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

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2011-2012 Regular Sessions

I N A S S E M B L Y

February 2, 2011

Introduced by M. of A. ORTIZ, J. RIVERA, P. RIVERA, PRETLOW, RAMOS, SCARBOROUGH, COOK, JACOBS, CASTRO -- Multi-Sponsored by -- M. of A. BRENNAN, COLTON, FARRELL, GOTTFRIED, HEASTIE -- read once and referred 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:

Section 1. Subdivision 1 and paragraph (a) of subdivision 6 of section 502 of the vehicle and traffic law, subdivision 1 as amended by chapter 639 of the laws of 2006, paragraph (a) of subdivision 6 as amended by section 3 of part K of chapter 59 of the laws of 2009, are 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. ACCEPTABLE PROOF OF IDENTITY SHALL INCLUDE, BUT NOT BE LIMITED TO, FOREIGN PASSPORTS WITH OR WITHOUT VISA STAMPS, VALID DOCUMENTATION ISSUED BY UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, AND CONSULAR PHOTO IDENTIFICATION DOCUMENTS. ELIGIBILITY FOR A DRIVER'S LICENSE SHALL NOT BE CONDITIONED ON A PARTICULAR IMMIGRATION STATUS. 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 OR, WITH RESPECT TO AN APPLICATION FOR A NON-COMMERCIAL DRIVER'S LICENSE, A LETTER OR FORM FROM THE UNITED STATES SOCIAL SECURITY ADMINISTRATION STATING THAT THE APPLICANT IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER OR A SWORN STATEMENT ON A FORM PRESCRIBED BY THE

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

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COMMISSIONER, UNDER PENALTY OF PERJURY, THAT THE APPLICANT DOES NOT HAVE AND IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER AND ON WHICH A WITNESS HOLDING A VALID DRIVER'S LICENSE OR NON-DRIVER IDENTIFICATION CARD ISSUED BY THE COMMISSIONER OR HAVING ACCEPTABLE PROOF OF IDENTITY ATTESTS, UNDER PENALTY OF PERJURY, TO THE IDENTITY AND ADDRESS OF THE APPLICANT and 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.

(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 OR, WITH RESPECT TO AN APPLICATION FOR A NON-COMMERCIAL DRIVER'S LICENSE, A LETTER OR FORM FROM THE UNITED STATES SOCIAL SECURITY ADMINISTRATION STATING THAT THE APPLICANT IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER OR A SWORN STATEMENT ON A FORM PRESCRIBED BY THE COMMISSIONER, UNDER PENALTY OF PERJURY, STATING THAT THE APPLICANT DOES NOT HAVE AND IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER AND ON WHICH A WITNESS HOLDING A VALID DRIVER'S LICENSE OR NON-DRIVER IDENTIFICATION CARD ISSUED BY THE COMMISSIONER OR HAVING ACCEPTABLE PROOF OF IDENTITY ATTESTS, UNDER PENALTY OF PERJURY, TO THE IDENTITY AND ADDRESS OF THE APPLICANT, and if required by the commissioner 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 2. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall expire January 1, 2013 when upon such date the provisions of this act shall be deemed repealed; provided that the commissioner of motor vehicles is authorized and directed to promulgate any rules and regulations necessary to implement the provisions of this act on its effective date.