

# STATE OF NEW YORK

9539

## IN SENATE

May 16, 2024

Introduced by Sen. MATTERA -- 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 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:

1 Section 1. Subdivision 1 of section 502 of the vehicle and traffic  
2 law, as separately amended by chapters 158 and 440 of the laws of 2021,  
3 is amended to read as follows:  
4 1. Application for license. Application for a driver's license shall  
5 be made to the commissioner. The fee prescribed by law may be submitted  
6 with such application. The applicant shall furnish such proof of identi-  
7 ty, age, and fitness as may be required by the commissioner. With  
8 respect to a non-commercial driver's license or learner's permit which  
9 does not meet federal standards for identification, in addition to the  
10 acceptable proofs of age and identity approved by the commissioner as of  
11 January first, two thousand nineteen, acceptable proof of identity shall  
12 also include, but not be limited to, a valid, unexpired foreign passport  
13 issued by the applicant's country of citizenship (which shall also be  
14 eligible as proof of age), a valid, unexpired consular identification  
15 document issued by a consulate from the applicant's country of citizen-  
16 ship, or a valid foreign driver's license that includes a photo image of  
17 the applicant and which is unexpired or expired for less than twenty-  
18 four months of its date of expiration, as primary forms of such proof.  
19 Nothing contained in this subdivision shall be deemed to preclude the  
20 commissioner from approving additional proofs of identity and age. The  
21 license shall display the sex designation of M, F, or X as certified by  
22 the applicant, with no additional documentation required. The applicant  
23 may amend the sex designation of their driver's license upon request.  
24 Upon amendment of the sex designation, the change shall be made consist-  
25 ent through all affiliated records within the control of the department.  
26 The commissioner may also provide that the application procedure shall

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

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1 include the taking of a photo image or images of the applicant in  
2 accordance with rules and regulations prescribed by the commissioner. In  
3 addition, the commissioner also shall require that the applicant provide  
4 such applicant's social security number or, in lieu thereof, with  
5 respect to an application for a non-commercial driver's license or  
6 learner's permit which does not meet federal standards for identifica-  
7 tion, an affidavit signed by such applicant that they have not been  
8 issued a social security number. The commissioner also shall provide  
9 space on the application so that the applicant may request a notation  
10 upon such license that such applicant is a veteran of the United States  
11 armed forces, [~~and space on the application so that the applicant may~~  
12 ~~request a notation upon such license that he or she is a veteran of the~~  
13 ~~United States armed forces,~~] and space on the application so that the  
14 applicant may register in the New York state organ and tissue donor  
15 registry under section forty-three hundred ten of the public health law  
16 with the following stated on the application in clear and conspicuous  
17 type:

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

21 The commissioner of health shall not maintain records of any person  
22 who checks "skip this question". Except where the application is made in  
23 person or electronically, failure to check a box shall not impair the  
24 validity of an application, and failure to check "yes" or checking "skip  
25 this question" shall not be construed to imply a wish not to donate. In  
26 the case of an applicant under eighteen years of age, checking "yes"  
27 shall not constitute consent to make an anatomical gift or registration  
28 in the donate life registry, except as otherwise provided pursuant to  
29 the provisions of paragraph (b) of subdivision one of section forty-  
30 three hundred one of the public health law. Where an applicant has  
31 previously consented to make an anatomical gift or registered in the  
32 donate life registry, checking "skip this question" or failing to check  
33 a box shall not impair that consent or registration. In addition, an  
34 applicant for a commercial driver's license who will operate a commer-  
35 cial motor vehicle in interstate commerce shall certify that such appli-  
36 cant meets the requirements to operate a commercial motor vehicle, as  
37 set forth in public law 99-570, title XII, and title 49 of the code of  
38 federal regulations, and all regulations promulgated by the United  
39 States secretary of transportation under the hazardous materials trans-  
40 portation act. In addition, an applicant for a commercial driver's  
41 license shall submit a medical certificate at such intervals as required  
42 by the federal motor carrier safety improvement act of 1999 and Part  
43 383.71(h) of title 49 of the code of federal regulations relating to  
44 medical certification and in a manner prescribed by the commissioner.  
45 For purposes of this section and sections five hundred three, five  
46 hundred ten-a, and five hundred ten-aa of this title, the terms "medical  
47 certificate" and "medical certification" shall mean a form substantially  
48 in compliance with the form set forth in Part 391.43(h) of title 49 of  
49 the code of federal regulations. In addition, the commissioner also  
50 shall provide space on the application so that the applicant may request  
51 a notation upon such license that such applicant is a person with autism  
52 spectrum disorder, or any other medical, mental, or behavioral condition  
53 that may alter or impair such person's behavior. Upon a determination  
54 that the holder of a commercial driver's license has made any false  
55 statement, with respect to the application for such license, the commis-  
56 sioner shall revoke such license.

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

3 (a-2) Every license or renewal thereof issued to an applicant who has  
4 requested a notation indicating that such applicant is a person with  
5 autism spectrum disorder, or any other medical, mental, or behavioral  
6 condition that may alter or impair such person's behavior, shall, upon  
7 the request of such applicant and submission of proof as required under  
8 this paragraph, have imprinted on the front of such license or renewal  
9 thereof a distinctive mark which indicates such, in such a form as the  
10 commissioner shall determine. Such proof shall consist of documentation  
11 from a physician licensed under article one hundred thirty-one of the  
12 education law or a mental health practitioner licensed under article one  
13 hundred sixty-three of the education law, verifying that such person has  
14 autism spectrum disorder or another medical, mental, or behavioral  
15 condition that may alter or impair such person's behavior. The commis-  
16 sioner shall consult with the commissioner of health and the commis-  
17 ioner of mental health to determine a list of medical, mental, or behav-  
18 ioral disorders and conditions, that may be indicated on a person's  
19 driver's license upon such a request. The commissioner shall not require  
20 fees for the issuance of such licenses or renewals thereof to persons  
21 requesting such notation which are different from the fees otherwise  
22 required for the issuance of licenses or renewals thereof.

23 § 3. This act shall take effect on the one hundred eightieth day after  
24 it shall have become a law. Effective immediately, the addition, amend-  
25 ment and/or repeal of any rule or regulation necessary for the implemen-  
26 tation of this act on its effective date are authorized to be made and  
27 completed on or before such effective date.