

# STATE OF NEW YORK

4050

2017-2018 Regular Sessions

## IN ASSEMBLY

January 31, 2017

Introduced by M. of A. MOYA -- read once and referred 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. Paragraph (c) of subdivision 1 of section 201 of the vehicle and traffic law, as added by chapter 380 of the laws of 1980, is amended to read as follows:

2 (c) any application for a driver's license or identification card,  
3 including any source document required to be filed with any such application, after such application shall have been on file for a period of  
4 [~~five~~] seven years and any images of source documents presented for a  
5 minimum of ten years;

6 § 2. Section 490 of the vehicle and traffic law is amended by adding a new subdivision 4 to read as follows:

7 4. Federal Compliance. (a) The commissioner may offer an identification card that will be accepted by the federal government for any official purpose, subject to the applicable federal requirements, including the satisfaction of all requirements of the Real ID Act of 2005 (Pub. L. 109-13).

8 (b) Any identification card not satisfying the requirements of paragraph (a) of this subdivision shall state the following on the face of the card and in its machine-readable zone, in a font size no larger than the smallest font size otherwise appearing on the card: "Not valid for official federal purposes." The commissioner may incorporate different features but only if doing so would result in a card that appears more similar to an identification card issued under paragraph (a) of this subdivision, or if required by the department of homeland security;

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

LBD09494-01-7

1 provided, that the commissioner does so to the minimum extent necessary  
2 to comply with the Real ID Act of 2005 (Pub. L. 109-13).

3 (c) The requirements of this section shall not apply where inconsis-  
4 ent with the provisions of section five hundred four-a of this chapter.

5 § 3. Section 502 of the vehicle and traffic law is amended by adding a  
6 new subdivision 8 to read as follows:

7 8. The requirements of this section shall not apply where inconsistent  
8 with the provisions of section five hundred four-a of this article.

9 § 4. The vehicle and traffic law is amended by adding a new section  
10 504-a to read as follows:

11 § 504-a. Enhanced and limited purpose drivers' licenses. 1. Enhanced  
12 driver's license. The commissioner may offer a driver's license that  
13 will be accepted by the federal government for any official purpose,  
14 subject to the applicable federal requirements, including the satisfac-  
15 tion of all requirements of the Real ID Act of 2005 (Pub. L. 109-13).

16 2. Limited purpose driver's license. (a) The commissioner shall issue  
17 a limited purpose driver's license or permit to an applicant who can  
18 provide proof of identity, age, and fitness in accordance with this  
19 section.

20 (b) To obtain a limited purpose driver's license or permit in accord-  
21 ance with paragraph (a) of this subdivision, an applicant shall furnish  
22 such proof of identity, age, and fitness as may be required by the  
23 commissioner. The commissioner shall promulgate reasonable regulations  
24 and requirements in accordance with the following:

25 (i) the commissioner shall promulgate a list of acceptable documenta-  
26 tion for proof of identity, age, and fitness, which list (A) shall  
27 include official documentation issued by a foreign country; (B) shall  
28 ascribe similar weight to like documents, whether issued domestically or  
29 abroad; and (C) shall include any other documentation the commissioner  
30 deems appropriate;

31 (ii) the commissioner shall require each applicant to provide a social  
32 security number or a sworn statement under the penalty of perjury, stat-  
33 ing the applicant's identity and the fact that he or she has not been  
34 issued a social security number; and

35 (iii) an applicant shall not be required to establish legal presence  
36 in the United States at the time of application.

37 (c) A limited purpose driver's license or permit issued under this  
38 subdivision shall state the following on the face of the card and in its  
39 machine-readable zone, in a font size no larger than the smallest font  
40 size otherwise appearing on the card: "Not valid for official federal  
41 purposes." The commissioner may incorporate different features but only  
42 if doing so would result in a card that appears more similar to a  
43 license issued under subdivision one of this section, or if required by  
44 the department of homeland security; provided, that the commissioner  
45 does so to the minimum extent necessary to comply with the Real ID Act  
46 of 2005 (Pub. L. 109-13).

