S T A T E O F N E W Y O R K

5842--A

2015-2016 Regular Sessions

I N S E N A T E

June 8, 2015

Introduced by Sens. CROCI, BONACIC, BOYLE, CARLUCCI, DeFRANCISCO, FARLEY, FUNKE, GALLIVAN, GOLDEN, GRIFFO, HANNON, LARKIN, LAVALLE, MARCHIONE, MARTINS, MURPHY, NOZZOLIO, SERINO, SEWARD, SKELOS -- 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 compliance with the federal Real ID Act

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

Section 1. This act shall be known, and may be cited as the "New York Remembers Act".

S 2. Legislative intent. The legislature hereby finds and declares the following:

(a) That the federal Real ID Act, which was passed by Congress and signed into law in 2005, is a coordinated effort by the states and federal government, intended to improve the reliability and accuracy of state-issued identification documents, which serve to inhibit a terrorist's ability to evade detection by using fraudulent identification;

(b) That the standards established by the federal Real ID Act resulted from a Congressional study investigating the various factors which led to the horrific tragedy that occurred on September 11, 2001;

(c) That in addition to developing tamper proof technologies within the identification card itself, states were directed to initiate a process whereby the documentation submitted by an individual applying for a state issued driver's license could be verified as authentic;

(d) That the verification requirement was meant to ensure that terrorists were not issued identification cards based on the proffering of forged or otherwise fake documentation;

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

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(e) That after ten years of non-compliance, the department of motor vehicles applied for, and received a one-year compliance waiver from the federal government;

(f) That in addition to the security threat that further delay presents, failure to comply could result in New Yorkers being denied admittance to airports, federal facilities and military bases as soon as October 2016; and

(g) That it is the intent of this legislature, by and through enactment of this act, to meet or exceed the document and issuance standards set forth in the federal Real ID Act of 2005 (Public Law 109-13), in order to ensure the safety and security of our great state, and to provide New Yorkers with a federally recognized and acceptable driver's license.

S 3. Section 502 of the vehicle and traffic law is amended by adding a new subdivision 1-a to read as follows:

1-A. COMPLIANCE WITH FEDERAL REAL ID ACT. (A) NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, THAT IN THE ISSUANCE OF A DRIVER'S LICENSE UNDER THIS CHAPTER, THE DEPARTMENT SHALL ONLY ISSUE OR REISSUE UPON APPLICATION FOR RENEWAL OR REPLACEMENT, DRIVER'S LICENSES WHICH COMPLY WITH SECTION 202 OF TITLE II OF THE FEDERAL REAL ID ACT OF 2005 (PUBLIC LAW 109-13).

(B) NOTWITHSTANDING ANY PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, UPON THE SUBMISSION AND VERIFICATION OF PROPER DOCUMENTATION, THE DEPARTMENT SHALL REISSUE TO ANY CURRENT LICENSEE POSSESSING A VALID, BUT NON-COMPLIANT STATE ISSUED LICENSE, A DRIVER'S LICENSE WHICH IS COMPLIANT WITH THE FEDERAL REAL ID ACT. THE DEPARTMENT MAY NOT CHARGE ANY FEE OR SURCHARGE FOR THE REISSUANCE OF ANY LICENSE PURSUANT TO THIS PARAGRAPH.

(C) ON DECEMBER FIRST OF EACH YEAR, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GOVERNOR AND THE LEGISLATURE DETAILING ANY ADDITIONAL COSTS TO THE STATE RESULTING FROM COMPLIANCE WITH THE FEDERAL REAL ID ACT (PUBLIC LAW 109-13), IN ORDER FOR THE STATE TO REQUEST REIMBURSEMENT FROM THE FEDERAL GOVERNMENT.

S 4. The vehicle and traffic law is amended by adding a new section 504-a to read as follows:

S 504-A. COMPLIANCE WITH FEDERAL LAW. THE COMMISSIONER SHALL UNDERTAKE A REVIEW OF ALL APPLICABLE FEDERAL LAWS AND REGULATIONS, CONCERNING THE ISSUANCE OF DRIVER'S LICENSES AND VEHICLE REGISTRATIONS, AND SHALL ISSUE A REPORT TO THE GOVERNOR AND LEGISLATURE, ON OR BEFORE DECEMBER FIRST OF EACH YEAR, DETAILING THE STATUS OF NEW YORK'S COMPLIANCE WITH EACH AND EVERY APPLICABLE FEDERAL LAW OR REGULATION. THE REPORT SHALL EXPRESSLY IDENTIFY ANY PORTION OF FEDERAL LAW OR REGULATION WITH WHICH NEW YORK STATE IS NOT PRESENTLY FULLY COMPLYING WITH, AND SHALL STATE ANY AND ALL REASONS FOR THE FAILURE OF THE DEPARTMENT TO COMPLY.

S 5. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the department of motor vehicles shall begin promulgating rules and regulations to effectuate the provisions of this act.