

8257

2013-2014 Regular Sessions

I N   A S S E M B L Y

November 6, 2013

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Introduced by M. of A. SEPULVEDA -- read once and referred to the  
Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to authorizing  
the department of motor vehicles to issue drivers' licenses to certain  
aliens

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 503-a to read as follows:  
3     S 503-A. DRIVERS' LICENSES FOR FOREIGN NATIONALS. 1. THE DEPARTMENT  
4     SHALL, SUBJECT TO THE REQUIREMENTS OF THIS SECTION, ISSUE A DRIVER'S  
5     LICENSE TO A FOREIGN NATIONAL WHO IS AN APPLICANT FOR A DRIVER'S LICENSE  
6     AND WHO MEETS THE APPLICABLE REQUIREMENTS OF THIS CHAPTER BUT WHO IS  
7     UNABLE TO SATISFY THE FORMS FOR PROOF OF IDENTITY PRESCRIBED IN SECTION  
8     FIVE HUNDRED TWO OF THIS ARTICLE.  
9     2. TO BE ELIGIBLE FOR A DRIVER'S LICENSE UNDER THIS SECTION, THE  
10    APPLICANT MUST:  
11    (A)(I) PRESENT TO THE DEPARTMENT A VALID PASSPORT ISSUED TO THE APPLI-  
12    CANT BY HIS OR HER COUNTRY OF CITIZENSHIP, A CURRENT IDENTIFICATION CARD  
13    ISSUED TO THE APPLICANT BY THE EMBASSY OR CONSULATE IN THE UNITED STATES  
14    OF HIS OR HER COUNTRY OF CITIZENSHIP, OR A CONSULAR REPORT OF THE APPLI-  
15    CANT'S BIRTH.  
16    (II) THE DEPARTMENT SHALL PROVIDE FOR THE ACCEPTANCE OF ALTERNATIVE  
17    FORMS OF IDENTIFICATION TO THE IDENTIFICATION REQUIRED UNDER SUBPARA-  
18    GRAPH (I) OF THIS PARAGRAPH INCLUDING A VALID, UNEXPIRED MOTOR VEHICLE  
19    OPERATOR'S LICENSE ISSUED BY ANOTHER STATE OR COUNTRY, A VALID FOREIGN  
20    VOTER REGISTRATION CARD, A CERTIFIED COPY OF A MARRIAGE CERTIFICATE  
21    ISSUED WITHIN THE UNITED STATES, A CERTIFIED SCHOOL TRANSCRIPT AND A  
22    BAPTISMAL CERTIFICATE OR OTHER SIMILAR DOCUMENT;  
23    (B) SUBMIT PROOF, TO THE SATISFACTION OF THE DEPARTMENT, OF AN ESTAB-  
24    LISHED RESIDENCY IN THIS STATE FOR AT LEAST SIX MONTHS DURING THE FIVE

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

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1 YEARS PRECEDING THE DATE OF APPLICATION FOR A DRIVER'S LICENSE. THE  
2 PROOF UNDER THIS PARAGRAPH MAY INCLUDE:

3 (I) DOCUMENTATION DEMONSTRATING OWNERSHIP OF OR A LEASE ON REAL PROP-  
4 ERTY IN THIS STATE;

5 (II) UTILITY BILLS;

6 (III) BANK OR SIMILAR FINANCIAL RECORDS; OR

7 (IV) SALARY WARRANTS; AND

8 (C) AFFIRM TO THE DEPARTMENT THAT HE OR SHE HAS NOT BEEN CONVICTED OF  
9 ANY CRIME THAT WOULD CONSTITUTE A FELONY IN THIS STATE AND IS NOT WANTED  
10 FOR A CRIME THAT WOULD CONSTITUTE A FELONY IN THIS STATE BY ANY CRIMINAL  
11 AUTHORITIES IN THE COUNTRY OF CITIZENSHIP OR IN THE UNITED STATES.

12 3. EACH DRIVER'S LICENSE ISSUED OR RENEWED PURSUANT TO THIS SECTION  
13 SHALL BE IN SUCH FORM AS SHALL BE DETERMINED BY THE COMMISSIONER,  
14 PROVIDED THAT EACH SUCH LICENSE SHALL INCLUDE NOTATIONS ON THE FACE  
15 THEREOF THAT:

16 (A) IT IS NOT A FORM OF IDENTIFICATION OF THE HOLDER THAT IS ACCEPTA-  
17 BLE FOR FEDERAL IDENTIFICATION PURPOSES;

18 (B) IT IS NOT A FORM OF IDENTIFICATION THAT MAY BE USED TO IDENTIFY  
19 THE HOLDER AS BEING ELIGIBLE TO REGISTER TO VOTE OR CAST A BALLOT IN ANY  
20 ELECTION; AND

21 (C) STATES "THIS LICENSE IS ISSUED SOLELY FOR THE PURPOSE OF AUTHORIZ-  
22 ING THE OPERATION OF A MOTOR VEHICLE".

23 4. IN THE EVENT THE FEDERAL DEPARTMENT OF HOMELAND SECURITY DETERMINES  
24 A LICENSE ISSUED PURSUANT TO THIS SECTION DOES NOT SATISFY THE REQUIRE-  
25 MENTS OF SECTION 37.71 OF TITLE 6 OF THE CODE OF FEDERAL REGULATIONS,  
26 ADOPTED PURSUANT TO PARAGRAPH (11) OF SUBDIVISION (D) OF SECTION 202 OF  
27 THE REAL ID ACT OF 2005 (PUBLIC LAW 109-13), THE COMMISSIONER SHALL  
28 MODIFY THE LICENSE ONLY TO THE EXTENT NECESSARY TO SATISFY THE REQUIRE-  
29 MENT OF SUCH SECTION.

30 5. A DRIVER'S LICENSE ISSUED PURSUANT TO THIS SECTION SHALL NOT BE  
31 USED AS EVIDENCE OF THE HOLDER'S CITIZENSHIP OR IMMIGRATION STATUS, AND  
32 SHALL NOT BE USED AS A BASIS FOR A CRIMINAL INVESTIGATION, ARREST OR  
33 DETENTION IN CIRCUMSTANCES WHERE A HOLDER OF A DRIVER'S LICENSE THAT WAS  
34 NOT ISSUED PURSUANT TO THIS SECTION WOULD NOT BE CRIMINALLY INVESTI-  
35 GATED, ARRESTED OR DETAINED.

36 6. THE DEPARTMENT SHALL NOT ISSUE A DRIVER'S LICENSE OR RENEW A DRIV-  
37 ER'S LICENSE UNDER THIS SECTION IF THE APPLICANT HAS BEEN CONVICTED OF A  
38 CRIME IN THE UNITED STATES OR IN ANY OTHER COUNTRY WHICH WOULD BE CLAS-  
39 SIFIED AS A FELONY IN THIS STATE.

40 7. THE DEPARTMENT SHALL REVOKE ANY DRIVER'S LICENSE ISSUED UNDER THIS  
41 SECTION UPON DETERMINING THAT THE FOREIGN NATIONAL IS NO LONGER ENTITLED  
42 TO THE ISSUANCE OF THE DRIVER'S LICENSE.

43 S 2. This act shall take effect on the first of October next succeed-  
44 ing the date on which it shall have become a law; provided, however,  
45 that the commissioner of motor vehicles shall promulgate any rules and  
46 regulations necessary for the timely implementation of the provisions of  
47 this act on or before such effective date.