

3993

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 29, 2009

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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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

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

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

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

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

17    4. THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE PURPOSES OF  
18    THIS SECTION, INCLUDING PROCEDURES FOR, BUT NOT LIMITED TO, (A) VERIFY-  
19    ING THAT THE APPLICANT'S PRESENCE IN THE UNITED STATES IS AUTHORIZED  
20    UNDER FEDERAL LAW, (B) ISSUANCE OF TEMPORARY LICENSES PENDING VERIFICA-  
21    TION OF STATUS, (C) APPEALS HEARINGS FROM DENIALS OF LICENSES OR TEMPO-  
22    RARY LICENSES, AND (D) NOTIFICATION PURSUANT TO SUBDIVISION THREE OF  
23    THIS SECTION.

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

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1       5. THE INABILITY TO OBTAIN A DRIVER'S LICENSE PURSUANT TO THIS SECTION  
2 DOES NOT ABROGATE OR DIMINISH IN ANY RESPECT THE LEGAL REQUIREMENT OF  
3 EVERY DRIVER IN THIS STATE TO OBEY THE MOTOR VEHICLE LAWS OF THIS STATE,  
4 INCLUDING LAWS WITH RESPECT TO LICENSING, MOTOR VEHICLE REGISTRATION,  
5 AND FINANCIAL RESPONSIBILITY.  
6       6. ANY PERSON WHO KNOWINGLY OBTAINS OR ASSISTS A PERSON IN OBTAINING A  
7 DRIVER'S LICENSE OR IDENTIFICATION CARD FOR HIMSELF OR HERSELF OR FOR  
8 ANY PERSON WHOSE PRESENCE IN THE UNITED STATES IS NOT AUTHORIZED UNDER  
9 FEDERAL LAW SHALL BE GUILTY OF A MISDEMEANOR.  
10       S 2. This act shall take effect on the ninetieth day after it shall  
11 have become a law.