

5965--A

2013-2014 Regular Sessions

I N S E N A T E

October 23, 2013

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to authorizing the department of motor vehicles to issue drivers' licenses to certain aliens

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

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 503-a to read as follows:
3 S 503-A. DRIVERS' LICENSES FOR FOREIGN NATIONALS. 1. THE DEPARTMENT
4 SHALL, SUBJECT TO THE REQUIREMENTS OF THIS SECTION, ISSUE A DRIVER'S
5 LICENSE TO A FOREIGN NATIONAL WHO IS AN APPLICANT FOR A DRIVER'S LICENSE
6 AND WHO MEETS THE APPLICABLE REQUIREMENTS OF THIS CHAPTER BUT WHO IS
7 UNABLE TO SATISFY THE FORMS FOR PROOF OF IDENTITY PRESCRIBED IN SECTION
8 FIVE HUNDRED TWO OF THIS ARTICLE.
9 2. TO BE ELIGIBLE FOR A DRIVER'S LICENSE UNDER THIS SECTION, THE
10 APPLICANT MUST:
11 (A)(I) PRESENT TO THE DEPARTMENT A VALID PASSPORT ISSUED TO THE APPLI-
12 CANT BY HIS OR HER COUNTRY OF CITIZENSHIP, A CURRENT IDENTIFICATION CARD
13 ISSUED TO THE APPLICANT BY THE EMBASSY OR CONSULATE IN THE UNITED STATES
14 OF HIS OR HER COUNTRY OF CITIZENSHIP, OR A CONSULAR REPORT OF THE APPLI-
15 CANT'S BIRTH.
16 (II) THE DEPARTMENT SHALL PROVIDE FOR THE ACCEPTANCE OF ALTERNATIVE
17 FORMS OF IDENTIFICATION TO THE IDENTIFICATION REQUIRED UNDER SUBPARA-
18 GRAPH (I) OF THIS PARAGRAPH INCLUDING A VALID, UNEXPIRED MOTOR VEHICLE
19 OPERATOR'S LICENSE ISSUED BY ANOTHER STATE OR COUNTRY, A VALID FOREIGN
20 VOTER REGISTRATION CARD, A CERTIFIED COPY OF A MARRIAGE CERTIFICATE
21 ISSUED WITHIN THE UNITED STATES, A CERTIFIED SCHOOL TRANSCRIPT AND A
22 BAPTISMAL CERTIFICATE OR OTHER SIMILAR DOCUMENT;

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

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(B) SUBMIT PROOF, TO THE SATISFACTION OF THE DEPARTMENT, OF AN ESTABLISHED RESIDENCY IN THIS STATE FOR AT LEAST SIX MONTHS DURING THE FIVE YEARS PRECEDING THE DATE OF APPLICATION FOR A DRIVER'S LICENSE. THE PROOF UNDER THIS PARAGRAPH MAY INCLUDE:

(I) DOCUMENTATION DEMONSTRATING OWNERSHIP OF OR A LEASE ON REAL PROPERTY IN THIS STATE;

(II) UTILITY BILLS;

(III) BANK OR SIMILAR FINANCIAL RECORDS; OR

(IV) SALARY WARRANTS; AND

(C) AFFIRM TO THE DEPARTMENT THAT HE OR SHE HAS NOT BEEN CONVICTED OF ANY CRIME THAT WOULD CONSTITUTE A FELONY IN THIS STATE AND IS NOT WANTED FOR A CRIME THAT WOULD CONSTITUTE A FELONY IN THIS STATE BY ANY CRIMINAL AUTHORITIES IN THE COUNTRY OF CITIZENSHIP OR IN THE UNITED STATES.

3. EACH DRIVER'S LICENSE ISSUED OR RENEWED PURSUANT TO THIS SECTION SHALL BE IN SUCH FORM AS SHALL BE DETERMINED BY THE COMMISSIONER, PROVIDED THAT EACH SUCH LICENSE SHALL INCLUDE NOTATIONS ON THE FACE THEREOF THAT:

(A) IT IS NOT A FORM OF IDENTIFICATION OF THE HOLDER THAT IS ACCEPTABLE FOR FEDERAL IDENTIFICATION PURPOSES;

(B) IT IS NOT A FORM OF IDENTIFICATION THAT MAY BE USED TO IDENTIFY THE HOLDER AS BEING ELIGIBLE TO REGISTER TO VOTE OR CAST A BALLOT IN ANY ELECTION; AND

(C) STATES "THIS LICENSE IS ISSUED SOLELY FOR THE PURPOSE OF AUTHORIZING THE OPERATION OF A MOTOR VEHICLE".

4. IN THE EVENT THE FEDERAL DEPARTMENT OF HOMELAND SECURITY DETERMINES A LICENSE ISSUED PURSUANT TO THIS SECTION DOES NOT SATISFY THE REQUIREMENTS OF SECTION 37.71 OF TITLE 6 OF THE CODE OF FEDERAL REGULATIONS, ADOPTED PURSUANT TO PARAGRAPH (11) OF SUBDIVISION (D) OF SECTION 202 OF THE REAL ID ACT OF 2005 (PUBLIC LAW 109-13), THE COMMISSIONER SHALL MODIFY THE LICENSE ONLY TO THE EXTENT NECESSARY TO SATISFY THE REQUIREMENT OF SUCH SECTION.

5. A DRIVER'S LICENSE ISSUED PURSUANT TO THIS SECTION SHALL NOT BE USED AS EVIDENCE OF THE HOLDER'S CITIZENSHIP OR IMMIGRATION STATUS, AND SHALL NOT BE USED AS A BASIS FOR A CRIMINAL INVESTIGATION, ARREST OR DETENTION IN CIRCUMSTANCES WHERE A HOLDER OF A DRIVER'S LICENSE THAT WAS NOT ISSUED PURSUANT TO THIS SECTION WOULD NOT BE CRIMINALLY INVESTIGATED, ARRESTED OR DETAINED.

6. THE DEPARTMENT SHALL NOT ISSUE A DRIVER'S LICENSE OR RENEW A DRIVER'S LICENSE UNDER THIS SECTION IF THE APPLICANT HAS BEEN CONVICTED OF A CRIME IN THE UNITED STATES OR IN ANY OTHER COUNTRY WHICH WOULD BE CLASSIFIED AS A FELONY IN THIS STATE.

7. THE DEPARTMENT SHALL REVOKE ANY DRIVER'S LICENSE ISSUED UNDER THIS SECTION UPON DETERMINING THAT THE FOREIGN NATIONAL IS NO LONGER ENTITLED TO THE ISSUANCE OF THE DRIVER'S LICENSE.

S 2. This act shall take effect on the first of October next succeeding the date on which it shall have become a law; provided, however, that the commissioner of motor vehicles shall promulgate any rules and regulations necessary for the timely implementation of the provisions of this act on or before such effective date.