47 (d) A limited purpose driver's license issued pursuant to this subdivi-  
48 sion shall not be used to consider or as evidence of the holder's  
49 citizenship or immigration status, and such driver's license or informa-  
50 tion retained by the commissioner associated with such license shall not  
51 be used as a basis for a criminal investigation, arrest, or detention in  
52 circumstances where a holder of a driver's license that was not issued  
53 pursuant to this subdivision would not be criminally investigated,  
54 arrested, or detained.

1 (e) Licenses issued pursuant to this subdivision shall be valid for  
2 the same duration of time as licenses of the same class issued pursuant  
3 to subdivision one of this section.

4 (f) It shall be a violation of law including but not limited to, arti-  
5 cle fifteen of the executive law, to discriminate against an individual  
6 because he or she applies for, holds, or presents a license issued  
7 pursuant to this paragraph.

8 (g) Except as otherwise expressly provided by law, a license issued  
9 pursuant to this subdivision may be used as legal identification of the  
10 holder to whom the license is issued.

11 3. Applicant Records. (a) The commissioner shall not keep separate  
12 records of licenses issued pursuant to subdivisions one and two of this  
13 section.

14 (b) The commissioner shall, pursuant to paragraph (12) of subdivision  
15 (d) of Section 202 of the Real ID Act of 2005 (Pub. L. 109-13), provide  
16 electronic access to all other states only to the information retained  
17 by the commissioner and listed in subdivision (b) of Section 202 of the  
18 Real ID Act of 2005 (Pub. L. 109-13).

19 (c) Information collected pursuant to this section shall not be deemed  
20 to be a public record and shall not be disclosed by the commissioner  
21 except (i) with the consent of the individual about whom the information  
22 pertains, (ii) as necessary to comply with a legally and validly issued  
23 warrant or subpoena that specifically identifies the person about whom  
24 such information is sought, or (iii) as otherwise required by law.

25 (d) Information relating to the citizenship or immigration status of  
26 an applicant for a license under this section shall not be collected or  
27 retained in any record of the commissioner.

28 (e) Notwithstanding the provisions of section two hundred one of this  
29 chapter, the commissioner shall return or destroy and not retain  
30 originals or copies in any form of documents provided by an applicant to  
31 prove identity or residency under this section for longer than the time  
32 needed to review the application, or as otherwise required by applicable  
33 law.

34 (f) The commissioner, in its discretion and to the fullest extent  
35 permitted by applicable law, may deny access to any or all information  
36 if it finds the requesting entity's or person's purpose in requesting  
37 such information violates this section, is improper, or that the request  
38 was made in bad faith.

39 (g) When permitted by law, the commissioner shall provide notice to  
40 each individual whose information has been requested from the commis-  
41 sioner, and such notice shall include statements that such individual's  
42 information has been requested, identifying the date and source of such  
43 request, and that such information, if any, will be furnished to the  
44 requesting party.

45 (h) Anyone that requests information pursuant to paragraph (c) of this  
46 subdivision, other than the individual about whom the information  
47 pertains, shall sign an agreement acknowledging their responsibility to  
48 protect the confidentiality of such information. The agreement shall  
49 contain, at a minimum: (i) a prohibition against using the information  
50 in violation of this section or applicable law; (ii) an obligation by  
51 the recipient not to re-disclose the information obtained; (iii) an  
52 obligation to use appropriate technical, physical and administrative  
53 safeguards to prevent unauthorized use or disclosure; and (iv) other  
54 requirements as deemed necessary by the commissioner.

55 § 5. Section 508 of the vehicle and traffic law is amended by adding  
56 two new subdivisions 6 and 7 to read as follows:

1     6. The commissioner shall, by October first, two thousand nineteen,  
2     promulgate such rules and regulations as are necessary to comply with  
3     the Real ID Act of 2005 (Pub. L. 109-13) and submit all certifications  
4     requisite thereto.

5     7. The requirements of this section shall not apply where inconsistent  
6     with the provisions of section five hundred four-a of this article.

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