

3937

2009-2010 Regular Sessions

I N S E N A T E

April 7, 2009

Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to issuance of driver's licenses; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Subdivision 1 of section 502 of the vehicle and traffic
2 law, as amended by chapter 639 of the laws of 2006, is amended to read
3 as follows:
4 1. Application for license. Application for a driver's license shall
5 be made to the commissioner. The fee prescribed by law may be submitted
6 with such application. The applicant shall furnish such proof of identi-
7 ty, age, and fitness as may be required by the commissioner. ACCEPTABLE
8 PROOF OF IDENTITY SHALL INCLUDE, BUT NOT BE LIMITED TO, FOREIGN PASS-
9 PORTS WITH OR WITHOUT VISA STAMPS, VALID DOCUMENTATION ISSUED BY UNITED
10 STATES CITIZENSHIP AND IMMIGRATION SERVICES, AND CONSULAR PHOTO IDEN-
11 TIFICATION DOCUMENTS. ELIGIBILITY FOR A DRIVER'S LICENSE SHALL NOT BE
12 CONDITIONED ON A PARTICULAR IMMIGRATION STATUS. The commissioner may
13 also provide that the application procedure shall include the taking of
14 a photo image or images of the applicant in accordance with rules and
15 regulations prescribed by the commissioner. In addition, the commission-
16 er [also] shall require that the applicant provide his or her social
17 security number [and] OR, WITH RESPECT TO AN APPLICATION FOR A NON-COM-
18 MERCIAL DRIVER'S LICENSE, A LETTER OR FORM FROM THE UNITED STATES SOCIAL
19 SECURITY ADMINISTRATION STATING THAT THE APPLICANT IS NOT ELIGIBLE FOR A
20 SOCIAL SECURITY NUMBER OR A SWORN STATEMENT ON A FORM PRESCRIBED BY THE
21 COMMISSIONER, UNDER PENALTY OF PERJURY, THAT THE APPLICANT DOES NOT HAVE
22 AND IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER AND ON WHICH A WITNESS
23 HOLDING A VALID DRIVER'S LICENSE OR NON-DRIVER IDENTIFICATION CARD
24 ISSUED BY THE COMMISSIONER OR HAVING ACCEPTABLE PROOF OF IDENTITY

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

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1 ATTESTS, UNDER PENALTY OF PERJURY, TO THE IDENTITY AND ADDRESS OF THE
2 APPLICANT. THE COMMISSIONER SHALL ALSO provide space on the application
3 so that the applicant may register in the New York state organ and
4 tissue donor registry under section forty-three hundred ten of the
5 public health law. In addition, an applicant for a commercial driver's
6 license who will operate a commercial motor vehicle in interstate
7 commerce shall certify that such applicant meets the requirements to
8 operate a commercial motor vehicle, as set forth in public law 99-570,
9 title XII, and title 49 of the code of federal regulations, and all
10 regulations promulgated by the United States secretary of transportation
11 under the hazardous materials transportation act. Upon a determination
12 that the holder of a commercial driver's license has made any false
13 statement, with respect to the application for such license, the commis-
14 sioner shall revoke such license.

15 S 2. Paragraph (a) of subdivision 6 of section 502 of the vehicle and
16 traffic law, as amended by chapter 81 of the laws of 1995, is amended to
17 read as follows:

18 (a) A license issued pursuant to subdivision five of this section
19 shall be valid until the expiration date contained thereon, unless such
20 license is suspended, revoked or cancelled. Such license may be renewed
21 by submission of an application for renewal, the fee prescribed by law,
22 proofs of prior licensing, fitness and acceptable vision prescribed by
23 the commissioner, the applicant's social security number OR, WITH
24 RESPECT TO AN APPLICATION FOR A NON-COMMERCIAL DRIVER'S LICENSE, A
25 LETTER OR FORM FROM THE UNITED STATES SOCIAL SECURITY ADMINISTRATION
26 STATING THAT THE APPLICANT IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER
27 OR A SWORN STATEMENT ON A FORM PRESCRIBED BY THE COMMISSIONER, UNDER
28 PENALTY OF PERJURY, STATING THAT THE APPLICANT DOES NOT HAVE AND IS NOT
29 ELIGIBLE FOR A SOCIAL SECURITY NUMBER AND ON WHICH A WITNESS HOLDING A
30 VALID DRIVER'S LICENSE OR NON-DRIVER IDENTIFICATION CARD ISSUED BY THE
31 COMMISSIONER OR HAVING ACCEPTABLE PROOF OF IDENTITY ATTESTS, UNDER
32 PENALTY OF PERJURY, TO THE IDENTITY AND ADDRESS OF THE APPLICANT, and if
33 required by the commissioner a photo image of the applicant in such
34 numbers and form as the commissioner shall prescribe. In addition, an
35 applicant for renewal of a license containing a hazardous material
36 endorsement shall pass an examination to retain such endorsement. A
37 renewal of such license shall be issued by the commissioner upon
38 approval of such application, except that no such license shall be
39 issued if its issuance would be inconsistent with the provisions of
40 section five hundred sixteen of this [chapter] TITLE, and except that
41 the commissioner may refuse to renew such license if the applicant is
42 the holder of a currently valid or renewable license to drive issued by
43 another state or foreign country unless the applicant surrenders such
44 license.

45 S 3. This act shall take effect on the one hundred eightieth day after
46 it shall have become a law and shall expire January 1, 2011 when upon
47 such date the provisions of this act shall be deemed repealed; provided
48 that the commissioner of motor vehicles is authorized and directed to
49 promulgate any rules and regulations necessary to implement the
50 provisions of this act on its effective date.