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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. DIAZ -- 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 the issuance
of driving privilege cards

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

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 531 to read as follows:
3 S 531. DRIVING PRIVILEGE CARDS. 1. NOTWITHSTANDING ANY CONTRARY
4 PROVISION OF LAW, THE COMMISSIONER MAY, SUBJECT TO THE LIMITATIONS OF
5 SUBDIVISION TWO OF THIS SECTION, ISSUE A DRIVING PRIVILEGE CARD TO A
6 PERSON WHO SATISFIES THE REQUIREMENTS FOR ISSUANCE OF A DRIVER'S LICENSE
7 PURSUANT TO SECTION FIVE HUNDRED TWO OF THIS TITLE BUT WHO CANNOT
8 PROVIDE:
9 (A) PROOF OF LAWFUL PRESENCE IN THE UNITED STATES; OR
10 (B) SUFFICIENT IDENTIFYING DOCUMENTATION.
11 2. AN APPLICANT SHALL NOT BE ISSUED A DRIVING PRIVILEGE CARD UNLESS
12 SUCH APPLICANT:
13 (A) SURRENDERS TO THE COMMISSIONER ANY DRIVER'S LICENSE POSSESSED BY
14 THE APPLICANT THAT WAS ISSUED BY A STATE OR POLITICAL SUBDIVISION OF THE
15 UNITED STATES OR AFFIRMS IN WRITING THAT THE APPLICANT DOES NOT POSSESS
16 A DRIVER'S LICENSE ISSUED BY THIS OR ANY OTHER STATE OR POLITICAL SUBDI-
17 VISION OF THE UNITED STATES; AND
18 (B) AFFIRMS IN WRITING THAT THE APPLICANT RESIDES IN THIS STATE AND
19 PROVIDES DOCUMENTATION TO VERIFY THAT THE APPLICANT RESIDES IN THE STATE
20 THAT IS CONSISTENT WITH THE REGULATIONS PROMULGATED BY THE COMMISSIONER
21 PURSUANT TO SUBDIVISION SEVEN OF THIS SECTION; AND
22 (C) AFFIRMS IN WRITING THAT THE APPLICANT IS OF LEGAL AGE TO OPERATE A
23 MOTOR VEHICLE.

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

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1 3. AN APPLICANT FOR A DRIVING PRIVILEGE CARD SHALL PAY ALL FEES APPLI-
2 CABLE FOR THE ISSUANCE OF A DRIVER'S LICENSE. THE COMMISSIONER MAY
3 CHARGE THE APPLICANT AN ADDITIONAL FEE TO OFFSET THE ADMINISTRATIVE
4 COSTS ASSOCIATED WITH THE PRODUCTION AND DISTRIBUTION OF DRIVING PRIVI-
5 LEGE CARDS.

6 4. A DRIVING PRIVILEGE CARD SHALL BE VALID FOR ONE YEAR FROM DATE OF
7 ISSUE, PROVIDED, HOWEVER, THE COMMISSIONER MAY SET A DATE FOR AN INDI-
8 VIDUAL CARD'S EXPIRATION THAT IS LESS THAN ONE YEAR. WHILE THE CARD IS
9 VALID, THE HOLDER SHALL HAVE THE SAME PRIVILEGES AND SHALL BE BOUND BY
10 THE SAME LEGAL RESPONSIBILITIES WITH RESPECT TO THE OPERATION OF A MOTOR
11 VEHICLE AS THE HOLDER OF A DRIVER'S LICENSE ISSUED PURSUANT TO THIS
12 TITLE.

13 5. A DRIVING PRIVILEGE CARD SHALL NOT BE RECOGNIZED AS A FORM OF IDEN-
14 TIFICATION EXCEPT FOR THE PURPOSE OF VERIFYING THAT THE HOLDER IS
15 AUTHORIZED TO OPERATE A MOTOR VEHICLE WHILE THE CARD IS VALID.

16 6. DRIVING PRIVILEGE CARDS SHALL INCLUDE A DIGITIZED PICTURE OF THE
17 PERSON TO WHOM THE CARD IS ISSUED. DRIVING PRIVILEGE CARDS SHALL APPEAR
18 SIMILAR TO A DRIVER'S LICENSE BUT CONTAIN A CONSPICUOUS STATEMENT
19 SUBSTANTIALLY SIMILAR TO THE FOLLOWING: "THIS CARD ENTITLES THE PERSON
20 PICTURED TO OPERATE A MOTOR VEHICLE. NOT FOR FEDERAL IDENTIFICATION
21 PURPOSES."

22 7. THE COMMISSIONER SHALL PROMULGATE REGULATIONS, INCLUDING BUT NOT
23 LIMITED TO, REGULATIONS RELATED TO THE FORM AND DESIGN OF THE DRIVING
24 PRIVILEGE CARD AND SPECIFYING DOCUMENTATION NECESSARY TO VERIFY THAT AN
25 APPLICANT RESIDES IN THIS STATE.

26 S 2. This act shall take effect on the one hundred eightieth day after
27 it shall have become a law; provided, however that effective immediate-
28 ly, the addition, amendment and/or repeal of any rule or regulation
29 necessary for the implementation of this act on its effective date are
30 authorized and directed to be made and completed on or before such
31 effective date.