

STATE OF NEW YORK

6396--A

2025-2026 Regular Sessions

IN SENATE

March 13, 2025

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the executive law, in relation to the placement of a discreet nonapparent disability designation on non-driver identification cards, drivers' licenses and learners' permits and making technical and conforming changes

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 "Eric's ID Law".

3 § 2. Paragraph (a) of subdivision 3 of section 490 of the vehicle and
4 traffic law is amended by adding a new subparagraph (iv) to read as
5 follows:

6 (iv) (A) The commissioner shall provide space so that an applicant may
7 request a notation upon such identification card that such applicant has
8 a nonapparent disability. An applicant requesting a notation of nonap-
9 parent disability shall not be required to provide proof of such nonap-
10 parent disability.

11 (B) The commissioner shall provide a method for an individual who has
12 previously requested a notation for a nonapparent disability to request
13 the removal of a nonapparent disability notation from their identifica-
14 tion card. In addition to issuing a new identification card to such
15 requesting individual with the nonapparent disability notation removed,
16 the department shall delete all records pertaining to such individual's
17 nonapparent disability notation.

18 (C) (1) Notwithstanding any other provision of law to the contrary,
19 the department shall not disclose any information related to an appli-
20 cant's voluntary nonapparent disability designation to any insurer,
21 insurance producer, or to the department of financial services for

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

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1 underwriting, rating, risk classification, premium calculation, claims
2 assessment, or any insurance related purpose.

3 (2) The department shall not use, and shall not permit the use of, the
4 voluntary nonapparent disability designation as the basis for referral
5 to the medical review unit or for any fitness-to-drive evaluation
6 authorized under this chapter.

7 (D) As used in this section, "nonapparent disability" shall include
8 all intellectual and developmental disabilities.

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

12 (b) The identification card shall contain a distinguishing number or
13 mark and adequate space upon which an anatomical gift, pursuant to arti-
14 cle forty-three of the public health law, by the holder may be recorded
15 and shall contain such other information and shall be issued in such
16 form as the commissioner shall determine; provided, however, every iden-
17 tification card or renewal thereof issued to a person under the age of
18 twenty-one years shall have prominently imprinted thereon the statement
19 "UNDER 21 YEARS OF AGE" in notably distinctive print or format.

20 Provided, further, however, that every identification card issued to an
21 applicant who was a member of the armed forces of the United States and
22 (i) received an honorable discharge or was released therefrom under
23 honorable conditions, or (ii) has a qualifying condition, as defined in
24 section one of the veterans' services law, and has received a discharge
25 other than bad conduct or dishonorable from such service, or (iii) is a
26 discharged LGBT veteran, as defined in section one of the veterans'
27 services law, and has received a discharge other than bad conduct or
28 dishonorable from such service, shall, upon [~~his or her~~] such appli-
29 cant's request and submission of proof as set forth herein, contain a
30 distinguishing mark, in such form as the commissioner shall determine,
31 indicating that [~~he or she~~] such applicant is a veteran. Such proof
32 shall consist of a certificate of release or discharge from active duty
33 including but not limited to a DD Form 214 or other proof satisfactory
34 to the commissioner. Provided, further, that every identification card
35 issued to an applicant who has a nonapparent disability shall, upon the
36 request of such applicant pursuant to the provisions of subparagraph
37 (iv) of paragraph (a) of this subdivision, contain a distinguishing
38 mark, in the form of a butterfly, which is discreet and represents all
39 types of nonapparent disabilities. The commissioner shall not require
40 fees for the issuance of such identification cards or renewals thereof
41 to persons under twenty-one years of age which are different from the
42 fees required for the issuance of identification cards or renewals ther-
43 eof to persons twenty-one years of age or over, nor fees to persons
44 requesting a veteran distinguishing mark which are different from fees
45 that would otherwise be required, nor fees to persons requesting a
46 nonapparent disability distinguishing mark which are different from fees
47 that would otherwise be required. Provided, however, that notwithstand-
48 ing the provisions of section four hundred ninety-one of this article,
49 the commissioner shall not require any fees for the duplication or
50 amendment of an identification card prior to its renewal if such dupli-
51 cation or amendment was solely for the purpose of adding a veteran
52 distinguishing mark or adding or removing a nonapparent disability
53 distinguishing mark to such identification card.

