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

8468

2009-2010 Regular Sessions

I N A S S E M B L Y

May 21, 2009

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

AN ACT to amend the vehicle and traffic law, in relation to requirements of proof for issuance of non-driver identification cards and driver's licenses

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

Section 1. Subparagraph (i) of paragraph (a) of subdivision 3 of section 490 of the vehicle and traffic law, as amended by chapter 235 of the laws of 2002, is amended to read as follows:

(i) (A) THE COMMISSIONER SHALL NOT ISSUE AN IDENTIFICATION CARD TO ANY PERSON WHO DOES NOT SUBMIT SATISFACTORY PROOF, AS REQUIRED BY THIS SUBPARAGRAPH, THAT THE APPLICANT'S PRESENCE IN THE UNITED STATES IS LEGALLY AUTHORIZED.

(B) The commissioner shall upon submission of an appropriate application, upon payment of the prescribed fee, and upon being satisfied that the person described is the applicant and that such applicant meets the requirements set forth in subdivision two of this section, issue to such applicant a nontransferable identification card. In addition, the commissioner also shall require that an applicant for an identification card or renewal thereof provide his or her social security number, OR PROOF OF INELIGIBILITY TO RECEIVE A SOCIAL SECURITY NUMBER. IN ADDITION, AN APPLICANT WHO HAS PROVIDED PROOF OF INELIGIBILITY TO RECEIVE A SOCIAL SECURITY NUMBER SHALL ALSO PROVIDE PROOF THAT HE OR SHE IS LEGALLY AUTHORIZED TO BE IN THE UNITED STATES.

(C) PROOF OF AUTHORIZED PRESENCE IN THE UNITED STATES. PROOF OF AN APPLICANT'S CURRENTLY AUTHORIZED PRESENCE IN THE UNITED STATES SHALL INCLUDE VALID DOCUMENTARY EVIDENCE, FROM THE NECESSARY STATE OR FEDERAL AGENCY, THAT SUCH PERSON: (I) IS A UNITED STATES CITIZEN, (II) IS AN ALIEN LAWFULLY ADMITTED FOR PERMANENT OR TEMPORARY RESIDENCE, (III) HAS A CONDITIONAL PERMANENT RESIDENT STATUS, (IV) IS A REFUGEE OR HAS BEEN

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

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GRANTED ASYLUM, (V) HAS A VALID, UNEXPIRED NONIMMIGRANT VISA OR NONIMMIGRANT VISA STATUS, (VI) HAS A PENDING APPLICATION FOR ASYLUM, (VII) HAS A PENDING OR APPROVED APPLICATION FOR TEMPORARY PROTECTED STATUS, (VIII) HAS APPROVED DEFERRED STATUS, OR (IX) HAS A PENDING APPLICATION FOR ADJUSTMENT OF STATUS TO THAT OF AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE OR CONDITIONAL PERMANENT RESIDENT STATUS. THE COMMISSIONER SHALL VERIFY, WITH THE ISSUING AGENCY, THE ISSUANCE, VALIDITY AND COMPLETENESS OF EACH DOCUMENT. NO IDENTIFICATION CARD SHALL BE ISSUED WITHOUT PRIOR SUBMISSION, AND APPROVAL BY THE COMMISSIONER, OF THE REQUIRED VALID DOCUMENTARY EVIDENCE.

(D) TEMPORARY IDENTIFICATION CARD. A TEMPORARY IDENTIFICATION CARD SHALL BE ISSUED TO PERSONS WHO PRESENT DOCUMENTARY EVIDENCE PURSUANT TO ITEM (V), (VI), (VII), (VIII) OR (IX) OF CLAUSE (C) OF THIS SUBPARAGRAPH. A TEMPORARY IDENTIFICATION CARD (I) SHALL BE VALID ONLY FOR THE PERIOD OF THE APPLICANT'S AUTHORIZED STAY IN THE UNTIED STATES, OR ONE YEAR IF THERE IS NO DEFINITE END TO THE PERIOD OF STAY, (II) SHALL CONSPICUOUSLY INDICATE THAT IT IS TEMPORARY AND SHALL STATE THE DATE ON WHICH IT EXPIRES, AND (III) MAY BE RENEWED ONLY UPON PRESENTATION OF VALID DOCUMENTARY EVIDENCE THAT THE STATUS BY WHICH THE APPLICANT QUALIFIED FOR THE TEMPORARY IDENTIFICATION CARD HAS BEEN EXTENDED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY.

