle in interstate commerce shall certify that such
16 applicant meets the requirements to operate a commercial motor vehicle,
17 as set forth in public law 99-570, title XII, and title 49 of the code
18 of 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. Subdivision 1 of section 502 of the vehicle and traffic law, as
34 amended by chapter 487 of the laws of 2012, is REPEALED.

35 § 4. This act shall take effect one year after it shall have become a
36 law. Effective immediately, the addition, amendment and/or repeal of any
37 rule or regulation necessary for the implementation of this act on its
38 effective date are authorized to be made and completed on or before such
39 date.