54 § 4. Subdivision 1 of section 502 of the vehicle and traffic law, as
55 separately amended by chapters 158 and 440 of the laws of 2021, is
56 amended to read as follows:

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

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

44 The commissioner of health shall not maintain records of any person
45 who checks "skip this question". Except where the application is made in
46 person or electronically, failure to check a box shall not impair the
47 validity of an application, and failure to check "yes" or checking "skip
48 this question" shall not be construed to imply a wish not to donate. In
49 the case of an applicant under eighteen years of age, checking "yes"
50 shall not constitute consent to make an anatomical gift or registration
51 in the donate life registry, except as otherwise provided pursuant to
52 the provisions of paragraph (b) of subdivision one of section forty-
53 three hundred one of the public health law. Where an applicant has
54 previously consented to make an anatomical gift or registered in the
55 donate life registry, checking "skip this question" or failing to check
56 a box shall not impair that consent or registration. In addition, the

1 commissioner shall provide space on the application so that the appli-
2 cant may request a notation upon such license that such applicant is a
3 veteran of the United States armed forces. In addition, the commissioner
4 shall provide space on the application so that the applicant may request
5 a notation upon such license that such applicant has a nonapparent disa-
6 bility. In addition, an applicant for a commercial driver's license who
7 will operate a commercial motor vehicle in interstate commerce shall
8 certify that such applicant meets the requirements to operate a commer-
9 cial motor vehicle, as set forth in public law 99-570, title XII, and
10 title 49 of the code of federal regulations, and all regulations promul-
11 gated by the United States secretary of transportation under the hazard-
12 ous materials transportation act. In addition, an applicant for a
13 commercial driver's license shall submit a medical certificate at such
14 intervals as required by the federal motor carrier safety improvement
15 act of 1999 and Part 383.71(h) of title 49 of the code of federal regu-
16 lations relating to medical certification and in a manner prescribed by
17 the commissioner. For purposes of this section and sections five
18 hundred three, five hundred ten-a, and five hundred ten-aa of this
19 title, the terms "medical certificate" and "medical certification" shall
20 mean a form substantially in compliance with the form set forth in Part
21 391.43(h) of title 49 of the code of federal regulations. Upon a deter-
22 mination that the holder of a commercial driver's license has made any
23 false statement, with respect to the application for such license, the
24 commissioner shall revoke such license.

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

27 (a-2) (i) Every license or renewal thereof issued to an applicant who
28 has a nonapparent disability shall, upon the request of such applicant,
29 contain a distinguishing mark, in such form of a butterfly, which is
30 discreet and represents all types of nonapparent disabilities. An
31 applicant requesting a notation of disabled status shall not be required
32 to provide proof of such nonapparent disability.

33 (ii) The commissioner shall provide a method for an individual who has
34 previously requested a notation for a nonapparent disability to request
35 the removal of a nonapparent disability notation from their license. In
36 addition to issuing a new license to such requesting individual with the
37 nonapparent disability notation removed, the department shall delete all
38 records pertaining to such individual's nonapparent disability notation.

39 (iii) (A) Notwithstanding any other provision of law to the contrary,
40 the department shall not disclose any information related to an appli-
41 cant's voluntary nonapparent disability designation to any insurer,
42 insurance producer, or to the department of financial services for
43 underwriting, rating, risk classification, premium calculation, claims
44 assessment, or any insurance related purpose.

45 (B) The department shall not use, and shall not permit the use of, the
46 voluntary nonapparent disability designation as the basis for referral
47 to the medical review unit or for any fitness-to-drive evaluation
48 authorized under this chapter.

49 (iv) The commissioner shall not require fees for the issuance of such
50 licenses or renewals thereof to persons requesting a nonapparent disa-
51 bility distinguishing mark which are different from fees otherwise
52 required; provided, however, that notwithstanding the provisions of this
53 section, the commissioner shall not require fees for a duplication or
54 amendment of a license prior to its renewal if such duplication or
55 amendment was solely for the purpose of adding or removal of a nonappar-
56 ent disability distinguishing mark to such license.

1 (v) As used in this section, "nonapparent disability" shall include
2 all intellectual and developmental disabilities.

3 § 6. Subdivision 1 of section 840 of the executive law is amended by
4 adding a new paragraph (n) to read as follows:

5 (n) Establishment and implementation on an ongoing basis, of a train-
6 ing program for all current and new police officers and peace officers
7 regarding how to interact with individuals with a nonapparent disability
8 notation on their driver's license or identification card. The content
9 of such training program shall be created in consultation with the
10 office for people with developmental disabilities.

11 § 7. This act shall take effect on the thirtieth day after it shall
12 have become a law. Effective immediately, the addition, amendment
13 and/or repeal of any rule or regulation necessary for the implementation
14 of this act on its effective date are authorized to be made and
15 completed on or before such effective date.