

4408

2011-2012 Regular Sessions

I N   S E N A T E

April 4, 2011

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Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to requirements of proof for certain licenses

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subparagraph (i) of paragraph (a) of subdivision 3 of  
2     section 490 of the vehicle and traffic law, as amended by chapter 235 of  
3     the laws of 2002, is amended to read as follows:

4     (i) The commissioner shall upon submission of an appropriate applica-  
5     tion, upon payment of the prescribed fee, and upon being satisfied that  
6     the person described is the applicant and that such applicant meets the  
7     requirements set forth in subdivision two of this section, issue to such  
8     applicant a nontransferable identification card. In addition, the  
9     commissioner also shall require that an applicant for an identification  
10    card or renewal thereof provide his or her social security number, OR  
11    PROVIDE PROOF THAT HE OR SHE IS NOT ELIGIBLE FOR A SOCIAL SECURITY  
12    NUMBER. SUCH PROOF MAY INCLUDE ANY DOCUMENTS SUBMITTED BY AN APPLICANT  
13    TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR THE PURPOSE OF  
14    DETERMINING WHETHER SUCH APPLICANT IS ELIGIBLE TO RECEIVE A SOCIAL SECU-  
15    RITY NUMBER.

16    S 2. Subdivision 1 of section 502 of the vehicle and traffic law, as  
17    amended by chapter 639 of the laws of 2006, is amended to read as  
18    follows:

19    1. Application for license. Application for a driver's license shall  
20    be made to the commissioner. The fee prescribed by law may be submitted  
21    with such application. The applicant shall furnish such proof of identi-  
22    ty, age, and fitness as may be required by the commissioner. The commis-  
23    sioner may also provide that the application procedure shall include the  
24    taking of a photo image or images of the applicant in accordance with  
25    rules and regulations prescribed by the commissioner. In addition, the

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

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1 commissioner [also] shall require that the applicant provide his or her  
2 social security number [and], OR PROVIDE PROOF THAT HE OR SHE IS NOT  
3 ELIGIBLE FOR A SOCIAL SECURITY NUMBER. SUCH PROOF MAY INCLUDE ANY DOCU-  
4 MENTS SUBMITTED BY AN APPLICANT TO THE UNITED STATES DEPARTMENT OF HOME-  
5 LAND SECURITY FOR THE PURPOSE OF DETERMINING WHETHER SUCH APPLICANT IS  
6 ELIGIBLE TO RECEIVE A SOCIAL SECURITY NUMBER. THE COMMISSIONER SHALL  
7 ALSO provide space on the application so that the applicant may register  
8 in the New York state organ and tissue donor registry under section  
9 forty-three hundred ten of the public health law. In addition, an appli-  
10 cant for a commercial driver's license who will operate a commercial  
11 motor vehicle in interstate commerce shall certify that such applicant  
12 meets the requirements to operate a commercial motor vehicle, as set  
13 forth in public law 99-570, title XII, and title 49 of the code of  
14 federal regulations, and all regulations promulgated by the United  
15 States secretary of transportation under the hazardous materials trans-  
16 portation act. Upon a determination that the holder of a commercial  
17 driver's license has made any false statement, with respect to the  
18 application for such license, the commissioner shall revoke such  
19 license.

20 S 3. Paragraph (a) of subdivision 6 of section 502 of the vehicle and  
21 traffic law, as amended by section 3 of part K of chapter 59 of the laws  
22 of 2009, is amended to read as follows:

23 (a) A license issued pursuant to subdivision five of this section  
24 shall be valid until the expiration date contained thereon, unless such  
25 license is suspended, revoked or cancelled. Such license may be renewed  
26 by submission of an application for renewal, the fee prescribed by law,  
27 proofs of prior licensing, fitness and acceptable vision prescribed by  
28 the commissioner, AND the applicant's social security number[, and if  
29 required by the commissioner] OR PROVIDE PROOF THAT HE OR SHE IS NOT  
30 ELIGIBLE FOR A SOCIAL SECURITY NUMBER. SUCH PROOF MAY INCLUDE ANY DOCU-  
31 MENTS SUBMITTED BY AN APPLICANT TO THE UNITED STATES DEPARTMENT OF HOME-  
32 LAND SECURITY FOR THE PURPOSE OF DETERMINING WHETHER SUCH APPLICANT IS  
33 ELIGIBLE TO RECEIVE A SOCIAL SECURITY NUMBER. THE COMMISSIONER MAY ALSO  
34 REQUIRE SUBMISSION OF a photo image of the applicant in such numbers and  
35 form as the commissioner shall prescribe. In addition, an applicant for  
36 renewal of a license containing a hazardous material endorsement shall  
37 pass an examination to retain such endorsement. The commissioner shall,  
38 with respect to the renewal of a hazardous materials endorsement, comply  
39 with the requirements imposed upon states by sections 383.141 and  
40 1572.13 of title 49 of the code of federal regulations. A renewal of  
41 such license shall be issued by the commissioner upon approval of such  
42 application, except that no such license shall be issued if its issuance  
43 would be inconsistent with the provisions of section five hundred  
44 sixteen of this title, and except that the commissioner may refuse to  
45 renew such license if the applicant is the holder of a currently valid  
46 or renewable license to drive issued by another state or foreign country  
47 unless the applicant surrenders such license.

48 S 4. This act shall take effect immediately.