S 2. Subdivision 1 of section 502 of the vehicle and traffic law, as amended by chapter 639 of the laws of 2006, is amended to read as follows:

1. (A) AUTHORIZED PRESENCE IN THE UNITED STATES. THE COMMISSIONER SHALL NOT ISSUE A DRIVER'S LICENSE TO ANY PERSON WHO DOES NOT SUBMIT SATISFACTORY PROOF, AS REQUIRED BY THIS SUBDIVISION, THAT THE APPLICANT'S PRESENCE IN THE UNITED STATES IS LEGALLY AUTHORIZED.

(B) Application for license. Application for a driver's license shall be made to the commissioner. The fee prescribed by law may be submitted with such application. The applicant shall furnish such proof of identity, age, and fitness as may be required by the commissioner. The commissioner may also provide that the application procedure shall include the taking of a photo image or images of the applicant in accordance with rules and regulations prescribed by the commissioner. In addition, the commissioner [also] shall require that the applicant provide his or her social security number [and], OR PROOF OF INELIGIBILITY TO RECEIVE A SOCIAL SECURITY NUMBER. IN ADDITION, AN APPLICANT WHO HAS PROVIDED PROOF OF INELIGIBILITY TO RECEIVE A SOCIAL SECURITY NUMBER SHALL ALSO PROVIDE PROOF THAT HE OR SHE IS LEGALLY AUTHORIZED TO BE IN THE UNITED STATES. THE COMMISSIONER SHALL ALSO provide space on the application so that the applicant may register in the New York state organ and tissue donor registry under section forty-three hundred ten of the public health law. In addition, an applicant for a commercial driver's license who will operate a commercial motor vehicle in interstate commerce shall certify that such applicant meets the requirements to operate a commercial motor vehicle, as set forth in public law 99-570, title XII, and title 49 of the code of federal regulations, and all regulations promulgated by the United States secretary of transportation under the hazardous materials transportation act. Upon a determination that the holder of a commercial driver's license has made any false statement, with respect to the application for such license, the commissioner shall revoke such license.

(C) PROOF OF AUTHORIZED PRESENCE IN THE UNITED STATES. PROOF OF AN APPLICANT'S CURRENTLY AUTHORIZED PRESENCE IN THE UNITED STATES SHALL INCLUDE VALID DOCUMENTARY EVIDENCE, FROM THE NECESSARY STATE OR FEDERAL

AGENCY, THAT SUCH PERSON: (I) IS A UNITED STATES CITIZEN, (II) IS AN ALIEN LAWFULLY ADMITTED FOR PERMANENT OR TEMPORARY RESIDENCE, (III) HAS A CONDITIONAL PERMANENT RESIDENT STATUS, (IV) IS A REFUGEE OR HAS BEEN GRANTED ASYLUM, (V) HAS A VALID, UNEXPIRED NONIMMIGRANT VISA OR NONIMMIGRANT VISA STATUS, (VI) HAS A PENDING APPLICATION FOR ASYLUM, (VII) HAS A PENDING OR APPROVED APPLICATION FOR TEMPORARY PROTECTED STATUS, (VIII) HAS APPROVED DEFERRED STATUS, OR (IX) HAS A PENDING APPLICATION FOR ADJUSTMENT OF STATUS TO THAT OF AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE OR CONDITIONAL PERMANENT RESIDENT STATUS. THE COMMISSIONER SHALL VERIFY, WITH THE ISSUING AGENCY, THE ISSUANCE, VALIDITY, AND COMPLETENESS OF EACH DOCUMENT. NO DRIVER'S LICENSE SHALL BE ISSUED WITHOUT PRIOR SUBMISSION, AND APPROVAL BY THE COMMISSIONER, OF THE REQUIRED VALID DOCUMENTARY EVIDENCE.

