

STATE OF NEW YORK

3252

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. SAYEGH, STERN, STIRPE, GRIFFIN, SIMON, DeSTEFANO
-- Multi-Sponsored by -- M. of A. TAGUE -- read once and referred to
the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to including if
a person has autism spectrum disorder on his or her driver's license;
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. Section 490 of the vehicle and traffic law is amended by
2 adding a new subdivision 2-a to read as follows:

3 2-a. Autism spectrum disorder. In addition to the provisions of subdi-
4 vision two of this section, the commissioner shall ensure that space is
5 provided on the application so that the applicant shall indicate if he
6 or she has autism spectrum disorder and that the following is typed in
7 clear and conspicuous type:

8 "You must fill out the following section: Are you a person with autism
9 spectrum disorder? Check box for 'yes' or 'skip this question'."

10 The commissioner shall make whatever provisions are feasible and
11 desirable to maintain and issue all suitable documents regarding
12 advanced directives at driver's license examining offices.

13 § 2. Paragraph (b) of subdivision 3 of section 490 of the vehicle and
14 traffic law, as amended by chapter 490 of the laws of 2019, is amended
15 to read as follows:

16 (b) The identification card shall contain a distinguishing number or
17 mark and adequate space upon which an anatomical gift, pursuant to arti-
18 cle forty-three of the public health law, by the holder may be recorded
19 and shall contain such other information and shall be issued in such
20 form as the commissioner shall determine; provided, however, every iden-
21 tification card or renewal thereof issued to a person with autism spec-
22 trum disorder shall contain a distinctive mark; provided, however, every
23 identification card or renewal thereof issued to a person under the age

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

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1 of twenty-one years shall have prominently imprinted thereon the state-
2 ment "UNDER 21 YEARS OF AGE" in notably distinctive print or format.
3 Provided, further, however, that every identification card issued to an
4 applicant who was a member of the armed forces of the United States and
5 (i) received an honorable discharge or was released therefrom under
6 honorable conditions, or (ii) has a qualifying condition, as defined in
7 section three hundred fifty of the executive law, and has received a
8 discharge other than bad conduct or dishonorable from such service, or
9 (iii) is a discharged LGBT veteran, as defined in section three hundred
10 fifty of the executive law, and has received a discharge other than bad
11 conduct or dishonorable from such service, shall, upon his or her
12 request and submission of proof as set forth herein, contain a distin-
13 guishing mark, in such form as the commissioner shall determine, indi-
14 cating that he or she is a veteran. Such proof shall consist of a
15 certificate of release or discharge from active duty including but not
16 limited to a DD Form 214 or other proof satisfactory to the commission-
17 er. The commissioner shall not require fees for the issuance of such
18 identification cards or renewals thereof to persons under twenty-one
19 years of age which are different from the fees required for the issuance
20 of identification cards or renewals thereof to persons twenty-one years
21 of age or over, nor fees to persons requesting a veteran distinguishing
22 mark which are different from fees that would otherwise be required.
23 Provided, however, that notwithstanding the provisions of section four
24 hundred ninety-one of this article, the commissioner shall not require
25 any fees for the duplication or amendment of an identification card
26 prior to its renewal if such duplication or amendment was solely for the
27 purpose of adding a veteran distinguishing mark to such identification
28 card.

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

31 1. Application for license. Application for a driver's license shall
32 be made to the commissioner. The fee prescribed by law may be submitted
33 with such application. The applicant shall furnish such proof of identi-
34 ty, age, and fitness as may be required by the commissioner. With
35 respect to a non-commercial driver's license or learner's permit which
36 does not meet federal standards for identification, in addition to the
37 acceptable proofs of age and identity approved by the commissioner as of
38 January first, two thousand twenty-one, acceptable proof of identity
39 shall also include, but not be limited to, a valid, unexpired foreign
40 passport issued by the applicant's country of citizenship (which shall
41 also be eligible as proof of age), a valid, unexpired consular identifi-
42 cation document issued by a consulate from the applicant's country of
43 citizenship, or a valid foreign driver's license that includes a photo
44 image of the applicant and which is unexpired or expired for less than
45 twenty-four months of its date of expiration, as primary forms of such
46 proof. Nothing contained in this subdivision shall be deemed to preclude
47 the commissioner from approving additional proofs of identity and age.
48 The 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 or, in lieu thereof, with respect to
53 an application for a non-commercial driver's license or learner's permit
54 which does not meet federal standards for identification, an affidavit
55 signed by such applicant that they have not been issued a social securi-
56 ty number. The commissioner also shall provide space on the application

