

# STATE OF NEW YORK

213

2023-2024 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 4, 2023

Introduced by M. of A. SAYEGH, STIRPE, DeSTEFANO -- Multi-Sponsored by  
-- M. of A. TAGUE -- read once and referred to the Committee on  
Transportation

AN ACT to amend the vehicle and traffic law, in relation to including if  
a person has autism spectrum disorder on his or her driver's license;  
and to repeal certain provisions of such law relating thereto

The People of the State of New York, represented in Senate and Assem-  
bly, 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. Autism spectrum disorder. In addition to the provisions of subdi-  
4 vision two of this section, the commissioner shall ensure that space is  
5 provided on the application so that the applicant shall indicate if he  
6 or she has autism spectrum disorder and that the following is typed in  
7 clear and conspicuous type:

8 "You must fill out the following section: Are you a person with autism  
9 spectrum disorder? Check box for 'yes' or 'skip this question'."

10 The commissioner shall make whatever provisions are feasible and  
11 desirable to maintain and issue all suitable documents regarding  
12 advanced directives at driver's license examining offices.

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

16 (b) The identification card shall contain a distinguishing number or  
17 mark and adequate space upon which an anatomical gift, pursuant to arti-  
18 cle forty-three of the public health law, by the holder may be recorded  
19 and shall contain such other information and shall be issued in such  
20 form as the commissioner shall determine; provided, however, every iden-  
21 tification card or renewal thereof issued to a person with autism spec-  
22 trum disorder shall contain a distinctive mark; provided, however, every

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

LBD01708-01-3

1 identification card or renewal thereof issued to a person under the age  
2 of twenty-one years shall have prominently imprinted thereon the state-  
3 ment "UNDER 21 YEARS OF AGE" in notably distinctive print or format.  
4 Provided, further, however, that every identification card issued to an  
5 applicant who was a member of the armed forces of the United States and  
6 (i) received an honorable discharge or was released therefrom under  
7 honorable conditions, or (ii) has a qualifying condition, as defined in  
8 section three hundred fifty of the executive law, and has received a  
9 discharge other than bad conduct or dishonorable from such service, or  
10 (iii) is a discharged LGBT veteran, as defined in section three hundred  
11 fifty of the executive law, and has received a discharge other than bad  
12 conduct or dishonorable from such service, shall, upon his or her  
13 request and submission of proof as set forth herein, contain a distin-  
14 guishing mark, in such form as the commissioner shall determine, indi-  
15 cating that he or she is a veteran. Such proof shall consist of a  
16 certificate of release or discharge from active duty including but not  
17 limited to a DD Form 214 or other proof satisfactory to the commission-  
18 er. The commissioner shall not require fees for the issuance of such  
19 identification cards or renewals thereof to persons under twenty-one  
20 years of age which are different from the fees required for the issuance  
21 of identification cards or renewals thereof to persons twenty-one years  
22 of age or over, nor fees to persons requesting a veteran distinguishing  
23 mark which are different from fees that would otherwise be required.  
24 Provided, however, that notwithstanding the provisions of section four  
25 hundred ninety-one of this article, the commissioner shall not require  
26 any fees for the duplication or amendment of an identification card  
27 prior to its renewal if such duplication or amendment was solely for the  
28 purpose of adding a veteran distinguishing mark to such identification  
29 card.

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

33 (b) The identification card shall contain a distinguishing number or  
34 mark and adequate space upon which an anatomical gift, pursuant to arti-  
35 cle forty-three of the public health law, by the holder may be recorded  
36 and shall contain such other information and shall be issued in such  
37 form as the commissioner shall determine; provided, however, every iden-  
38 tification card or renewal thereof issued to a person with autism spec-  
39 trum disorder shall contain a distinctive mark; provided, however, every  
40 identification card or renewal thereof issued to a person under the age  
41 of twenty-one years shall have prominently imprinted thereon the state-  
42 ment "UNDER 21 YEARS OF AGE" in notably distinctive print or format.  
43 Provided, further, however, that every identification card issued to an  
44 applicant who was a member of the armed forces of the United States and  
45 (i) received an honorable discharge or was released therefrom under  
46 honorable conditions, or (ii) has a qualifying condition, as defined in  
47 section one of the veterans' services law, and has received a discharge  
48 other than bad conduct or dishonorable from such service, or (iii) is a  
49 discharged LGBT veteran, as defined in section one of the veterans'  
50 services law, and has received a discharge other than bad conduct or  
51 dishonorable from such service, shall, upon his or her request and  
52 submission of proof as set forth herein, contain a distinguishing mark,  
53 in such form as the commissioner shall determine, indicating that he or  
54 she is a veteran. Such proof shall consist of a certificate of release  
55 or discharge from active duty including but not limited to a DD Form 214  
56 or other proof satisfactory to the commissioner. 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. 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 to such identification card.

