

# STATE OF NEW YORK

1460

2023-2024 Regular Sessions

## IN SENATE

January 12, 2023

Introduced by Sen. SERRANO -- 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 health care proxy information on driver's licenses; and to repeal certain provisions of such law relating thereto

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. In addition to the provisions of subdivision two of this section,  
4 the commissioner shall ensure that space is provided on the application  
5 so that the applicant shall indicate a declaration relating to the  
6 designation of a health care proxy pursuant to section twenty-nine  
7 hundred eighty-one of the public health law and that the following is  
8 typed in clear and conspicuous type:

9 "You must fill out the following section: Have you completed a health  
10 care proxy? Check box for 'yes' or 'skip this question'." Followed by a  
11 space for the health care agent's name.

12 The commissioner shall also ensure that space is provided on the  
13 application so that the applicant shall indicate a declaration relating  
14 to the use of life-sustaining treatment and that the following is typed  
15 in clear and conspicuous type:

16 "You must fill out the following section: Have you completed a living  
17 will? Check box for 'yes' or 'skip this question'."

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

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

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

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1 (b) The identification card shall contain a distinguishing number or  
2 mark and adequate space upon which an anatomical gift, pursuant to arti-  
3 cle forty-three of the public health law, a declaration relating to a  
4 health care proxy, pursuant to section twenty-nine hundred eighty-one of  
5 the public health law, and a declaration relating to the use of life-  
6 sustaining treatments by the holder may be recorded and shall contain  
7 such other information and shall be issued in such form as the commis-  
8 sioner shall determine; provided, however, every identification card or  
9 renewal thereof issued to a person under the age of twenty-one years  
10 shall have prominently imprinted thereon the statement "UNDER 21 YEARS  
11 OF AGE" in notably distinctive print or format. Provided, further,  
12 however, that every identification card issued to an applicant who was a  
13 member of the armed forces of the United States and (i) received an  
14 honorable discharge or was released therefrom under honorable condi-  
15 tions, or (ii) has a qualifying condition, as defined in section one of  
16 the veterans' services law, and has received a discharge other than bad  
17 conduct or dishonorable from such service, or (iii) is a discharged LGBT  
18 veteran, as defined in section one of the veterans' services law, and  
19 has received a discharge other than bad conduct or dishonorable from  
20 such service, shall, upon his or her request and submission of proof as  
21 set forth herein, contain a distinguishing mark, in such form as the  
22 commissioner shall determine, indicating that he or she is a veteran.  
23 Such proof shall consist of a certificate of release or discharge from  
24 active duty including but not limited to a DD Form 214 or other proof  
25 satisfactory to the commissioner. The commissioner shall not require  
26 fees for the issuance of such identification cards or renewals thereof  
27 to persons under twenty-one years of age which are different from the  
28 fees required for the issuance of identification cards or renewals ther-  
29 eof to persons twenty-one years of age or over, nor fees to persons  
30 requesting a veteran distinguishing mark which are different from fees  
31 that would otherwise be required. Provided, however, that notwithstand-  
32 ing the provisions of section four hundred ninety-one of this article,  
33 the commissioner shall not require any fees for the duplication or  
34 amendment of an identification card prior to its renewal if such dupli-  
35 cation or amendment was solely for the purpose of adding a veteran  
36 distinguishing mark to such identification card.

37 § 3. Subdivision 1 of section 502 of the vehicle and traffic law is  
38 REPEALED and a new subdivision 1 is added to read as follows:

39 1. Application for license. Application for a driver's license shall  
40 be made to the commissioner. The fee prescribed by law may be submitted  
41 with such application. The applicant shall furnish such proof of identi-  
42 ty, age, and fitness as may be required by the commissioner. Eligibility  
43 for a driver's license shall not be conditioned on a particular immi-  
44 gration status. The commissioner may also provide that the application  
45 procedure shall include the taking of a photo image or images of the  
46 applicant in accordance with rules and regulations prescribed by the  
47 commissioner. In addition, the commissioner also shall require that the  
48 applicant provide his or her social security number where such applicant  
49 is a legal immigrant and shall provide space on the application so that  
50 the applicant may register in the New York state organ and tissue donor  
51 registry under section forty-three hundred ten of the public health law  
52 with the following stated on the application in clear and conspicuous  
53 type:

