STATE OF NEW YORK

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2025-2026 Regular Sessions

IN SENATE

March 13, 2025

Introduced by Sens. JACKSON, MYRIE -- 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 -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- 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:

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

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

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

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

(C) (1) Notwithstanding any other provision of law to the contrary, the department shall not disclose any information related to an applicant's voluntary nonapparent disability designation to any insurer, 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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underwriting, rating, risk classification, premium calculation, claims assessment, or any insurance related purpose.

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

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

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

(b) The identification card shall contain a distinguishing number or mark and adequate space upon which an anatomical gift, pursuant to article forty-three of the public health law, by the holder may be recorded and shall contain such other information and shall be issued in such form as the commissioner shall determine; provided, however, every identification card or renewal thereof issued to a person under the age of twenty-one years shall have prominently imprinted thereon the statement "UNDER 21 YEARS OF AGE" in notably distinctive print or format. Provided, further, however, that every identification card issued to an applicant who was a member of the armed forces of the United States and (i) received an honorable discharge or was released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, shall, upon [~~his or her~~] such applicant's request and submission of proof as set forth herein, contain a distinguishing mark, in such form as the commissioner shall determine, indicating that [~~he or she~~] such applicant is a veteran. Such proof shall consist of a certificate of release or discharge from active duty including but not limited to a DD Form 214 or other proof satisfactory to the commissioner. Provided, further, that every identification card issued to an applicant who has a nonapparent disability shall, upon the request of such applicant pursuant to the provisions of subparagraph (iv) of paragraph (a) of this subdivision, contain a distinguishing mark, in the form of a butterfly, which is discreet and represents all types of nonapparent disabilities. 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, nor fees to persons requesting a nonapparent disability 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, 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 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 license shall display the sex designation of M, F, or X as certified by the applicant, with no additional documentation required. The applicant may amend the sex designation of their driver's license upon request. Upon amendment of the sex designation, the change shall be made consistent through all affiliated records within the control of the department. 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 such applicant's 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 request a notation upon such license that such applicant is a veteran of the United States armed forces, and space on the application so that the applicant may request a notation upon such license that [~~he or she~~] **such applicant** is a veteran of the United States armed forces, and 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 previously consented to make an anatomical gift or registered in the donate life registry, checking "skip this question" or failing to check a box shall not impair that consent or registration. **In addition, the**

commissioner shall provide space on the application so that the applicant may request a notation upon such license that such applicant is a veteran of the United States armed forces. In addition, the commissioner shall provide space on the application so that the applicant may request a notation upon such license that such applicant has a nonapparent disability. In addition, an applicant for a commercial driver's license who will operate a commercial motor vehicle in interstate commerce shall certify that such applicant meets the requirements to operate a commercial motor vehicle, as set forth in public law 99-570, title XII, and title 49 of the code of federal regulations, and all regulations promulgated by the United States secretary of transportation under the hazardous materials transportation act. In addition, an applicant for a commercial driver's license shall submit a medical certificate at such intervals as required by the federal motor carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of the code of federal regulations relating to medical certification and in a manner prescribed by the commissioner. For purposes of this section and sections five hundred three, five hundred ten-a, and five hundred ten-aa of this title, the terms "medical certificate" and "medical certification" shall mean a form substantially in compliance with the form set forth in Part 391.43(h) of title 49 of the code of federal regulations. Upon a determination that the holder of a commercial driver's license has made any false statement, with respect to the application for such license, the commissioner shall revoke such license.

§ 5. Subdivision 1 of section 502 of the vehicle and traffic law, as amended by chapter 597 of the laws of 2025, 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 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 license shall display the sex designation of M, F, or X as certified by the applicant, with no additional documentation required. The applicant may amend the sex designation of their driver's license upon request. Upon amendment of the sex designation, the change shall be made consistent through all affiliated records within the control of the department. 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 such applicant's 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 identifica-

tion, 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 request a notation upon such license that such applicant is a veteran of the United States armed forces, and space on the application so that the applicant may request a notation upon such license that such [~~person~~] **applicant** is a veteran of the United States armed forces, and 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 previously consented to make an anatomical gift or registered in the donate life registry, checking "skip this question" or failing to check a box shall not impair that consent or registration. **In addition, the commissioner shall provide space on the application so that the applicant may request a notation upon such license that such applicant is a veteran of the United States armed forces. In addition, the commissioner shall provide space on the application so that the applicant may request a notation upon such license that such applicant has a nonapparent disability.** Additionally, the commissioner shall ensure that space is provided on the application for a driver's license or renewal thereof to advise applicants of the existence of the C.W. Bill Young Cell Transplantation Program established in 42 U.S.C. Section 274k or the national marrow donor program ("registry operator") and to allow for applicants to consent to sharing their information with the registry operator for the purposes of receiving information from the registry operator about enrolling as a potential volunteer bone marrow or blood cell donor on the national registry. Such information related to the consenting applicant shared with the registry operator shall be limited to first and last name, date of birth, email address, and physical address. In addition, an applicant for a commercial driver's license who will operate a commercial motor vehicle in interstate commerce shall certify that such applicant meets the requirements to operate a commercial motor vehicle, as set forth in public law 99-570, title XII, and title 49 of the code of federal regulations, and all regulations promulgated by the United States secretary of transportation under the hazardous materials transportation act. In addition, an applicant for a commercial driver's license shall submit a medical certificate at such intervals as required by the federal motor carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of the code of federal regulations relating to medical certification and in a manner prescribed by the commissioner. For purposes of this section and sections five hundred three, five hundred ten-a, and five hundred ten-aa of this title, the terms "medical

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

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

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

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

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

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

(iv) The commissioner shall not require fees for the issuance of such licenses or renewals thereof to persons requesting a nonapparent disability distinguishing mark which are different from fees otherwise required.

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

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

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

§ 8. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that the amendments to subdivision 1 of section 502 of the vehicle and traffic law made by section four of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 2 of chapter 597 of the laws of 2025, as amended, when upon such date the provisions of section five of this act shall take effect. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.