

2106

2013-2014 Regular Sessions

I N S E N A T E

January 10, 2013

Introduced by Sen. ESPAILLAT -- 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 authorizing certain undocumented Americans to obtain New York state drivers' licenses or non-driver identification cards; to repeal certain provisions of such law relating thereto; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Subparagraph (i) of paragraph (a) of subdivision 3 of
2 section 490 of the vehicle and traffic law, as amended by chapter 235 of
3 the laws of 2002, is amended to read as follows:
4 (i) The commissioner shall upon submission of an appropriate applica-
5 tion, upon payment of the prescribed fee, and upon being satisfied that
6 the person described is the applicant and that such applicant meets the
7 requirements set forth in subdivision two of this section, issue to such
8 applicant a nontransferable identification card. In addition, the
9 commissioner also shall require that an applicant for an identification
10 card or renewal thereof provide his or her social security number,
11 PROVIDED, HOWEVER THAT NO APPLICANT SHALL BE DENIED A NON-DRIVER IDEN-
12 TIFICATION CARD IF SUCH APPLICANT HAS OBTAINED A HIGH SCHOOL DIPLOMA OR
13 ITS EQUIVALENT.
14 S 2. Subparagraph (i) of paragraph (a) of subdivision 3 of section 490
15 of the vehicle and traffic law, as amended by chapter 487 of the laws of
16 2012, is amended to read as follows:
17 (i) The commissioner shall upon submission of an appropriate applica-
18 tion, upon payment of the prescribed fee, and upon being satisfied that
19 the person described is the applicant and that such applicant meets the
20 requirements set forth in subdivision two of this section, issue to such
21 applicant a nontransferable identification card. In addition, the
22 commissioner also shall require that an applicant for an identification

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

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1 card or renewal thereof provide his or her social security number,
2 PROVIDED, HOWEVER THAT NO APPLICANT SHALL BE DENIED A NON-DRIVER IDEN-
3 TIFICATION CARD IF SUCH APPLICANT HAS OBTAINED A HIGH SCHOOL DIPLOMA OR
4 ITS EQUIVALENT. The commissioner shall provide space so that an appli-
5 cant may request a notation upon such identification card that he or she
6 is a veteran of the United States armed forces.

7 S 3. Subdivision 1 of section 502 of the vehicle and traffic law, as
8 amended by section 1 of part D of chapter 58 of the laws of 2012, is
9 amended to read as follows:

10 1. Application for license. Application for a driver's license shall
11 be made to the commissioner. The fee prescribed by law may be submitted
12 with such application. The applicant shall furnish such proof of identi-
13 ty, age, and fitness as may be required by the commissioner, PROVIDED,
14 HOWEVER THAT NO APPLICANT SHALL BE DENIED A DRIVER'S LICENSE IF SUCH
15 APPLICANT: (I) OTHERWISE QUALIFIES FOR A LICENSE PURSUANT TO THIS
16 SECTION, (II) HAS OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT, AND
17 (III) HAS APPLIED FOR LAWFUL IMMIGRATION STATUS OR SHALL APPLY FOR
18 LAWFUL IMMIGRATION STATUS AS SOON AS SUCH APPLICANT IS ELIGIBLE TO DO
19 SO. The commissioner may also provide that the application procedure
20 shall include the taking of a photo image or images of the applicant in
21 accordance with rules and regulations prescribed by the commissioner. In
22 addition, the commissioner also shall require that the applicant provide
23 his or her social security number, IF SUCH APPLICANT HAS A SOCIAL SECU-
24 RITY NUMBER, BUT NO APPLICANT SHALL BE DENIED A LICENSE PURSUANT TO THIS
25 SECTION SOLELY ON THE BASIS OF NOT HAVING A SOCIAL SECURITY NUMBER, and
26 provide space on the application so that the applicant may register in
27 the New York state organ and tissue donor registry under section forty-
28 three hundred ten of the public health law. In addition, an applicant
29 for a commercial driver's license who will operate a commercial motor
30 vehicle in interstate commerce shall certify that such applicant meets
31 the requirements to operate a commercial motor vehicle, as set forth in
32 public law 99-570, title XII, and title 49 of the code of federal regu-
33 lations, and all regulations promulgated by the United States secretary
34 of transportation under the hazardous materials transportation act. In
35 addition, an applicant for a commercial driver's license shall submit a
36 medical certificate at such intervals as required by the federal motor
37 carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of
38 the code of federal regulations relating to medical certification and in
39 a manner prescribed by the commissioner. For purposes of this section
40 and sections five hundred three, five hundred ten-a, and five hundred
41 ten-aa of this title, the terms "medical certificate" and "medical
42 certification" shall mean a form substantially in compliance with the
43 form set forth in Part 391.43(h) of title 49 of the code of federal
44 regulations. Upon a determination that the holder of a commercial driv-
45 er's license has made any false statement, with respect to the applica-
46 tion for such license, the commissioner shall revoke such license.