1 so that the applicant may register in the New York state organ and
2 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, an
21 applicant for a commercial driver's license who will operate a commer-
22 cial motor vehicle in interstate commerce shall certify that such appli-
23 cant meets the requirements to operate a commercial motor vehicle, as
24 set forth in public law 99-570, title XII, and title 49 of the code of
25 federal regulations, and all regulations promulgated by the United
26 States secretary of transportation under the hazardous materials trans-
27 portation act. In addition, the commissioner shall ensure that space is
28 provided on the application so that the applicant shall indicate a
29 declaration relating to if the applicant is a person with autism spec-
30 trum disorder that the following is typed in clear and conspicuous type:

31 "You must fill out the following section: Are you a person with autism
32 spectrum disorder? Check box for 'yes' or 'skip this question'."

33 The commissioner shall make whatever provisions are feasible and
34 desirable to maintain and issue all suitable documents regarding
35 advanced directives at driver's license examining offices. In addition,
36 an applicant for a commercial driver's license shall submit a medical
37 certificate at such intervals as required by the federal motor carrier
38 safety improvement act of 1999 and Part 383.71(h) of title 49 of the
39 code of federal regulations relating to medical certification and in a
40 manner prescribed by the commissioner. For purposes of this section and
41 sections five hundred three, five hundred ten-a, and five hundred ten-aa
42 of this title, the terms "medical certificate" and "medical certif-
43 ication" shall mean a form substantially in compliance with the form set
44 forth in Part 391.43(h) of title 49 of the code of federal regulations.
45 Upon a determination that the holder of a commercial driver's license
46 has made any false statement, with respect to the application for such
47 license, the commissioner shall revoke such license.

48 § 4. Paragraph (a) of subdivision 1 of section 504 of the vehicle and
49 traffic law, as separately amended by chapters 568 and 639 of the laws
50 of 2006, is amended to read as follows:

51 (a) Every license or renewal thereof shall contain a distinguishing
52 mark and adequate space upon which an anatomical gift, pursuant to
53 section forty-three hundred ten of the public health law, by the licen-
54 see shall be recorded and shall contain such other information and shall
55 be issued in such form as the commissioner shall determine; provided,
56 however, every license or renewal thereof issued to a person under the

1 age of twenty-one years shall have prominently imprinted upon it the
2 statement "UNDER 21 YEARS OF AGE" in notably distinctive print or
3 format; provided further, however, every license or renewal thereof
4 issued to a person making an anatomical gift shall have prominently
5 printed upon the front of such license or renewal thereof the statement
6 "ORGAN DONOR" in notably distinctive print or format; provided that
7 every license or renewal thereof issued to a person who has indicated on
8 an application or renewal that he or she is a person with autism spec-
9 trum disorder shall have imprinted on the front of such license or
10 renewal thereof a distinctive mark which indicates such. The commission-
11 er shall not require fees for the issuance of such licenses or renewals
12 thereof to persons under twenty-one years of age [~~or~~], to persons making
13 an anatomical gift or to a person with autism spectrum disorder which
14 are different from the fees required for the issuance of licenses or
15 renewals thereof to persons twenty-one years of age or over [~~or~~], to
16 persons not making an anatomical gift or to persons who did not indicate
17 on an application or renewal that they are a person with autism spectrum
18 disorder.

19 § 5. This act shall take effect immediately; provided, however, that
20 section three of this act shall take effect on the one hundred eightieth
21 day after it shall have become a law.