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

7396

2009-2010 Regular Sessions

I N A S S E M B L Y

April 2, 2009

Introduced by M. of A. SCOZZAFAVA -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to allowing police agencies access to photo image files maintained by the department of motor vehicles

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

Section 1. Paragraph (c) of subdivision 3 of section 490 of the vehicle and traffic law, as amended by chapter 600 of the laws of 1989, is amended to read as follows:

(c) The identification card may also contain the [photograph] PHOTO IMAGE of the holder. THE DEPARTMENT SHALL MAINTAIN A PHOTO IMAGE FILE FOR NON-DRIVER IDENTIFICATION CARDS. PRINTS FROM THE FILE SHALL BE MADE AND ISSUED ONLY FOR DEPARTMENTAL ADMINISTRATIVE PURPOSES, FOR THE ISSUANCE OF DUPLICATE NON-DRIVER IDENTIFICATION, OR IN RESPONSE TO LAW ENFORCEMENT AGENCY REQUESTS pursuant to regulations established by the commissioner. Any [photograph] PHOTO IMAGE taken as part of the application procedure for an identification card shall not be a public record.

S 2. Subdivision 3 of section 504 of the vehicle and traffic law, as amended by chapter 173 of the laws of 1990, is amended to read as follows:

3. THE DEPARTMENT SHALL MAINTAIN A PHOTO IMAGE FILE. PRINTS FROM THE FILE SHALL BE MADE AND ISSUED ONLY FOR DEPARTMENTAL ADMINISTRATIVE PURPOSES, FOR THE ISSUANCE OF DUPLICATE LICENSES, OR IN RESPONSE TO LAW ENFORCEMENT AGENCY REQUESTS PURSUANT TO REGULATIONS ESTABLISHED BY THE COMMISSIONER. Notwithstanding any other provision of law, any photo image taken as part of the application procedure for a learner's permit or an original, duplicate, renewal or amended driver's license shall not be a public record.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.

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

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