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

3993

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. CROUCH -- Multi-Sponsored by -- M. of A. BURLING, TOWNSEND -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to proof of authorized presence in the United States for a driver's license or non-driver identification card

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

Section 1. The vehicle and traffic law is amended by adding a new section 502-b to read as follows:

S 502-B. PROOF OF AUTHORIZED PRESENCE IN THE UNITED STATES. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSIONER SHALL REQUIRE EVERY APPLICANT FOR A DRIVER'S LICENSE OR NON-DRIVER IDENTIFICATION CARD TO SUBMIT SATISFACTORY PROOF THAT THE APPLICANT'S PRESENCE IN THE UNITED STATES IS AUTHORIZED UNDER FEDERAL LAW.

2. THE DEPARTMENT SHALL NOT ISSUE A DRIVER'S LICENSE OR NON-DRIVER IDENTIFICATION CARD TO ANY PERSON WHO DOES NOT SUBMIT SATISFACTORY PROOF THAT THE APPLICANT'S PRESENCE IN THE UNITED STATES IS AUTHORIZED UNDER FEDERAL LAW.

3. IF THE DEPARTMENT DETERMINES OR REASONABLY SUSPECTS, BASED UPON THE INFORMATION PROVIDED TO IT, THAT THE APPLICANT'S PRESENCE IN THE UNITED STATES IS NOT AUTHORIZED UNDER FEDERAL LAW, THE DEPARTMENT SHALL NOTIFY THE UNITED STATES BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT OF SUCH PERSON'S SUSPECTED ILLEGAL STATUS.

4. THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE PURPOSES OF THIS SECTION, INCLUDING PROCEDURES FOR, BUT NOT LIMITED TO, (A) VERIFYING THAT THE APPLICANT'S PRESENCE IN THE UNITED STATES IS AUTHORIZED UNDER FEDERAL LAW, (B) ISSUANCE OF TEMPORARY LICENSES PENDING VERIFICATION OF STATUS, (C) APPEALS HEARINGS FROM DENIALS OF LICENSES OR TEMPORARY LICENSES, AND (D) NOTIFICATION PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

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

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5. THE INABILITY TO OBTAIN A DRIVER'S LICENSE PURSUANT TO THIS SECTION DOES NOT ABROGATE OR DIMINISH IN ANY RESPECT THE LEGAL REQUIREMENT OF EVERY DRIVER IN THIS STATE TO OBEY THE MOTOR VEHICLE LAWS OF THIS STATE, INCLUDING LAWS WITH RESPECT TO LICENSING, MOTOR VEHICLE REGISTRATION, AND FINANCIAL RESPONSIBILITY.

6. ANY PERSON WHO KNOWINGLY OBTAINS OR ASSISTS A PERSON IN OBTAINING A DRIVER'S LICENSE OR IDENTIFICATION CARD FOR HIMSELF OR HERSELF OR FOR ANY PERSON WHOSE PRESENCE IN THE UNITED STATES IS NOT AUTHORIZED UNDER FEDERAL LAW SHALL BE GUILTY OF A MISDEMEANOR.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.