

STATE OF NEW YORK

2147

2023-2024 Regular Sessions

IN SENATE

January 18, 2023

Introduced by Sens. STEC, OBERACKER, O'MARA -- 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 issue of non-commercial drivers' licenses and learners' permits in counties which contain in whole or in part boundary land; 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. Section 201 of the vehicle and traffic law is amended by
2 adding a new subdivision 13 to read as follows:

3 13. Notwithstanding any other provision of law to the contrary, subdivi-
4 visions eight, nine, ten, eleven, and twelve of this section shall not
5 apply to counties which contain in whole or in part boundary land
6 defined in section five of the state law.

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8 REPEALED and a new subdivision 1 is added to read as follows:

9 1. Application for license. Application for a driver's license shall
10 be made to the commissioner. The fee prescribed by law may be submitted
11 with such application. The applicant shall furnish such proof of identi-
12 ty, age, and fitness as may be required by the commissioner. With
13 respect to a non-commercial driver's license or learner's permit which
14 does not meet federal standards for identification, in addition to the
15 acceptable proofs of age and identity approved by the commissioner as
16 of January first, two thousand nineteen, acceptable proof of identity
17 shall, in counties other than those which contain in whole or in part
18 boundary land defined in section five of the state law, also include,
19 but not be limited to, a valid, unexpired foreign passport issued by the
20 applicant's country of citizenship (which shall also be eligible as
21 proof of age), a valid, unexpired consular identification document
22 issued by a consulate from the applicant's country of citizenship, or a

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

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1 valid foreign driver's license that includes a photo image of the
2 applicant and which is unexpired or expired for less than twenty-four
3 months of its date of expiration, as primary forms of such proof. Noth-
4 ing contained in this subdivision shall be deemed to preclude the
5 commissioner from approving additional proofs of identity and age. The
6 license shall display the sex designation of M, F, or X as certified by
7 the applicant, with no additional documentation required. The applicant
8 may amend the sex designation of their driver's license upon request.
9 Upon amendment of the sex designation, the change shall be made consist-
10 ent through all affiliated records within the control of the department.
11 The commissioner may also provide that the application procedure shall
12 include the taking of a photo image or images of the applicant in
13 accordance with rules and regulations prescribed by the commissioner. In
14 addition, the commissioner also shall require that the applicant provide
15 such applicant's social security number or, in lieu thereof in counties
16 other than those which contain in whole or in part boundary land defined
17 in section five of the state law, with respect to an application for a
18 non-commercial driver's license or learner's permit which does not meet
19 federal standards for identification, an affidavit signed by such appli-
20 cant that they have not been issued a social security number. The
21 commissioner also shall provide space on the application so that the
22 applicant may request a notation upon such license that such applicant
23 is a veteran of the United States armed forces. The commissioner also
24 shall provide space on the application so that the applicant may request
25 a notation upon such license that such applicant is a veteran of the
26 United States armed forces; and space on the application so that the
27 applicant may register in the New York state organ and tissue donor
28 registry under section forty-three hundred ten of the public health law
29 with the following stated on the application in clear and conspicuous
30 type:

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

34 The commissioner of health shall not maintain records of any person
35 who checks "skip this question". Except where the application is made
36 in person or electronically, failure to check a box shall not impair the
37 validity of an application, and failure to check "yes" or checking "skip
38 this question" shall not be construed to imply a wish not to donate. In
39 the case of an applicant under eighteen years of age, checking "yes"
40 shall not constitute consent to make an anatomical gift or registration
41 in the donate life registry, except as otherwise provided pursuant to
42 the provisions of paragraph (b) of subdivision one of section forty-
43 three hundred one of the public health law. Where an applicant has
44 previously consented to make an anatomical gift or registered in the
45 donate life registry, checking "skip this question" or failing to check
46 a box shall not impair that consent or registration. In addition, an
47 applicant for a commercial driver's license who will operate a commer-
48 cial motor vehicle in interstate commerce shall certify that such
49 applicant meets the requirements to operate a commercial motor vehicle,
50 as set forth in public law 99-570, title XII, and title 49 of the code
51 of federal regulations, and all regulations promulgated by the United
52 States secretary of transportation under the hazardous materials trans-
53 portation act. In addition, an applicant for a commercial driver's
54 license shall submit a medical certificate at such intervals as required
55 by the federal motor carrier safety improvement act of 1999 and Part
56 383.71(h) of title 49 of the code of federal regulations relating to