47 S 4. Subdivision 1 of section 502 of the vehicle and traffic law, as
48 separately amended by section 1 of part D of chapter 58 and chapter 487
49 of the laws of 2012, is amended to read as follows:

50 1. Application for license. Application for a driver's license shall
51 be made to the commissioner. The fee prescribed by law may be submitted
52 with such application. The applicant shall furnish such proof of identi-
53 ty, age, and fitness as may be required by the commissioner, PROVIDED,
54 HOWEVER THAT NO APPLICANT SHALL BE DENIED A DRIVER'S LICENSE IF SUCH
55 APPLICANT: (I) OTHERWISE QUALIFIES FOR A LICENSE PURSUANT TO THIS
56 SECTION, (II) HAS OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT, AND

1 (III) HAS APPLIED FOR LAWFUL IMMIGRATION STATUS OR SHALL APPLY FOR
2 LAWFUL IMMIGRATION STATUS AS SOON AS SUCH APPLICANT IS ELIGIBLE TO DO
3 SO. The commissioner may also provide that the application procedure
4 shall include the taking of a photo image or images of the applicant in
5 accordance with rules and regulations prescribed by the commissioner. In
6 addition, the commissioner also shall require that the applicant provide
7 his or her social security number, IF SUCH APPLICANT HAS A SOCIAL SECU-
8 RITY NUMBER, BUT NO APPLICANT SHALL BE DENIED A LICENSE PURSUANT TO THIS
9 SECTION SOLELY ON THE BASIS OF NOT HAVING A SOCIAL SECURITY NUMBER, and
10 SHALL provide space on the application so that the applicant may regis-
11 ter in the New York state organ and tissue donor registry under section
12 forty-three hundred ten of the public health law[, and] WITH THE FOLLOW-
13 ING STATED ON THE APPLICATION IN CLEAR AND CONSPICUOUS TYPE:

14 "YOU MUST FILL OUT THE FOLLOWING SECTION: WOULD YOU LIKE TO BE ADDED
15 TO THE DONATE LIFE REGISTRY? CHECK BOX FOR 'YES' OR 'SKIP THIS QUES-
16 TION'."

17 THE COMMISSIONER OF THE DEPARTMENT OF HEALTH SHALL NOT MAINTAIN
18 RECORDS OF ANY PERSON WHO CHECKS "SKIP THIS QUESTION". FAILURE TO CHECK
19 A BOX SHALL NOT IMPAIR THE VALIDITY OF AN APPLICATION, AND FAILURE TO
20 CHECK "YES" OR CHECKING "SKIP THIS QUESTION" SHALL NOT BE CONSTRUED TO
21 IMPLY A WISH NOT TO DONATE. IN THE CASE OF AN APPLICANT UNDER EIGHTEEN
22 YEARS OF AGE, CHECKING "YES" SHALL NOT CONSTITUTE CONSENT TO MAKE AN
23 ANATOMICAL GIFT OR REGISTRATION IN THE DONATE LIFE REGISTRY. WHERE AN
24 APPLICANT HAS PREVIOUSLY CONSENTED TO MAKE AN ANATOMICAL GIFT OR REGIS-
25 TERED IN THE DONATE LIFE REGISTRY, CHECKING "SKIP THIS QUESTION" OR
26 FAILING TO CHECK A BOX SHALL NOT IMPAIR THAT CONSENT OR REGISTRATION.
27 THE APPLICATION SHALL PROVIDE space so that the applicant may request a
28 notation upon such license that he or she is a veteran of the United
29 States armed forces. In addition, an applicant for a commercial driver's
30 license who will operate a commercial motor vehicle in interstate
31 commerce shall certify that such applicant meets the requirements to
32 operate a commercial motor vehicle, as set forth in public law 99-570,
33 title XII, and title 49 of the code of federal regulations, and all
34 regulations promulgated by the United States secretary of transportation
35 under the hazardous materials transportation act. In addition, an appli-
36 cant for a commercial driver's license shall submit a medical certifi-
37 cate at such intervals as required by the federal motor carrier safety
38 improvement act of 1999 and Part 383.71(h) of title 49 of the code of
39 federal regulations relating to medical certification and in a manner
40 prescribed by the commissioner. For purposes of this section and
41 sections five hundred three, five hundred ten-a, and five hundred ten-aa
42 of this title, the terms "medical certificate" and "medical certifi-
43 cation" shall mean a form substantially in compliance with the form set
44 forth in Part 391.43(h) of title 49 of the code of federal regulations.
45 Upon a determination that the holder of a commercial driver's license
46 has made any false statement, with respect to the application for such
47 license, the commissioner shall revoke such license.

48 S 5. Subdivision 1 of section 502 of the vehicle and traffic law, as
49 amended by chapter 465 of the laws of 2012, is REPEALED.

