§ 501. Drivers' licenses and learners' permits. 1. The commissioner shall issue classified drivers' licenses as provided in this article. Any such license shall be valid only for the operation of the type of vehicles specified for each such class of license but shall not be valid for the operation of any type of vehicle for which an endorsement is required by this section or regulations promulgated hereunder unless the license contains such endorsement and shall be subject to any restrictions contained thereon.

2. Driver license classifications, endorsements and restrictions and exceptions. (a) License classifications. (i) Class A. Such license shall be valid to operate any motor vehicle or any combination of vehicles except it shall not be valid to operate a motorcycle other than a class B or C limited use motorcycle.

(ii) Class B. Such license shall be valid to operate any vehicle or combination of vehicles which may be operated with a class E license and shall be valid to operate any motor vehicle or any such vehicle, other than a tractor, towing a vehicle having a GVWR of not more than ten thousand pounds and shall be valid to operate any altered motor vehicle commonly referred to as a "stretch limousine" having a seating capacity of nine or more passengers including the driver except it shall not be valid to operate a motorcycle other than a class B or C limited use motorcycle.

(iii) Class C. Such license shall be valid to operate any vehicle or combination of vehicles which may be operated with a class E license and shall be valid to operate any motor vehicle with a GVWR of not more than twenty-six thousand pounds and any such vehicle towing another vehicle with a GVWR of not more than ten thousand pounds except it shall not be valid to operate a tractor or a motorcycle other than a class B or C limited use motorcycle.

(iv) Class D. Such license shall be valid to operate any passenger or limited use automobile or any truck with a GVWR of not more than twenty-six thousand pounds or any such vehicle towing a vehicle with a GVWR of not more than ten thousand pounds, or any such vehicle towing another vehicle with a GVWR of more than ten thousand pounds provided such combination of vehicles has a GCWR of not more than twenty-six thousand pounds, or any personal use vehicle with a GVWR of not more

than twenty-six thousand pounds or any such vehicle towing a vehicle with a GVWR of not more than ten thousand pounds, except it shall not be valid to operate a tractor, a motorcycle other than a class B or C limited use motorcycle, a vehicle used to transport passengers for hire or for which a hazardous materials endorsement is required, or a vehicle defined as a bus in subdivision one of section five hundred nine-a of this title. Such license also shall be valid to operate a three-wheeled motor vehicle that has two wheels situated in the front and one wheel in the rear, has a steering mechanism and seating which does not require the operator to straddle or sit astride, is equipped with safety belts for all occupants and is manufactured to comply with federal motor vehicle safety standards for motorcycles including, but not limited to, 49 C.F.R. part 571.

(v) Class E. Such license shall be valid to operate only vehicles which may be operated with a class D license, except that in addition it shall be valid to operate any such motor vehicle, other than a vehicle defined as a bus in subdivision one of section five hundred nine-a of this chapter, used to transport up to fourteen passengers for hire and other than an altered motor vehicle commonly referred to as a "stretch limousine" having a seating capacity of nine or more passengers including the driver.

(vi) Class DJ. Such license shall be valid to operate only vehicles which may be operated with a class D license by a person under eighteen years of age, except it shall not be valid to operate a motor vehicle with an unladen weight or a GVWR of more than ten thousand pounds or any motor vehicle towing another vehicle with an unladen weight or GVWR of more than three thousand pounds. Such license shall automatically become a class D license when the holder becomes eighteen years of age.

(vii) Class M. Such license shall be valid to operate any motorcycle, or any motorcycle, other than a limited use motorcycle, towing a trailer. Such license also shall be valid to operate a three-wheeled motor vehicle that has two wheels situated in the front and one wheel in the rear, has a steering mechanism and seating which does not require the operator to straddle or sit astride, is equipped with safety belts for all occupants and is manufactured to comply with federal motor vehicle safety standards for motorcycles including, but not limited to, 49 C.F.R. part 571.

(viii) Class MJ. Such license shall be valid to operate any motorcycle or limited use motorcycle by a person under eighteen years of age. Such license shall automatically become a class M license when the holder becomes eighteen years of age.

(b) Endorsements. The following endorsements shall be required to operate vehicles as set forth herein. In addition the commissioner by regulation may provide for further endorsements.

(i) T endorsement. Shall be required to operate double and triple trailers.

