# STATE OF NEW YORK

7971

2023-2024 Regular Sessions

# IN ASSEMBLY

August 18, 2023

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

AN ACT to amend the vehicle and traffic law, in relation to allowing individuals to request a notation on their driver's license indicating that they have autism spectrum disorder, or any other medical, mental, or behavioral condition that may alter or impair their behavior

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

Section 1. Subdivision 1 of section 502 of the vehicle and traffic law, as separately amended by chapters 158 and 440 of the laws of 2021, is amended to read as follows:

1. Application for license. Application for a driver's license shall be made to the commissioner. The fee prescribed by law may be submitted with such application. The applicant shall furnish such proof of identity, age, and fitness as may be required by the commissioner. With respect to a non-commercial driver's license or learner's permit which does not meet federal standards for identification, in addition to the acceptable proofs of age and identity approved by the commissioner as of January first, two thousand nineteen, acceptable proof of identity shall also include, but not be limited to, a valid, unexpired foreign passport issued by the applicant's country of citizenship (which shall also be eligible as proof of age), a valid, unexpired consular identification document issued by a consulate from the applicant's country of citizenship, or a valid foreign driver's license that includes a photo image of the applicant and which is unexpired or expired for less than twenty-four months of its date of expiration, as primary forms of such proof. Nothing contained in this subdivision shall be deemed to preclude the commissioner from approving additional proofs of identity and age. The license shall display the sex designation of M, F, or X as certified by the applicant, with no additional documentation required. The applicant may amend the sex designation of their driver's license upon request.

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

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Upon amendment of the sex designation, the change shall be made consistent through all affiliated records within the control of the department. The commissioner may also provide that the application procedure shall include the taking of a photo image or images of the applicant in accordance with rules and regulations prescribed by the commissioner. In addition, the commissioner also shall require that the applicant provide such applicant's social security number or, in lieu thereof, with respect to an application for a non-commercial driver's license or learner's permit which does not meet federal standards for identification, an affidavit signed by such applicant that they have not been issued a social security number. The commissioner also shall provide space on the application so that the applicant may request a notation upon such license that such applicant is a veteran of the United States armed forces, [~~and space on the application so that the applicant may request a notation upon such license that he or she is a veteran of the United States armed forces,~~] and space on the application so that the applicant may register in the New York state organ and tissue donor registry under section forty-three hundred ten of the public health law with the following stated on the application in clear and conspicuous type:

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

The commissioner of health shall not maintain records of any person who checks "skip this question". Except where the application is made in person or electronically, failure to check a box shall not impair the validity of an application, and failure to check "yes" or checking "skip this question" shall not be construed to imply a wish not to donate. In the case of an applicant under eighteen years of age, checking "yes" shall not constitute consent to make an anatomical gift or registration in the donate life registry, except as otherwise provided pursuant to the provisions of paragraph (b) of subdivision one of section forty-three hundred one of the public health law. Where an applicant has previously consented to make an anatomical gift or registered in the donate life registry, checking "skip this question" or failing to check a box shall not impair that consent or registration. In addition, an applicant for a commercial driver's license who will operate a commercial motor vehicle in interstate commerce shall certify that such applicant meets the requirements to operate a commercial motor vehicle, as set forth in public law 99-570, title XII, and title 49 of the code of federal regulations, and all regulations promulgated by the United States secretary of transportation under the hazardous materials transportation act. In addition, an applicant for a commercial driver's license shall submit a medical certificate at such intervals as required by the federal motor carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of the code of federal regulations relating to medical certification and in a manner prescribed by the commissioner. For purposes of this section and sections five hundred three, five hundred ten-a, and five hundred ten-aa of this title, the terms "medical certificate" and "medical certification" shall mean a form substantially in compliance with the form set forth in Part 391.43(h) of title 49 of the code of federal regulations. **In addition, the commissioner also shall provide space on the application so that the applicant may request a notation upon such license that such applicant is a person with autism spectrum disorder, or any other medical, mental, or behavioral condition that may alter or impair such person's behavior.** Upon a determination

that the holder of a commercial driver's license has made any false statement, with respect to the application for such license, the commissioner shall revoke such license.

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

**(a-2) Every license or renewal thereof issued to an applicant who has requested a notation indicating that such applicant is a person with autism spectrum disorder, or any other medical, mental, or behavioral condition that may alter or impair such person's behavior, shall, upon his or her request and submission of proof as required under this paragraph, have imprinted on the front of such license or renewal thereof a distinctive mark which indicates such, in such a form as the commissioner shall determine. Such proof shall consist of documentation from a physician licensed under article one hundred thirty-one of the education law or a mental health practitioner licensed under article one hundred sixty-three of the education law, verifying that such person has autism spectrum disorder or another medical, mental, or behavioral condition that may alter or impair such person's behavior. The commissioner shall consult with the commissioner of health and the commissioner of mental health to determine a list of medical, mental, or behavioral disorders and conditions, that may be indicated on a person's driver's license upon such a request. The commissioner shall not require fees for the issuance of such licenses or renewals thereof to persons requesting such notation which are different from the fees otherwise required for the issuance of licenses or renewals thereof.**

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