§ 490. Definition; application for and issuance of identification card. 1. Definition. The term "identification card" shall mean and refer to a non-driver identification card issued pursuant to the provisions of this article.

2. Application. (a) Any person to whom a driver's license or learner's permit has not been issued by the commissioner, or whose driver's license or learner's permit is expired, suspended, revoked or surrendered, may make application to the commissioner for the issuance of an identification card. The commissioner shall ensure that space is provided on the application so that the applicant shall register or decline registration in the donate life registry for organ and tissue donations pursuant to section forty-three hundred ten of the public health law and that the following is 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.

(b) The identification card 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 identification card upon request.

* 2-a. Solicitation for applicant to consent to share certain

information with the C.W. Bill Young Cell Transplantation Program established in 42 U.S.C. Section 274k or the national marrow donor program ("registry operator") for the purpose of receiving information about enrolling in the national registry of volunteer bone marrow or blood cell donors. 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 registry and to allow for applicants to consent to sharing their information with the registry operator for the purposes of receiving information from the national marrow donor program 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 the first and last name, date of birth, email address, and physical address.

* NB Effective January 1, 2028

3. Issuance. (a) (i) The commissioner shall upon submission of an appropriate application, upon payment of the prescribed fee, and upon being satisfied that the person described is the applicant and that such applicant meets the requirements set forth in subdivision two of this section, issue to such applicant a nontransferable identification card. In addition, the commissioner also shall require that an applicant for an identification card or renewal thereof provide his or her social security number. The commissioner shall provide space so that an applicant may request a notation upon such identification card that he or she is a veteran of the United States armed forces.

(ii) In the case of a person (A) sixty-two years of age or older or (B) a recipient of supplemental security income benefits as defined in section two hundred eight of the social services law, application for a card which expires ten years after the date of issuance shall be made on a form prescribed by the commissioner and shall include proof that such person is sixty-two years of age or older or a recipient of such supplemental security income benefits, as the case may be.

(iii) Notwithstanding any other law, rule or regulation to the contrary, a person who is either (A) sixty-two years of age or older and a recipient of supplemental security income benefits or (B) a recipient

of public assistance, as defined in subdivision nineteen of section two of the social services law, supplemental nutrition assistance program benefits, pursuant to section ninety-five of the social services law, or medical assistance, as defined in paragraph (a) of subdivision thirty-eight of section two of the social services law, and who has not been issued a driver's license, or whose driver's license is expired, or who surrendered his or her driver's license, shall be issued an identification card without the payment of any fee, upon submitting the appropriate application. For persons applying for an identification card pursuant to clause (B) of this subparagraph, such application shall include proof that such person is in receipt of public assistance, supplemental nutrition assistance program benefits, or medical assistance, as the case may be.

(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 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 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. 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.

(c) The identification card may also contain the photograph of the holder pursuant to regulations established by the commissioner. Any photograph taken as part of the application procedure for an identification card shall not be a public record.