

# STATE OF NEW YORK

4075

2023-2024 Regular Sessions

## IN ASSEMBLY

February 9, 2023

Introduced by M. of A. RA -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to allowing for individuals to enroll in the national bone 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:

Section 1. Section 490 of the vehicle and traffic law is amended by adding a new subdivision 2-a to read as follows:

2-a. Enrollment in the national bone marrow donor program. In addition to the provisions of subdivision two of this section, the commissioner shall ensure that space is provided on the application for an identification card or renewal thereof to advise applicants of the existence of the national bone marrow donor program and to allow for applicants to enroll in such national bone marrow donor program.

§ 2. 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 citizen-

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

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1 ship, or a valid foreign driver's license that includes a photo image of  
2 the applicant and which is unexpired or expired for less than twenty-  
3 four months of its date of expiration, as primary forms of such proof.  
4 Nothing 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, with  
16 respect to an application for a non-commercial driver's license or  
17 learner's permit which does not meet federal standards for identifica-  
18 tion, an affidavit signed by such applicant that they have not been  
19 issued a social security number. The commissioner also shall provide  
20 space on the application so that the applicant may request a notation  
21 upon such license that such applicant is a veteran of the United States  
22 armed forces, and space on the application so that the applicant may  
23 request a notation upon such license that he or she is a veteran of the  
24 United States armed forces, and space on the application so that the  
25 applicant may register in the New York state organ and tissue donor  
26 registry under section forty-three hundred ten of the public health law  
27 with the following stated on the application in clear and conspicuous  
28 type:

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

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

1 by the federal motor carrier safety improvement act of 1999 and Part  
2 383.71(h) of title 49 of the code of federal regulations relating to  
3 medical certification and in a manner prescribed by the commissioner.  
4 For purposes of this section and sections five hundred three, five  
5 hundred ten-a, and five hundred ten-aa of this title, the terms "medical  
6 certificate" and "medical certification" shall mean a form substantially  
7 in compliance with the form set forth in Part 391.43(h) of title 49 of  
8 the code of federal regulations. Upon a determination that the holder of  
9 a commercial driver's license has made any false statement, with respect  
10 to the application for such license, the commissioner shall revoke such  
11 license.

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

14 7. The commissioner is directed to develop license application and  
15 renewal forms and the directions accompanying such forms to advise  
16 applicants of the existence of the national bone marrow donor program  
17 and to provide an opportunity for applicants to enroll in such national  
18 bone marrow donor program on such forms, and to further amend the  
19 website of the department to provide national bone marrow donor program  
20 contact information.

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