STATE OF NEW YORK

5519

2023-2024 Regular Sessions

IN SENATE

March 7, 2023

Introduced by Sen. JACKSON -- 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 placement of a discreet disability designation on non-driver identification cards, drivers' licenses and learners' permits and making technical and conforming changes

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

Section 1. Paragraph (a) of subdivision 3 of section 490 of the vehicle and traffic law is amended by adding a new subparagraph (iv) to read as follows:

(iv) The commissioner shall provide space so that an applicant may request a notation upon such identification card that such applicant has a disability. An applicant requesting a notation of disability shall submit either a copy of such applicant's social security disability benefit verification letter or a form, to be promulgated by the commissioner in consultation with the commissioner of health, commissioner of mental health, the commissioner of the office for people with developmental disabilities and the commissioner of addiction services and supports, verifying that such applicant has a disability, including chronic illness or pain. Such form shall be signed by:

(A) a licensed physician, including a licensed neurologist or a licensed psychiatrist;

(B) a commissioned medical officer of the armed forces of the United States;

(C) a licensed physician assistant;

(D) a licensed podiatrist;

(E) a certified nurse practitioner;

(F) a licensed physical therapist; or

(G) a licensed psychologist.

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

LBD07915-01-3

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

(b) The identification card shall contain a distinguishing number or mark and adequate space upon which an anatomical gift, pursuant to article forty-three of the public health law, by the holder may be recorded and shall contain such other information and shall be issued in such form as the commissioner shall determine; provided, however, every identification card or renewal thereof issued to a person under the age of twenty-one years shall have prominently imprinted thereon the statement "UNDER 21 YEARS OF AGE" in notably distinctive print or format. Provided, further, however, that every identification card issued to an applicant who was a member of the armed forces of the United States and (i) received an honorable discharge or was released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service, shall, upon his or her request and submission of proof as set forth herein, contain a distinguishing mark, in such form as the commissioner shall determine, indicating that he or she is a veteran. Such proof shall consist of a certificate of release or discharge from active duty including but not limited to a DD Form 214 or other proof satisfactory to the commissioner. **Provided, further, that every identification card issued to an applicant who has a disability shall, upon the request of such applicant pursuant to the provisions of subparagraph (iv) of paragraph (a) of this subdivision, contain a distinguishing mark, in such form as the commissioner shall determine, which is discreet and represents all types of disabilities, including cognitive, neurological or physical disabilities.** The commissioner shall not require fees for the issuance of such identification cards or renewals thereof to persons under twenty-one years of age which are different from the fees required for the issuance of identification cards or renewals thereof to persons twenty-one years of age or over, nor fees to persons requesting a veteran distinguishing mark which are different from fees that would otherwise be required**, nor fees to persons requesting a disability distinguishing mark which are different from fees that would otherwise be required**. Provided, however, that notwithstanding the provisions of section four hundred ninety-one of this article, the commissioner shall not require any fees for the duplication or amendment of an identification card prior to its renewal if such duplication or amendment was solely for the purpose of adding a veteran distinguishing mark **or a disability distinguishing mark** to such identification card.

§ 3. Paragraph (b) of subdivision 3 of section 490 of the vehicle and traffic law, as amended by section 97 of part PP of chapter 56 of the laws of 2022, is amended to read as follows:

(b) The identification card shall contain a distinguishing number or mark and adequate space upon which an anatomical gift, pursuant to article forty-three of the public health law, by the holder may be recorded and shall contain such other information and shall be issued in such form as the commissioner shall determine; provided, however, every identification card or renewal thereof issued to a person under the age of twenty-one years shall have prominently imprinted thereon the statement "UNDER 21 YEARS OF AGE" in notably distinctive print or format.

Provided, further, however, that every identification card issued to an applicant who was a member of the armed forces of the United States and (i) received an honorable discharge or was released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, shall, upon his or her request and submission of proof as set forth herein, contain a distinguishing mark, in such form as the commissioner shall determine, indicating that he or she is a veteran. Such proof shall consist of a certificate of release or discharge from active duty including but not limited to a DD Form 214 or other proof satisfactory to the commissioner. **Provided, further, that every identification card issued to an applicant who has a disability shall, upon the request of such applicant pursuant to the provisions of subparagraph (iv) of paragraph (a) of this subdivision, contain a distinguishing mark, in such form as the commissioner shall determine, which is discreet and represents all types of disabilities, including cognitive, neurological or physical disabilities.** The commissioner shall not require fees for the issuance of such identification cards or renewals thereof to persons under twenty-one years of age which are different from the fees required for the issuance of identification cards or renewals thereof to persons twenty-one years of age or over, nor fees to persons requesting a veteran distinguishing mark which are different from fees that would otherwise be required**, nor fees to persons requesting a disability distinguishing mark which are different from fees that would otherwise be required**. Provided, however, that notwithstanding the provisions of section four hundred ninety-one of this article, the commissioner shall not require any fees for the duplication or amendment of an identification card prior to its renewal if such duplication or amendment was solely for the purpose of adding a veteran distinguishing mark **or a disability distinguishing mark** to such identification card.

§ 4. 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. 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, the commissioner 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. In addition, the commissioner shall provide space on the application so that the applicant may request a notation upon such license that such applicant has a disability.** 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. 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.

§ 5. 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 a disability shall, upon the request of such applicant and submission of verification of such disability as set forth herein, contain a distinguishing mark, in such form as the commissioner shall determine, which is discreet and represents all types of disabilities, including cognitive, neurological or physical disabilities. An applicant requesting a notation of disabled status shall submit either a copy of such applicant's social security disability benefit verification letter or a form, to be promulgated by the commissioner in consultation with the commissioner of health, commissioner of mental health, the commissioner of the office for people with developmental disabilities and the commissioner of addiction services and supports, verifying that such applicant has a disability, including chronic illness or pain. Such form shall be signed by (i) a licensed physician, including a licensed neurologist or a licensed psychiatrist, (ii) a commissioned medical officer of the armed forces of the United States, (iii) a licensed physician assistant, (iv) a licensed podiatrist, (v) a certified nurse practitioner, (vi) a licensed physical therapist, or (vii) a licensed psychologist. The commissioner shall not require fees for the issuance of such licenses or renewals thereof to persons requesting a disability distinguishing mark which are different from fees otherwise required; provided, however, that notwithstanding the provisions of this section, the commissioner shall not require fees for a duplication or amendment of a license prior to its renewal if such duplication or amendment was solely for the purpose of adding a disability distinguishing mark to such license.

§ 6. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that section three of this act shall take effect on the same date and in the same manner as section 97 of part PP of chapter 56 of the laws of 2022, takes effect. 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.