(D) TEMPORARY DRIVER'S LICENSE. A TEMPORARY DRIVER'S LICENSE SHALL BE ISSUED TO PERSONS WHO PRESENT DOCUMENTARY EVIDENCE PURSUANT TO SUBPARAGRAPH (V), (VI), (VII), (VIII) OR (IX) OF PARAGRAPH (C) OF THIS SUBDIVISION. A TEMPORARY DRIVER'S LICENSE (I) SHALL BE VALID ONLY FOR THE PERIOD OF THE APPLICANT'S AUTHORIZED STAY IN THE UNITED STATES, OR ONE YEAR IF THERE IS NO DEFINITE END TO THE PERIOD OF STAY, (II) SHALL CONSPICUOUSLY INDICATE THAT IT IS TEMPORARY AND SHALL STATE THE DATE ON WHICH IT EXPIRES, AND (III) MAY BE RENEWED ONLY UPON PRESENTATION OF VALID DOCUMENTARY EVIDENCE THAT THE STATUS BY WHICH THE APPLICANT QUALIFIED FOR THE TEMPORARY DRIVER'S LICENSE HAS BEEN EXTENDED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY.

S 3. Paragraph (a) of subdivision 6 of section 502 of the vehicle and traffic law, as amended by section 3 of part K of chapter 59 of the laws of 2009, is amended to read as follows:

(a) (I) THE COMMISSIONER SHALL NOT ISSUE A DRIVER'S LICENSE TO ANY PERSON WHO DOES NOT SUBMIT SATISFACTORY PROOF, AS REQUIRED BY THIS PARAGRAPH, THAT THE APPLICANT'S PRESENCE IN THE UNITED STATES IS LEGALLY AUTHORIZED.

(II) A license issued pursuant to subdivision five of this section shall be valid until the expiration date contained thereon, unless such license is suspended, revoked or cancelled. Such license may be renewed by submission of an application for renewal, the fee prescribed by law, proofs of prior licensing, fitness and acceptable vision prescribed by the commissioner, the applicant's social security number, [and if required by the] OR PROOF OF INELIGIBILITY TO RECEIVE A SOCIAL SECURITY NUMBER. IN ADDITION, AN APPLICANT WHO HAS PROVIDED PROOF OF INELIGIBILITY TO RECEIVE A SOCIAL SECURITY NUMBER SHALL ALSO PROVIDE PROOF THAT HE OR SHE IS LEGALLY AUTHORIZED TO BE IN THE UNITED STATES. THE commissioner MAY ALSO REQUIRE a photo image of the applicant in such numbers and form as the commissioner shall prescribe. In addition, an applicant for renewal of a license containing a hazardous material endorsement shall pass an examination to retain such endorsement. The commissioner shall, with respect to the renewal of a hazardous materials endorsement, comply with the requirements imposed upon states by sections 383.141 and 1572.13 of title 49 of the code of federal regulations. A renewal of such license shall be issued by the commissioner upon approval of such application, except that no such license shall be issued if its issuance would be inconsistent with the provisions of section five hundred sixteen of this title, and except that the commissioner may refuse to renew such license if the applicant is the holder of a currently valid or renewable license to drive issued by another state or foreign country unless the applicant surrenders such license.

(III) PROOF OF AUTHORIZED PRESENCE IN THE UNITED STATES. PROOF OF AN APPLICANT'S CURRENTLY AUTHORIZED PRESENCE IN THE UNITED STATES SHALL INCLUDE VALID DOCUMENTARY EVIDENCE, FROM THE NECESSARY STATE OR FEDERAL AGENCY, THAT SUCH PERSON: (A) IS A UNITED STATES CITIZEN, (B) IS AN ALIEN LAWFULLY ADMITTED FOR PERMANENT OR TEMPORARY RESIDENCE, (C) HAS A CONDITIONAL PERMANENT RESIDENT STATUS, (D) IS A REFUGEE OR HAS BEEN GRANTED ASYLUM, (E) HAS A VALID, UNEXPIRED NONIMMIGRANT VISA OR NONIMMIGRANT VISA STATUS, (F) HAS A PENDING APPLICATION FOR ASYLUM, (G) HAS A PENDING OR APPROVED APPLICATION FOR TEMPORARY PROTECTED STATUS, (H) HAS APPROVED DEFERRED STATUS, OR (I) HAS A PENDING APPLICATION FOR ADJUSTMENT OF STATUS TO THAT OF AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE OR CONDITIONAL PERMANENT RESIDENT STATUS. THE COMMISSIONER SHALL VERIFY, WITH THE ISSUING AGENCY, THE ISSUANCE, VALIDITY, AND COMPLETENESS OF EACH DOCUMENT. NO DRIVER'S LICENSE SHALL BE ISSUED WITHOUT PRIOR SUBMISSION, AND APPROVAL BY THE COMMISSIONER, OF THE REQUIRED VALID DOCUMENTARY EVIDENCE.

S 4. This act shall take effect immediately.