

7233

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 8, 2013

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Introduced by M. of A. ROSA -- read once and referred 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.