1 medical certification and in a manner prescribed by the commissioner.
2 For purposes of this section and sections five hundred three, five
3 hundred ten-a, and five hundred ten-aa of this title, the terms "medical
4 certificate" and "medical certification" shall mean a form substantial-
5 ly in compliance with the form set forth in Part 391.43(h) of title 49
6 of the code of federal regulations. Upon a determination that the hold-
7 er of a commercial driver's license has made any false statement, with
8 respect to the application for such license, the commissioner shall
9 revoke such license.

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

13 (a) A license issued pursuant to subdivision five of this section
14 shall be valid until the expiration date contained thereon, unless such
15 license is suspended, revoked or cancelled. Such license may be renewed
16 by submission of an application for renewal, the fee prescribed by law,
17 proofs of prior licensing, fitness and acceptable vision prescribed by
18 the commissioner, the applicant's social security number or, in lieu
19 thereof in counties other than those which contain in whole or in part
20 boundary land defined in section five of the state law, with respect to
21 an application for a non-commercial driver's license or learner's permit
22 which does not meet federal standards for identification, an affidavit
23 signed by such applicant that they have not been issued a social securi-
24 ty number, and if required by the commissioner, a photo image of the
25 applicant in such numbers and form as the commissioner shall prescribe.
26 In addition, an applicant for renewal of a license containing a hazard-
27 ous material endorsement shall pass an examination to retain such
28 endorsement. The commissioner shall, with respect to the renewal of a
29 hazardous materials endorsement, comply with the requirements imposed
30 upon states by sections 383.141 and 1572.13 of title 49 of the code of
31 federal regulations. A renewal of such license shall be issued by the
32 commissioner upon approval of such application, except that no such
33 license shall be issued if its issuance would be inconsistent with the
34 provisions of section five hundred sixteen of this title, and except
35 that the commissioner may refuse to renew such license if the applicant
36 is the holder of a currently valid or renewable license to drive issued
37 by another state or foreign country unless the applicant surrenders such
38 license.

39 § 4. Subdivision 8 of section 502 of the vehicle and traffic law is
40 amended by adding a new paragraph (f) to read as follows:

41 (f) This subdivision shall not apply to counties which contain in
42 whole or in part boundary land defined in section five of the state law.

43 § 5. Subdivision 3 of section 508 of the vehicle and traffic law, as
44 amended by chapter 37 of the laws of 2019, is amended to read as
45 follows:

46 3. License record. The commissioner shall keep a record of every
47 license issued which record shall be open to public inspection during
48 reasonable business hours. Provided, however, in counties other than
49 those which contain in whole or in part boundary land defined in section
50 five of the state law, that the following information whenever contained
51 within the record of non-commercial drivers' licenses and learners'
52 permits shall not be open to public inspection: the photo image, social
53 security number, client identification number, name, address, telephone
54 number, place of birth, country of origin, place of employment, school
55 or educational institution attended, source of income, status as a
56 recipient of public benefits, the customer identification number associ-

1 ated with a public utilities account, medical information or disability
2 information of any holders of, or applicants for, such licenses and
3 permits, and whether such licenses or permits meet federal standards for
4 identification or do not meet federal standards for identification.
5 Neither the commissioner nor his agent shall be required to allow the
6 inspection of an application, or to furnish a copy thereof, or informa-
7 tion therefrom, until a license has been issued thereon.
8 § 6. This act shall take effect immediately.