

AN ACT to amend the vehicle and traffic law, in relation to presumed consent to organ and tissue donation; and to repeal certain provisions of such law relating to licensure of drivers

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

Section 1. Subdivision 2 of section 490 of the vehicle and traffic law, as amended by chapter 465 of the laws of 2012, the third undesignated paragraph as amended by chapter 248 of the laws of 2016, is amended to read as follows:

2. Application. 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 an application to the commissioner for the issuance of an identification card.

The commissioner shall **modify the identification card application and renewal process to advise all applicants that, at the time of applying for or renewing an identification card, the applicant shall be deemed to have consented to anatomical donation of their organs and tissue upon the determination of the applicant's legal death, unless the applicant expressly elects to skip the question. The commissioner shall provide the following statement and instructions at the time of application or renewal of an applicant's identification card:**

You are automatically deemed to have consented to be an organ and tissue donor and this designation will appear on your identification card. If you would like to skip this question, you must insert your initials on the line below.

_____ At this time, I wish to skip this question.

Unless an applicant responds that he or she wishes to skip this question, the applicant will be deemed to have consented to organ and tissue donation. The consent is sufficient to satisfy all requirements necessary to evidence the applicant's consent to the anatomical

donation of the applicant's organs and tissue. The commissioner shall advise each applicant who did not opt to skip the option of organ and tissue donation that the applicant's name shall be transmitted to the New York State Donate Life registry for organ, eye and tissue donations under section forty-three hundred ten of the public health law, and that the applicant shall notify the federally designated organ procurement organization of any changes to the applicant's donation.

The commissioner of health shall not maintain records of any person who opts to "skip this question". Except where the application is made in person or electronically, failure to initial shall not impair the validity of an application. In the case of an applicant under eighteen years of age, failure to initial shall not constitute consent to make an anatomical gift or registration.

Where an applicant has previously consented to make an anatomical gift or registered in the donate life registry, failing to check a box shall not impair that consent or registration.

§ 2. Subdivision 1 of section 502 of the vehicle and traffic law, as amended by chapter 487 of the laws of 2012, is REPEALED.

§ 3. Subdivision 1 of section 502 of the vehicle and traffic law, as amended by chapter 465 of the laws of 2012, the third undesignated paragraph as amended by chapter 248 of the laws of 2016, 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 an application. The applicant shall furnish such proof of identity, age, and fitness as may be required by the commissioner. 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. The commissioner shall provide space so that the applicant may request a notation upon such license that he or she is a

veteran of the United States armed forces. In addition, the commissioner also shall require that the applicant provide his or her social security number and shall modify the driver's license application and renewal process to advise all applicants that, at the time of applying for or renewing a driver's license card, the applicant shall be deemed to have consented to anatomical donation of their organs and tissue upon the determination of the applicant's legal death, unless the applicant expressly elects to skip the question. The commissioner shall provide the following statement and instructions at the time of application or renewal of an applicant's identification card:

You are automatically deemed to have consented to be an organ and tissue donor and this designation will appear on your identification card. If you would like to skip this question, you must insert your initials on the line below.

_____ At this time, I wish to skip this question.

Unless an applicant responds that they wish to skip this question, the applicant will be deemed to have consented to organ and tissue donation. The consent is sufficient to satisfy all requirements necessary to evidence the applicant's consent to the anatomical donation of the applicant's organs and tissue. The commissioner shall advise each applicant who did not opt to skip the option of organ and tissue donation that the applicant's name shall be transmitted to the New York State Donate Life Registry for organ, eye and tissue donations under section forty-three hundred ten of the public health law, and that the applicant shall notify the federally designated organ procurement organization of any changes to the applicant's donation.

Where an applicant has previously consented to make an anatomical gift or registered in the Donate Life registry, failing to initial shall not impair that consent or registration.

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.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.