

STATE OF NEW YORK

338

2017-2018 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sen. PERALTA -- 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 authorizing the department of motor vehicles to issue limited purpose drivers' licenses

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 § 503-a. Limited purpose drivers' licenses. 1. The department shall,
4 subject to the requirements of this section, issue a driver's license to
5 an applicant for a driver's license who meets the applicable require-
6 ments of this chapter but who is unable to satisfy the forms for proof
7 of identity prescribed in section five hundred two of this article.

8 2. To be eligible for a driver's license under this section, the
9 applicant must:

10 (a) Present to the department proof of identity on terms identical to
11 those required by the department's Form ID-44, with the following
12 exemptions:

13 (i) The following documents shall be accepted as three points of proof
14 of name, as well as proof of date of birth: (A) a current photo iden-
15 tification card issued to the applicant by the embassy or consulate in
16 the United States of his or her country of citizenship; (B) a current
17 identification document issued to the applicant by the government of his
18 or her country of citizenship; or (C) an official municipal identifica-
19 tion card issued by a municipality within the state.

20 (ii) The department shall accept either of the following as two points
21 of proof of name: an individual taxpayer identification number or a
22 sworn statement under the penalty of perjury, stating the applicant's

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

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1 identity, and the fact that he or she has not been issued a social secu-
2 rity number.

3 (iii) An otherwise valid foreign passport shall not be required to
4 include an I-551 stamp, and shall be accepted as three points of proof
5 of name as well as proof of date of birth.

6 (iv) The following documents shall be accepted as two points of proof
7 of name, as well as proof of date of birth: a certified birth certif-
8 icate from the applicant's country of citizenship, or a consular report
9 of the applicant's birth.

10 (v) Any federal Department of Homeland Security documentation listed
11 on the department's form ID-44 as proof of identity shall be accepted as
12 three points of proof of name as well as proof of date of birth even if
13 the authorization period listed therein has expired.

14 (vi) Official records from a religious entity confirming participation
15 in a religious ceremony shall be accepted as one point of proof of name,
16 though not as proof of date of birth.

17 (b) Submit proof of an established residency in this state on terms
18 identical to the proof of residency requirements in the department's
19 Form ID-44EDL, except that a copy of a money order receipt with the
20 applicant's name and address, sent to a location in this state from a
21 foreign country, or from a location in this state to a foreign country
22 shall be accepted as one of two documents for proof of residency in this
23 state.

24 3. Licenses issued pursuant to this section shall be valid for the
25 same duration of time as licenses of the same class issued pursuant to
26 section five hundred three of this article.

27 4. Each driver's license issued or renewed pursuant to this section
28 shall include the following notice printed on the face thereof: "Not
29 Acceptable for Federal Purposes". This notice shall be in the same font
30 and color as the text on the face of a driver's license issued pursuant
31 to section five hundred three of this article, with no other distin-
32 guishable features.

33 5. In the event the federal Department of Homeland Security determines
34 a license issued pursuant to this section does not satisfy the require-
35 ments of Section 37.71 of Title 6 of the Code of Federal Regulations,
36 adopted pursuant to paragraph (11) of subdivision (d) of Section 202 of
37 the Real ID Act of 2005 (Public Law 109-13), the commissioner shall, in
38 consultation with the department of law and the office of new Americans
39 of the department of state, modify the license only to the extent neces-
40 sary to satisfy the requirement of such section.

41 6. A driver's license issued pursuant to this section shall not be
42 used as evidence of the holder's citizenship or immigration status, and
43 shall not be used as a basis for a criminal investigation, arrest or
44 detention in circumstances where a holder of a driver's license that was
45 not issued pursuant to this section would not be criminally investi-
46 gated, arrested or detained.

47 7. It shall be a violation of law including but not limited to, arti-
48 cle fifteen of the executive law, to discriminate against an individual
49 because he or she applies for, holds or presents a license issued pursu-
50 ant to this section.

51 8. Information collected pursuant to this section shall not be deemed
52 to be a public record and shall not be disclosed by the department,
53 except as required by law.

54 9. Except as otherwise expressly provided by law, a license issued
55 pursuant to this section may be used as legal identification of the
56 holder to whom the license is issued.

1 § 2. This act shall take effect one year after it shall have become a
2 law; provided, however, that the commissioner of motor vehicles shall
3 promulgate any rules and regulations necessary for the timely implemen-
4 tation of the provisions of this act on or before such effective date.