50 S 6. Subdivision 1 of section 502 of the vehicle and traffic law, as
51 separately amended by section 1 of part D of chapter 58 and chapter 487
52 of the laws of 2012, is amended to read as follows:

53 1. Application for license. Application for a driver's license shall
54 be made to the commissioner. The fee prescribed by law may be submitted
55 with such application. The applicant shall furnish such proof of identi-
56 ty, age, and fitness as may be required by the commissioner, PROVIDED,

1 HOWEVER THAT NO APPLICANT SHALL BE DENIED A DRIVER'S LICENSE IF SUCH
2 APPLICANT: (I) OTHERWISE QUALIFIES FOR A LICENSE PURSUANT TO THIS
3 SECTION, (II) HAS OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT, AND
4 (III) HAS APPLIED FOR LAWFUL IMMIGRATION STATUS OR SHALL APPLY FOR
5 LAWFUL IMMIGRATION STATUS AS SOON AS SUCH APPLICANT IS ELIGIBLE TO DO
6 SO. The commissioner may also provide that the application procedure
7 shall include the taking of a photo image or images of the applicant in
8 accordance with rules and regulations prescribed by the commissioner. In
9 addition, the commissioner also shall require that the applicant provide
10 his or her social security number, IF SUCH APPLICANT HAS A SOCIAL SECU-
11 RITY NUMBER, BUT NO APPLICANT SHALL BE DENIED A LICENSE PURSUANT TO THIS
12 SECTION SOLELY ON THE BASIS OF NOT HAVING A SOCIAL SECURITY NUMBER, and
13 provide space on the application so that the applicant may register in
14 the New York state organ and tissue donor registry under section forty-
15 three hundred ten of the public health law, and space so that the appli-
16 cant may request a notation upon such license that he or she is a veter-
17 an of the United States armed forces. In addition, an applicant for a
18 commercial driver's license who will operate a commercial motor vehicle
19 in interstate commerce shall certify that such applicant meets the
20 requirements to operate a commercial motor vehicle, as set forth in
21 public law 99-570, title XII, and title 49 of the code of federal regu-
22 lations, and all regulations promulgated by the United States secretary
23 of transportation under the hazardous materials transportation act. In
24 addition, an applicant for a commercial driver's license shall submit a
25 medical certificate at such intervals as required by the federal motor
26 carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of
27 the code of federal regulations relating to medical certification and in
28 a manner prescribed by the commissioner. For purposes of this section
29 and sections five hundred three, five hundred ten-a, and five hundred
30 ten-aa of this title, the terms "medical certificate" and "medical
31 certification" shall mean a form substantially in compliance with the
32 form set forth in Part 391.43(h) of title 49 of the code of federal
33 regulations. Upon a determination that the holder of a commercial driv-
34 er's license has made any false statement, with respect to the applica-
35 tion for such license, the commissioner shall revoke such license.

36 S 7. Paragraph (a) of subdivision 6 of section 502 of the vehicle and
37 traffic law, as amended by section 3 of part K of chapter 59 of the laws
38 of 2009, is amended to read as follows:

39 (a) A license issued pursuant to subdivision five of this section
40 shall be valid until the expiration date contained thereon, unless such
41 license is suspended, revoked or cancelled. Such license may be renewed
42 by submission of an application for renewal, the fee prescribed by law,
43 proofs of prior licensing, fitness and acceptable vision prescribed by
44 the commissioner, the applicant's social security number, IF SUCH APPLI-
45 CANT HAS A SOCIAL SECURITY NUMBER, and if required by the commissioner a
46 photo image of the applicant in such numbers and form as the commission-
47 er shall prescribe. In addition, an applicant for renewal of a license
48 containing a hazardous material endorsement shall pass an examination to
49 retain such endorsement. The commissioner shall, with respect to the
50 renewal of a hazardous materials endorsement, comply with the require-
51 ments imposed upon states by sections 383.141 and 1572.13 of title 49 of
52 the code of federal regulations. A renewal of such license shall be
53 issued by the commissioner upon approval of such application, except
54 that no such license shall be issued if its issuance would be inconsist-
55 ent with the provisions of section five hundred sixteen of this title,
56 and except that the commissioner may refuse to renew such license if the

1 applicant is the holder of a currently valid or renewable license to
2 drive issued by another state or foreign country unless the applicant
3 surrenders such license.
4 S 8. This act shall take effect on the one hundred twentieth day after
5 it shall have become a law; provided, however, that sections two and
6 four of this act shall take effect on the same date and in the same
7 manner as chapter 487 of the laws of 2012, takes effect; provided
8 further that the amendments to subdivision 1 of section 502 of the vehi-
9 cle and traffic law made by section four of this act shall expire and be
10 deemed repealed October 3, 2016 when upon such date section six of this
11 act shall take effect. Effective immediately, the addition, amendment
12 and/or repeal of any rule or regulation necessary for the implementation
13 of this act on its effective date is authorized to be made on or before
14 such date.