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

1 The commissioner of the department of health shall not maintain  
2 records of any person who checks "skip this question". Failure to check  
3 a box shall not impair the validity of an application, and failure to  
4 check "yes" or checking "skip this question" shall not be construed to  
5 imply a wish not to donate. In the case of an applicant under eighteen  
6 years of age, checking "yes" shall not constitute consent to make an  
7 anatomical gift or registration in the donate life registry. Where an  
8 applicant has previously consented to make an anatomical gift or regis-  
9 tered in the donate life registry, checking "skip this question" or  
10 failing to check a box shall not impair that consent or registration. In  
11 addition, the commissioner also shall require that space shall be  
12 provided on the application so that the applicant may request a notation  
13 upon such license that he or she is a veteran of the United States armed  
14 forces. Additionally, the commissioner shall ensure that space is  
15 provided on the application so that the applicant shall indicate a  
16 declaration relating to the designation of a health care proxy pursuant  
17 to section twenty-nine hundred eighty-one of the public health law and  
18 that the following is typed in clear and conspicuous type:

19 "You must fill out the following section: Have you completed a health  
20 care proxy? Check box for 'yes' or 'skip this question'." Followed by a  
21 space for the health care agent's name.

22 The commissioner shall also ensure that space is provided on the  
23 application so that the applicant shall indicate a declaration relating  
24 to the use of life-sustaining treatment and that the following is typed  
25 in clear and conspicuous type:

26 "You must fill out the following section: Have you completed a living  
27 will? Check box for 'yes' or 'skip this question'."

28 The commissioner shall make whatever provisions are feasible and  
29 desirable to maintain and issue all suitable documents regarding  
30 advanced directives at driver's license examining offices. In addition,  
31 an applicant for a commercial driver's license who will operate a  
32 commercial motor vehicle in interstate commerce shall certify that such  
33 applicant meets the requirements to operate a commercial motor vehicle,  
34 as set forth in public law 99-570, title XII, and title 49 of the code  
35 of federal regulations, and all regulations promulgated by the United  
36 States secretary of transportation under the hazardous materials trans-  
37 portation act. In addition, an applicant for a commercial driver's  
38 license shall submit a medical certificate at such intervals as required  
39 by the federal motor carrier safety improvement act of 1999 and Part  
40 383.71(h) of title 49 of the code of federal regulations relating to  
41 medical certification and in a manner prescribed by the commissioner.  
42 For purposes of this section and sections five hundred three, five  
43 hundred ten-a, and five hundred ten-aa of this title, the terms "medical  
44 certificate" and "medical certification" shall mean a form substantially  
45 in compliance with the form set forth in Part 391.43(h) of title 49 of  
46 the code of federal regulations. Upon a determination that the holder of  
47 a commercial driver's license has made any false statement, with respect  
48 to the application for such license, the commissioner shall revoke such  
49 license.

50 § 4. Subdivision 1 of section 502 of the vehicle and traffic law, as  
51 added by section three of this act, is amended to read as follows:

52 1. Application for license. Application for a driver's license shall  
53 be made to the commissioner. The fee prescribed by law may be submitted  
54 with such application. The applicant shall furnish such proof of identi-  
55 ty, age, and fitness as may be required by the commissioner. Eligibility  
56 for a driver's license shall not be conditioned on a particular immi-

1 gration status. The commissioner may also provide that the application  
2 procedure shall include the taking of a photo image or images of the  
3 applicant in accordance with rules and regulations prescribed by the  
4 commissioner. In addition, the commissioner also shall require that the  
5 applicant provide his or her social security number where such applicant  
6 is a legal immigrant and [~~shall~~] provide space on the application so  
7 that the applicant may register in the New York state organ and tissue  
8 donor registry under section forty-three hundred ten of the public  
9 health law [~~with the following stated on the application in clear and  
10 conspicuous type:~~

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

14 ~~The commissioner of the department of health shall not maintain  
15 records of any person who checks "skip this question". Failure to check  
16 a box shall not impair the validity of an application, and failure to  
17 check "yes" or checking "skip this question" shall not be construed to  
18 imply a wish not to donate. In the case of an applicant under eighteen  
19 years of age, checking "yes" shall not constitute consent to make an  
20 anatomical gift or registration in the donate life registry. Where an  
21 applicant has previously consented to make an anatomical gift or regis-  
22 tered in the donate life registry, checking "skip this question" or  
23 failing to check a box shall not impair that consent or registration].~~

