

STATE OF NEW YORK

9133--A

Cal. No. 1369

IN SENATE

April 30, 2024

Introduced by Sens. COONEY, OBERACKER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the vehicle and traffic law, in relation to allowing for individuals to consent to contact from the national marrow donor program to receive information about enrolling in the national registry operated by the national marrow donor program at the time of application for or renewal of a driver's license or non-driver identification card

The People of the State of New York, represented in Senate and Assembly, 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. Solicitation for applicant to enroll in the national registry
4 operated by the national marrow donor program. In addition to the
5 provisions of subdivision two of this section, the commissioner shall
6 ensure that space is provided on the application for an identification
7 card or renewal thereof to advise applicants of the existence of the
8 national marrow donor program and to allow for applicants to consent to
9 sharing their information with the national marrow donor program for the
10 purposes of receiving information from the national marrow donor program
11 about enrolling as a potential volunteer bone marrow or blood cell donor
12 on the national registry operated by the national marrow donor program.

13 § 2. Subdivision 1 of section 502 of the vehicle and traffic law, as
14 separately amended by chapters 158 and 440 of the laws of 2021, is
15 amended to read as 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

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

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1 acceptable proofs of age and identity approved by the commissioner as of
2 January first, two thousand nineteen, acceptable proof of identity shall
3 also include, but not be limited to, a valid, unexpired foreign passport
4 issued by the applicant's country of citizenship (which shall also be
5 eligible as proof of age), a valid, unexpired consular identification
6 document issued by a consulate from the applicant's country of citizen-
7 ship, or a valid foreign driver's license that includes a photo image of
8 the applicant and which is unexpired or expired for less than twenty-
9 four months of its date of expiration, as primary forms of such proof.
10 Nothing contained in this subdivision shall be deemed to preclude the
11 commissioner from approving additional proofs of identity and age. The
12 license shall display the sex designation of M, F, or X as certified by
13 the applicant, with no additional documentation required. The applicant
14 may amend the sex designation of their driver's license upon request.
15 Upon amendment of the sex designation, the change shall be made consist-
16 ent through all affiliated records within the control of the department.
17 The commissioner may also provide that the application procedure shall
18 include the taking of a photo image or images of the applicant in
19 accordance with rules and regulations prescribed by the commissioner. In
20 addition, the commissioner also shall require that the applicant provide
21 such applicant's social security number or, in lieu thereof, with
22 respect to an application for a non-commercial driver's license or
23 learner's permit which does not meet federal standards for identifica-
24 tion, an affidavit signed by such applicant that they have not been
25 issued a social security number. The commissioner also shall provide
26 space on the application so that the applicant may request a notation
27 upon such license that such applicant is a veteran of the United States
28 armed forces, and space on the application so that the applicant may
29 request a notation upon such license that ~~[he or she]~~ such person is a
30 veteran of the United States armed forces, and space on the application
31 so that the applicant may register in the New York state organ and
32 tissue donor registry under section forty-three hundred ten of the
33 public health law with the following stated on the application in clear
34 and conspicuous type:

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

38 The commissioner of health shall not maintain records of any person
39 who checks "skip this question". Except where the application is made in
40 person or electronically, failure to check a box shall not impair the
41 validity of an application, and failure to check "yes" or checking "skip
42 this question" shall not be construed to imply a wish not to donate. In
43 the case of an applicant under eighteen years of age, checking "yes"
44 shall not constitute consent to make an anatomical gift or registration
45 in the donate life registry, except as otherwise provided pursuant to
46 the provisions of paragraph (b) of subdivision one of section forty-
47 three hundred one of the public health law. Where an applicant has
48 previously consented to make an anatomical gift or registered in the
49 donate life registry, checking "skip this question" or failing to check
50 a box shall not impair that consent or registration. Additionally, the
51 commissioner shall ensure that space is provided on the application for
52 a driver's license or renewal thereof to advise applicants of the exist-
53 ence of the national marrow donor program and to allow for applicants to
54 consent to sharing their information with the national marrow donor
55 program for the purposes of receiving information from the national
56 marrow donor program about enrolling as a potential volunteer bone

1 marrow or blood cell donor on the national registry operated by the
2 national marrow donor program. In addition, an applicant for a commer-
3 cial driver's license who will operate a commercial motor vehicle in
4 interstate commerce shall certify that such applicant meets the require-
5 ments to operate a commercial motor vehicle, as set forth in public law
6 99-570, title XII, and title 49 of the code of federal regulations, and
7 all regulations promulgated by the United States secretary of transpor-
8 tation under the hazardous materials transportation act. In addition, an
9 applicant for a commercial driver's license shall submit a medical
10 certificate at such intervals as required by the federal motor carrier
11 safety improvement act of 1999 and Part 383.71(h) of title 49 of the
12 code of federal regulations relating to medical certification and in a
13 manner prescribed by the commissioner. For purposes of this section and
14 sections five hundred three, five hundred ten-a, and five hundred ten-aa
15 of this title, the terms "medical certificate" and "medical certif-
16 ication" shall mean a form substantially in compliance with the form set
17 forth in Part 391.43(h) of title 49 of the code of federal regulations.
18 Upon a determination that the holder of a commercial driver's license
19 has made any false statement, with respect to the application for such
20 license, the commissioner shall revoke such license.

21 § 3. Section 508 of the vehicle and traffic law is amended by adding a
22 new subdivision 7 to read as follows:

23 7. The commissioner is directed to establish a process by which the
24 department shall refer driver's license and non-driver identification
25 card applicants who consent to having their information shared with the
26 national marrow donor program for the purposes of receiving information
27 from the national marrow donor program about enrolling as a potential
28 volunteer bone marrow or blood cell donor on the national registry oper-
29 ated by the national marrow donor program. The commissioner is directed
30 to further amend the public website of the department to include a link
31 to access publicly available information on the national marrow donor
32 program.

33 § 4. This act shall take effect January 1, 2028. Effective immediate-
34 ly, the addition, amendment and/or repeal of any rule or regulation
35 necessary for the implementation of this act on its effective date are
36 authorized to be made and completed on or before such effective date.