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

328

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PERALTA, WRIGHT -- Multi-Sponsored by -- M. of A. COOK, DIAZ, ESPAILLAT, FINCH, GREENE, O'DONNELL, ORTIZ, J. RIVERA, TOWNS -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the issuance of driving privilege cards

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 531 to read as follows:

S 531. DRIVING PRIVILEGE CARDS. 1. NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW, THE COMMISSIONER MAY, SUBJECT TO THE LIMITATIONS OF SUBDIVISION TWO OF THIS SECTION, ISSUE A DRIVING PRIVILEGE CARD TO A PERSON WHO SATISFIES THE REQUIREMENTS FOR ISSUANCE OF A DRIVER'S LICENSE PURSUANT TO SECTION FIVE HUNDRED TWO OF THIS TITLE BUT WHO CANNOT PROVIDE:

(A) PROOF OF LAWFUL PRESENCE IN THE UNITED STATES; OR

(B) SUFFICIENT IDENTIFYING DOCUMENTATION.

2. AN APPLICANT SHALL NOT BE ISSUED A DRIVING PRIVILEGE CARD UNLESS SUCH APPLICANT:

(A) SURRENDERS TO THE COMMISSIONER ANY DRIVER'S LICENSE POSSESSED BY THE APPLICANT THAT WAS ISSUED BY A STATE OR POLITICAL SUBDIVISION OF THE UNITED STATES OR AFFIRMS IN WRITING THAT THE APPLICANT DOES NOT POSSESS A DRIVER'S LICENSE ISSUED BY THIS OR ANY OTHER STATE OR POLITICAL SUBDIVISION OF THE UNITED STATES; AND

(B) AFFIRMS IN WRITING THAT THE APPLICANT RESIDES IN THIS STATE AND PROVIDES DOCUMENTATION TO VERIFY THAT THE APPLICANT RESIDES IN THE STATE THAT IS CONSISTENT WITH THE REGULATIONS PROMULGATED BY THE COMMISSIONER PURSUANT TO SUBDIVISION SEVEN OF THIS SECTION; AND

(C) AFFIRMS IN WRITING THAT THE APPLICANT IS OF LEGAL AGE TO OPERATE A MOTOR VEHICLE.

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

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3. AN APPLICANT FOR A DRIVING PRIVILEGE CARD SHALL PAY ALL FEES APPLICABLE FOR THE ISSUANCE OF A DRIVER'S LICENSE. THE COMMISSIONER MAY CHARGE THE APPLICANT AN ADDITIONAL FEE TO OFFSET THE ADMINISTRATIVE COSTS ASSOCIATED WITH THE PRODUCTION AND DISTRIBUTION OF DRIVING PRIVILEGE CARDS.

4. A DRIVING PRIVILEGE CARD SHALL BE VALID FOR ONE YEAR FROM DATE OF ISSUE, PROVIDED, HOWEVER, THE COMMISSIONER MAY SET A DATE FOR AN INDIVIDUAL CARD'S EXPIRATION THAT IS LESS THAN ONE YEAR. WHILE THE CARD IS VALID, THE HOLDER SHALL HAVE THE SAME PRIVILEGES AND SHALL BE BOUND BY THE SAME LEGAL RESPONSIBILITIES WITH RESPECT TO THE OPERATION OF A MOTOR VEHICLE AS THE HOLDER OF A DRIVER'S LICENSE ISSUED PURSUANT TO THIS TITLE.

5. A DRIVING PRIVILEGE CARD SHALL NOT BE RECOGNIZED AS A FORM OF IDENTIFICATION EXCEPT FOR THE PURPOSE OF VERIFYING THAT THE HOLDER IS AUTHORIZED TO OPERATE A MOTOR VEHICLE WHILE THE CARD IS VALID.

6. DRIVING PRIVILEGE CARDS SHALL INCLUDE A DIGITIZED PICTURE OF THE PERSON TO WHOM THE CARD IS ISSUED. DRIVING PRIVILEGE CARDS SHALL APPEAR SIMILAR TO A DRIVER'S LICENSE BUT CONTAIN A CONSPICUOUS STATEMENT SUBSTANTIALLY SIMILAR TO THE FOLLOWING: "THIS CARD ENTITLES THE PERSON PICTURED TO OPERATE A MOTOR VEHICLE. NOT FOR FEDERAL IDENTIFICATION PURPOSES."

7. THE COMMISSIONER SHALL PROMULGATE REGULATIONS, INCLUDING BUT NOT LIMITED TO, REGULATIONS RELATED TO THE FORM AND DESIGN OF THE DRIVING PRIVILEGE CARD AND SPECIFYING DOCUMENTATION NECESSARY TO VERIFY THAT AN APPLICANT RESIDES IN THIS STATE.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.