(ii) H endorsement. Shall be required to transport hazardous materials as defined in section one hundred three of the hazardous materials transportation act, public law 93-633, title I, when the vehicle transporting such materials is required to be placarded under the hazardous materials regulation, 49 CFR part 172, subpart F or is transporting any quantity of material listed as a select agent or toxin in 42 CFR part 73. An applicant for a commercial driver's license in this state who wishes to transport hazardous materials must obtain a New York state hazardous materials endorsement even if such applicant holds a valid hazardous materials endorsement issued by another state. A farm vehicle shall be exempt from the requirement for such endorsement when transporting hazardous materials within one hundred fifty miles of the person's farm. However, a separate non-commercial endorsement shall be required for such exempted transportation. In order to obtain such endorsement, the license holder must submit fingerprints for purposes of a criminal history record check pursuant to subdivision six of this section.

(iii) N endorsement. Shall be required to operate tank vehicles.

(iv) P endorsement. Shall be required to operate a bus as defined in sections one hundred four and five hundred nine-a of this chapter, any altered motor vehicle commonly referred to as a "stretch limousine" having a seating capacity of nine or more passengers including the driver or any motor vehicle with a gross vehicle weight or gross vehicle weight rating of more than twenty-six thousand pounds which is designed to transport passengers in commerce. For the purposes of this subparagraph the gross vehicle weight of a vehicle shall mean the actual weight of the vehicle and the load.

(v) X endorsement. Shall be an endorsement combining H and N

endorsements.

(vii) Personal use vehicle endorsement. Shall be required to operate a personal use vehicle or a combination of personal use vehicles which may not be operated with a class C, D or E license. The identification and scope of any such endorsement or endorsements shall be as prescribed by regulation of the commissioner, but no such endorsement shall permit the operation of a rental truck towing a vehicle with a GVWR of more than ten thousand pounds.

(viii) W endorsement. Shall be required to operate a tow truck.

(ix) Metal coil endorsement. Shall be required to operate any commercial motor vehicle, as defined in subdivision four of section five hundred one-a of this article, carrying metal coils. The identification and scope of such endorsement shall be as prescribed by regulation of the commissioner.

(x) S endorsement. Shall be required to operate a school bus, as defined in section one hundred forty-two of this chapter, which is designed or used to transport fifteen or more passengers.

(c) Restrictions. Notwithstanding the foregoing provisions of this subdivision, the operation of vehicles may be limited by a restriction or restrictions placed on a license. The following restrictions may be issued by the commissioner based upon the representative vehicle in which the road test was taken, or if the license is issued based on driving experience, the vehicle in which the experience was gained. In addition, the commissioner may by regulation provide for additional restrictions based upon other types of vehicles or other factors deemed appropriate by the commissioner.

(i) A restriction prohibiting the operation of a vehicle with air brakes.

(ii) A restriction limiting the operation of a combination of vehicles to truck-trailer combinations.

(iii) A restriction limiting operation to vehicles of not more than a specified GVWR.

(d) Exceptions. (i) Notwithstanding the foregoing provisions of this subdivision, a motor vehicle or combination of vehicles, other than a motorcycle, that is (A) a military vehicle operated by a member of the armed forces, or (B) a police vehicle or fire vehicle during its use in an emergency operation as defined in section one hundred fourteen-b of

this chapter, or in the performance of official duties, or activities related to the execution of emergency governmental functions pursuant to section 383.3 (d)(2) of title 49 of the code of federal regulations, or (C) a vehicle owned and identified as being owned by the state or a political subdivision thereof or an ambulance service as defined in subdivision two of section three thousand one of the public health law or a voluntary ambulance service as defined in subdivision three of such section and used to provide emergency medical service as defined in section three thousand one of the public health law, or to perform official duties, or activities related to the execution of emergency governmental functions pursuant to section 383.3 (d)(2) of title 49 of the code of federal regulations, may be operated with any class license other than a class DJ, M or MJ license. For the purposes of this paragraph the term "member of the armed forces" shall include active duty military personnel; members of the reserve components of the armed forces; members of the national guard on active duty, including personnel on full time active guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms); and active duty United States coast guard personnel. The term shall not include United States reserve technicians. Notwithstanding the provisions of section one hundred fourteen-b of this chapter, for the purposes of this subparagraph, the term "emergency operation" shall include returning from emergency service.

(ii) Notwithstanding the foregoing provisions of this subdivision, a motor vehicle or combination of vehicles which is designed and primarily used for purposes other than the transportation of persons or property which is excluded from the definition of commercial motor vehicle pursuant to the provisions of subparagraph (iv) of paragraph (a) of subdivision four of section five hundred one-a of this chapter may be operated with any class license other than a class DJ, M or MJ license.

