

STATE OF NEW YORK

6783

2017-2018 Regular Sessions

IN ASSEMBLY

March 17, 2017

Introduced by M. of A. OAKS -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to allowing for digitized driver's licenses to be available

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 504-a to read as follows:

3 § 504-a. Digitized driver's license. 1. A digitized driver's license
4 shall mean in this chapter a data file available on any mobile device
5 which has connectivity to the internet through an application created by
6 the department which allows the mobile device to download the data file
7 from the department or an authorized representative of the department,
8 which contains all of the data elements visible on the face and back of
9 the license, and also displays the current status of the license. For
10 the purposes of this subdivision, "current status" shall include but is
11 not limited to if the license is valid, expired, cancelled, or
12 suspended, if the driver has any endorsements or restrictions, and all
13 other information that would be included on a physical license as well
14 as any other information the commissioner deems pertinent.

15 2. A digital copy, photograph, or image of a driver's license which is
16 not downloaded through the department's application on a mobile device
17 shall not be a valid digitized driver's license.

18 3. Except for in the case of traffic stops and checkpoints, anyone may
19 require a person to produce the physical driver's license issued by the
20 department, even if the person has as digitized driver's license.

21 4. The display of a digitized driver's license shall not serve as
22 consent or authorization for a law enforcement officer, or any other
23 person, to search, view, or access any other data or application on the
24 mobile device. If a person presents their mobile device to a law
25 enforcement officer for purposes of displaying their digitized driver's

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

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1 license, the law enforcement officer shall promptly return the mobile
2 device to the person once he has had an opportunity to verify the iden-
3 tity and license status of the person.

4 § 2. Subdivision 2 of section 507 of the vehicle and traffic law, as
5 amended by chapter 406 of the laws of 2001, is amended to read as
6 follows:

7 2. Failure to exhibit license. Failure by a licensee to exhibit a
8 license or digitized driver's license valid for operation under this
9 chapter to any magistrate, motor vehicle license examiner, motor vehicle
10 investigator, peace officer, acting pursuant to his special duties, or
11 police officer shall be presumptive evidence that he is not duly
12 licensed. Except for in the case of traffic stops and checkpoints, a
13 magistrate, motor vehicle investigator, peace officer, acting pursuant
14 to his special duties, or police officer is authorized to require the
15 person to produce the physical driver's license issued by the depart-
16 ment, even if the person has a digitized driver's license, and the fail-
17 ure to produce such physical driver's license when so requested shall
18 subject the person to all the applicable laws and consequences for fail-
19 ure to produce such license.

20 § 3. Subdivision (b) of section 340 of the vehicle and traffic law, as
21 amended by chapter 843 of the laws of 1980, is amended to read as
22 follows:

23 (b) The commissioner is hereby authorized to take possession of any
24 license, registration certificate or registration plates upon the
25 suspension thereof under the provisions of this article or to direct any
26 peace officer, acting pursuant to his special duties or police officer
27 to take possession thereof and to return the same to the office of the
28 commissioner. The commissioner shall, when able to take possession of
29 any license, also ensure that any digital driver's license is removed
30 from any and all devices and ensure that no more can be procured.

31 § 4. This act shall take effect on the ninetieth day after it shall
32 have become a law. Effective immediately any rules or regulations neces-
33 sary for the timely implementation of this act on its effective date may
34 be promulgated on or before such date.