§ 4. Subdivision 1 of section 502 of the vehicle and traffic law is REPEALED and a new subdivision 1 is added 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 twenty-three, 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 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 his or her 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 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

1 previously consented to make an anatomical gift or registered in the  
2 donate life registry, checking "skip this question" or failing to check  
3 a box shall not impair that consent or registration. In addition, an  
4 applicant for a commercial driver's license who will operate a commer-  
5 cial motor vehicle in interstate commerce shall certify that such appli-  
6 cant meets the requirements to operate a commercial motor vehicle, as  
7 set forth in public law 99-570, title XII, and title 49 of the code of  
8 federal regulations, and all regulations promulgated by the United  
9 States secretary of transportation under the hazardous materials trans-  
10 portation act. In addition, the commissioner shall ensure that space is  
11 provided on the application so that the applicant shall indicate a  
12 declaration relating to if the applicant is a person with autism spec-  
13 trum disorder that the following is typed in clear and conspicuous type:

14 "You must fill out the following section: Are you a person with autism  
15 spectrum disorder? Check box for 'yes' or 'skip this question'."

16 The commissioner shall make whatever provisions are feasible and  
17 desirable to maintain and issue all suitable documents regarding  
18 advanced directives at driver's license examining offices. In addition,  
19 an applicant for a commercial driver's license shall submit a medical  
20 certificate at such intervals as required by the federal motor carrier  
21 safety improvement act of 1999 and Part 383.71(h) of title 49 of the  
22 code of federal regulations relating to medical certification and in a  
23 manner prescribed by the commissioner. For purposes of this section and  
24 sections five hundred three, five hundred ten-a, and five hundred ten-aa  
25 of this title, the terms "medical certificate" and "medical certif-  
26 ication" shall mean a form substantially in compliance with the form set  
27 forth in Part 391.43(h) of title 49 of the code of federal regulations.  
28 Upon a determination that the holder of a commercial driver's license  
29 has made any false statement, with respect to the application for such  
30 license, the commissioner shall revoke such license.

31 § 5. Paragraph (a) of subdivision 1 of section 504 of the vehicle and  
32 traffic law, as separately amended by chapters 568 and 639 of the laws  
33 of 2006, is amended to read as follows:

34 (a) Every license or renewal thereof shall contain a distinguishing  
35 mark and adequate space upon which an anatomical gift, pursuant to  
36 section forty-three hundred ten of the public health law, by the licen-  
37 see shall be recorded and shall contain such other information and shall  
38 be issued in such form as the commissioner shall determine; provided,  
39 however, every license or renewal thereof issued to a person under the  
40 age of twenty-one years shall have prominently imprinted upon it the  
41 statement "UNDER 21 YEARS OF AGE" in notably distinctive print or  
42 format; provided further, however, every license or renewal thereof  
43 issued to a person making an anatomical gift shall have prominently  
44 printed upon the front of such license or renewal thereof the statement  
45 "ORGAN DONOR" in notably distinctive print or format; provided that  
46 every license or renewal thereof issued to a person who has indicated on  
47 an application or renewal that he or she is a person with autism spec-  
48 trum disorder shall have imprinted on the front of such license or  
49 renewal thereof a distinctive mark which indicates such. The commission-  
50 er shall not require fees for the issuance of such licenses or renewals  
51 thereof to persons under twenty-one years of age ~~or~~, to persons making  
52 an anatomical gift or to a person with autism spectrum disorder which  
53 are different from the fees required for the issuance of licenses or  
54 renewals thereof to persons twenty-one years of age or over ~~or~~, to  
55 persons not making an anatomical gift or to persons who did not indicate

1 on an application or renewal that they are a person with autism spectrum  
2 disorder.

3 § 6. This act shall take effect immediately; provided, however, that  
4 the amendments to paragraph (b) of subdivision 3 of section 490 of the  
5 vehicle and traffic law made by section two of this act shall be subject  
6 to the expiration and reversion of such paragraph pursuant to section  
7 113 of part PP of chapter 56 of the laws of 2022, when upon such date  
8 the provisions of section three of this act shall take effect; provided,  
9 further, that section four of this act shall take effect on the one  
10 hundred eightieth day after it shall have become a law.