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

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I N A S S E M B L Y

February 1, 2011

Introduced by M. of A. TEDISCO, J. MILLER, MOLINARO, McKEVITT, BARCLAY, TOBACCO, KOLB -- Multi-Sponsored by -- M. of A. AMEDORE, BOYLE, BURLING, BUTLER, CALHOUN, CONTE, CROUCH, DUPREY, FINCH, GIGLIO, HAWLEY, HAYES, P. LOPEZ, McDONOUGH, OAKS, RABBITT, RAIA, REILICH, SALADINO, SAYWARD -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to the requirements of licensing and to amend the election law, in relation to voter registration forms

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

Section 1. 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. 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 PROOF OF FITNESS, AGE AND IDENTITY INCLUDING his or her social security number [and], OR PROVIDE PROOF THAT HE OR SHE IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER. SUCH PROOF SHALL INCLUDE ANY DOCUMENTS SUBMITTED BY AN APPLICANT TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR THE PURPOSE OF DETERMINING WHETHER SUCH APPLICANT IS ELIGIBLE TO RECEIVE A SOCIAL SECURITY NUMBER. 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

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

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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.

S 2. Section 502 of the vehicle and traffic law is amended by adding a new subdivision 1-a to read as follows:

1-A. FALSE STATEMENTS. ANY PERSON KNOWINGLY MAKING A FALSE STATEMENT REGARDING A SOCIAL SECURITY NUMBER OR INELIGIBILITY FOR A SOCIAL SECURITY NUMBER IN AN APPLICATION FOR A DRIVER'S LICENSE OR LEARNER'S PERMIT ISSUED BY THE COMMISSIONER OR IN ANY PROOF OR STATEMENT IN WRITING SUBMITTED IN CONNECTION WITH SUCH SOCIAL SECURITY NUMBER OR INELIGIBILITY FOR A SOCIAL SECURITY NUMBER AND THE SUBMISSION OF SUCH AN APPLICATION SHALL BE GUILTY OF A MISDEMEANOR PURSUANT TO SECTION THREE HUNDRED NINETY-TWO OF THIS CHAPTER.

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) 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 commissioner] OR PROVIDE PROOF THAT HE OR SHE IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER. SUCH PROOF SHALL INCLUDE ANY DOCUMENTS SUBMITTED BY AN APPLICANT TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR THE PURPOSE OF DETERMINING WHETHER SUCH APPLICANT IS ELIGIBLE TO RECEIVE A SOCIAL SECURITY NUMBER. THE COMMISSIONER SHALL ALSO REQUIRE SUBMISSION OF 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.

S 4. Subdivision 1 of section 503 of the vehicle and traffic law is amended by adding a new paragraph (c) to read as follows:

(C) WHENEVER A DRIVER'S LICENSE, LEARNER'S PERMIT OR A PRIVILEGE OF OPERATING A MOTOR VEHICLE OR OF OBTAINING A LICENSE HAS BEEN ISSUED TO AN ALIEN WHO HAS BEEN LAWFULLY ISSUED A VISA BY THE UNITED STATES DEPARTMENT OF STATE, SUCH DRIVER'S LICENSE OR LEARNER'S PERMIT SHALL EXPIRE UPON THE EXPIRATION OF THE VISA.

S 5. Section 491 of the vehicle and traffic law is amended by adding a new subdivision 1-a to read as follows:

1-A. PERIOD OF VALIDITY; VISA. WHENEVER AN IDENTIFICATION CARD ISSUED BY THE DEPARTMENT HAS BEEN ISSUED TO AN ALIEN WHO HAS LAWFULLY BEEN ISSUED A VALID VISA BY THE UNITED STATES DEPARTMENT OF STATE, SUCH IDENTIFICATION CARD SHALL EXPIRE UPON THE EXPIRATION OF THE VISA.

S 6. 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) 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, AND THAT THE PERSON DESCRIBED IS THE APPLICANT AND UPON SUCH APPLICANT PROVIDING HIS OR HER SOCIAL SECURITY NUMBER OR PROVIDING PROOF THAT HE OR SHE IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER, INCLUDING ANY DOCUMENTS SUBMITTED BY SUCH APPLICANT TO THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY FOR THE PURPOSE OF DETERMINING WHETHER SUCH APPLICANT IS ELIGIBLE TO RECEIVE A SOCIAL SECURITY NUMBER, 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.]

S 7. Paragraph (a) of subdivision 3 of section 490 of the vehicle and traffic law is amended by adding a new subparagraph (iv) to read as follows:

(IV) ANY PERSON KNOWINGLY MAKING A FALSE STATEMENT REGARDING A SOCIAL SECURITY NUMBER OR INELIGIBILITY FOR A SOCIAL SECURITY NUMBER IN AN APPLICATION FOR AN IDENTIFICATION CARD ISSUED BY THE COMMISSIONER OR IN ANY PROOF OR STATEMENT IN WRITING SUBMITTED IN CONNECTION WITH SUCH SOCIAL SECURITY NUMBER OR INELIGIBILITY FOR A SOCIAL SECURITY NUMBER AND THE SUBMISSION OF SUCH AN APPLICATION SHALL BE GUILTY OF A MISDEMEANOR PURSUANT TO SECTION THREE HUNDRED NINETY-TWO OF THIS CHAPTER.

S 8. 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] SHALL also contain the photograph of the holder pursuant to regulations established by the commissioner. Any photograph taken as part of the application procedure for an identification card shall not be a public record.

S 9. Subdivision 3 of section 5-212 of the election law is amended by adding a new paragraph (d) to read as follows:

(D) SHALL BE CLEARLY MARKED TO READ "FOR U.S. CITIZENS ONLY".

S 10. This act shall take effect immediately.