24 In addition, the commissioner also shall require that space shall be  
25 provided on the application so that the applicant may request a notation  
26 upon such license that he or she is a veteran of the United States armed  
27 forces. Additionally, the commissioner shall ensure that space is  
28 provided on the application so that the applicant shall indicate a  
29 declaration relating to the designation of a health care proxy pursuant  
30 to section twenty-nine hundred eighty-one of the public health law and  
31 that the following is typed in clear and conspicuous type:

32 "You must fill out the following section: Have you completed a health  
33 care proxy? Check box for 'yes' or 'skip this question'." Followed by a  
34 space for the health care agent's name.

35 The commissioner shall also ensure that space is provided on the  
36 application so that the applicant shall indicate a declaration relating  
37 to the use of life-sustaining treatment and that the following is typed  
38 in clear and conspicuous type:

39 "You must fill out the following section: Have you completed a living  
40 will? Check box for 'yes' or 'skip this question'."

41 The commissioner shall make whatever provisions are feasible and  
42 desirable to maintain and issue all suitable documents regarding  
43 advanced directives at driver's license examining offices. In addition,  
44 an applicant for a commercial driver's license who will operate a  
45 commercial motor vehicle in interstate commerce shall certify that such  
46 applicant meets the requirements to operate a commercial motor vehicle,  
47 as set forth in public law 99-570, title XII, and title 49 of the code  
48 of federal regulations, and all regulations promulgated by the United  
49 States secretary of transportation under the hazardous materials trans-  
50 portation act. In addition, an applicant for a commercial driver's  
51 license shall submit a medical certificate at such intervals as required  
52 by the federal motor carrier safety improvement act of 1999 and Part  
53 383.71(h) of title 49 of the code of federal regulations relating to  
54 medical certification and in a manner prescribed by the commissioner.  
55 For purposes of this section and sections five hundred three, five  
56 hundred ten-a, and five hundred ten-aa of this title, the terms "medical

1 certificate" and "medical certification" shall mean a form substantially  
2 in compliance with the form set forth in Part 391.43(h) of title 49 of  
3 the code of federal regulations. Upon a determination that the holder of  
4 a commercial driver's license has made any false statement, with respect  
5 to the application for such license, the commissioner shall revoke such  
6 license.

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

10 (a) Every license or renewal thereof shall contain a distinguishing  
11 mark and adequate space upon which an anatomical gift, pursuant to  
12 section forty-three hundred ten of the public health law, by the licen-  
13 see shall be recorded and shall contain such other information and shall  
14 be issued in such form as the commissioner shall determine; provided,  
15 however, every license or renewal thereof issued to a person under the  
16 age of twenty-one years shall have prominently imprinted upon it the  
17 statement "UNDER 21 YEARS OF AGE" in notably distinctive print or  
18 format; provided further, however, every license or renewal thereof  
19 issued to a person making an anatomical gift shall have prominently  
20 printed upon the front of such license or renewal thereof the statement  
21 "ORGAN DONOR" in notably distinctive print or format; provided that  
22 every license shall have imprinted on the back "Designated health care  
23 agent:" followed by a space for the health care agent's name and contact  
24 information; and provided further that every license shall have  
25 imprinted on the back "Executed declaration relating to life-sustaining  
26 treatment:" followed by a space to mark the appropriate box "Yes" or  
27 "No". The commissioner shall not require fees for the issuance of such  
28 licenses or renewals thereof to persons under twenty-one years of age or  
29 to persons making an anatomical gift which are different from the fees  
30 required for the issuance of licenses or renewals thereof to persons  
31 twenty-one years of age or over or to persons not making an anatomical  
32 gift.

33 § 6. This act shall take effect immediately; provided, however, that  
34 the amendments made to paragraph (b) of subdivision 3 of section 490 of  
35 the vehicle and traffic law made by section two of this act shall take  
36 effect on the same date and in the same manner as section 97 of part PP  
37 of chapter 56 of the laws of 2022, takes effect; provided, however, that  
38 section three of this act shall take effect on the one hundred eightieth  
39 day after it shall have become a law; and provided, further, that  
40 section four of this act shall take effect October 3, 2026.