3. Restrictions on use of class DJ and class MJ licenses. A class DJ or class MJ license shall permit the holder to operate a vehicle in accordance with the following restrictions:

(a) in the counties of Nassau and Suffolk:

(i) for the purpose of driving to and from a state-approved

cooperative work-study educational program, or to or from an approved program for credit in a post-secondary institution, or to or from a state-approved registered evening high school or while engaged in farm employment, or to or from an approved driver education course; or

(ii) from five o'clock in the morning to nine o'clock in the evening, to and from a place of business where the holder is regularly employed, or when accompanied by a duly licensed parent, guardian, person in a position of loco parentis, driver education teacher, or driving school instructor.

(b) in all other areas of the state, except for the city of New York:

(i) from five o'clock in the morning to nine o'clock in the evening; or

(ii) from nine o'clock in the evening to five o'clock in the morning when going to or from school, or to or from a place of business where the holder is employed on a regularly scheduled basis, or when accompanied by a duly licensed parent, guardian or one in a position of loco parentis to the licensee.

(c) in the city of New York, driving shall be prohibited.

(d) for the purpose of this subdivision, the term "school" shall mean instruction, education or training licensed or approved by a department or agency of the state or training conducted by the armed forces of the United States except it shall not include extra-curricular activities or social events for which scholastic credits are not given.

(e) any person operating a motor vehicle to or from school or to or from a place of business as authorized by this subdivision must possess documentation signed by such person's instructor or employer. The commissioner shall, by regulation, prescribe the form and content of such documentation.

4. Probationary licenses. Any driver's license, other than a class DJ and class MJ license, shall be considered probationary until the expiration of six months following the date of issuance thereof, and thereafter as provided in section five hundred ten-b of this title, but this subdivision shall not apply to renewals of a license, or, unless so provided by the commissioner, to a license for which a road test has been waived by the commissioner.

5. Learners' permits. (a) The commissioner shall issue learner's permits as provided in this article. Such permit shall be valid only

(i) for the operation of a motor vehicle of a type which could be operated by the holder of the class of license for which application is being made;

(ii) when the holder is under the immediate supervision and control of a person at least twenty-one years of age who holds a license valid in this state for the operation of the type of vehicle being operated; and

(iii) in accordance with any additional restrictions prescribed by the commissioner and noted on such permit.

(b) In addition to the restrictions contained in paragraph (a) of this subdivision, a learner's permit issued to a person applying for a class DJ or class MJ license shall be subject to the restrictions contained in section five hundred one-b of this article and shall not be valid for the operation of any motor vehicle:

(i) within the city of New York, except that the holder of such permit may operate a motor vehicle within the city of New York from five o'clock in the morning to nine o'clock in the evening when such person is under the immediate supervision and control of a person at least twenty-one years of age who is such holder's parent, guardian, person in a position of loco parentis, driver education teacher for the purpose of certification pursuant to section eight hundred six-a of the education law or driving school instructor for the purpose of certification pursuant to subdivision seven-a of section three hundred ninety-four of this chapter and such vehicle is equipped with dual controls as prescribed by the commissioner;

(ii) in the counties of Nassau and Suffolk, except that the holder of such permit may operate a motor vehicle within the counties of Nassau and Suffolk from five o'clock in the morning to nine o'clock in the evening when such person is under the immediate supervision and control of a person at least twenty-one years of age who is such holder's licensed parent, guardian, person in a position of loco parentis, driver education teacher for the purpose of certification pursuant to section eight hundred six-a of the education law, or driving school instructor for the purpose of certification pursuant to subdivision seven-a of section three hundred ninety-four of this chapter, or a person at least twenty-one years of age who holds a license valid in this state for the

operation of the type of vehicle being operated, for the purpose of certification pursuant to subdivision two of section five hundred two of this article, and who has been designated by such holder's parent, guardian or person in a position of loco parentis to accompany such holder, as evidenced by a written statement to that effect;

(iii) from nine o'clock in the evening to five o'clock in the morning, unless the holder of such permit is under the immediate supervision and control of a person at least twenty-one years of age who is such holder's licensed parent, guardian, person in a position of loco parentis, driver education teacher for the purpose of certification pursuant to section eight hundred six-a of the education law, or driving school instructor for the purpose of certification pursuant to subdivision seven-a of section three hundred ninety-four of this chapter.

(c) The restrictions contained in paragraphs (a) and (b) of this subdivision shall apply to a learner's permit which has been issued to a person who has made application for a class M or class MJ license, except that the required supervising driver need exercise only general supervision and control over the learner as prescribed by regulation of the commissioner when the learner is operating a motorcycle, provided, however, a person who possesses a learner's permit and who has made application for a class M or class MJ license, shall not operate a motorcycle while there is another person on such motorcycle unless such other person possesses a valid class M license.

6. H endorsement criminal history record check. Upon receipt of an application and completion of all other requirements imposed by the commissioner for an H endorsement to permit the operator to transport hazardous materials as defined in section one hundred three of the hazardous materials transportation act, public law 93-633, title I, when the vehicle transporting such materials is required to be placarded under the hazardous materials regulation, 49 CFR part 172, subpart F, or is transporting any quantity of material listed as a select agent or toxin in 42 CFR part 73, the commissioner, subject to the rules and regulations of the division of criminal justice services, shall initiate a criminal history record check of the person making the application. The commissioner shall obtain from each applicant two sets of

fingerprints and the division of criminal justice services processing fee imposed pursuant to subdivision eight-a of section eight hundred thirty-seven of the executive law and any fee imposed by the federal bureau of investigation. The commissioner shall promptly transmit such fingerprints and fees to the division of criminal justice services for processing. The federal bureau of investigation and the division of criminal justice services shall forward such criminal history record, if any, to the commissioner. All such criminal history records processed and sent pursuant to this section shall be confidential pursuant to the applicable federal and state laws, rules and regulations, and shall not be published or in any way disclosed to persons other than authorized personnel, unless otherwise authorized by law. No cause of action against the commissioner, the department or the division of criminal justice services for damages related to the dissemination of criminal history records pursuant to this section shall exist when the commissioner, department or division of criminal justice services has reasonably and in good faith relied upon the accuracy and completeness of criminal history information furnished to it by qualified agencies. The provision of such information by the division of criminal justice services shall be subject to the provisions of subdivision sixteen of section two hundred ninety-six of the executive law. The consideration of such criminal history record by the commissioner shall be subject to article twenty-three-A of the correction law. The commissioner shall review such criminal history record for a conviction within the previous ten years for: (i) any violent felony offense, as defined in section 70.02 of the penal law; or (ii) any felony defined in article one hundred twenty, one hundred twenty-five, one hundred thirty, one hundred thirty-five, one hundred forty, one hundred forty-five, one hundred fifty, one hundred fifty-five, one hundred sixty, one hundred seventy, one hundred seventy-five, two hundred, two hundred ten, two hundred twenty, two hundred twenty-one, two hundred forty, two hundred sixty-five, four hundred sixty, four hundred seventy, four hundred eighty-five, or four hundred ninety of the penal law or section fifty-three-e of the railroad law; or (iii) any offense in another jurisdiction which includes all of the essential elements of such offenses described in paragraphs (i) and (ii) of this subdivision and for which a sentence of imprisonment for more than one year was

authorized in the other jurisdiction and is authorized in this state, regardless of whether such sentence was imposed; or any of the following federal offenses: improper transportation of a hazardous material, as defined in 49 U.S.C. 46312, conveying false information or threats, as defined in 49 U.S.C. 46507, espionage, as defined in 18 U.S.C. 793, 794 or 3077, sedition, as defined in 18 U.S.C. 2384, 2385 or section 4 of the subversive activities control act of 1950, treason, as defined in 18 U.S.C. 2381 or conspiracy or solicitation, as defined in 18 U.S.C. 371 or 373; or (iv) an attempt or conspiracy to commit any of the offenses specified in paragraphs (i), (ii), or (iii) of this subdivision. In calculating such ten year period, any period of time during which the person was incarcerated for any reason between the time of commission of the previous felony and the time of commission of the present felony shall be excluded and such ten year period shall be extended by a period or periods equal to the time served under such incarceration. After receipt of a criminal history record from the division of criminal justice services, if any, and review of such record, the commissioner shall promptly notify the applicant whether he or she will be granted an H endorsement based upon the applicant's criminal history and promptly notify such applicant of the determination and the procedure for requesting a hearing pursuant to this subdivision. If the commissioner denies an applicant an H endorsement based either in whole or in part on such applicant's criminal record, the commissioner must notify such applicant of the basis for such denial, and afford such applicant notice and an opportunity to be heard and offer proof in opposition to such determination. If the applicant requests a hearing to contest the commissioner's determination, such hearing must be requested no later than thirty days after the applicant's receipt of the determination and must be scheduled by the commissioner within sixty days of such request. Upon request and pursuant to the rules and regulations of the division of criminal justice services, any applicant may obtain, review and seek correction of his or her criminal history record.