

STATE OF NEW YORK

801

2017-2018 Regular Sessions

IN SENATE

January 4, 2017

Introduced by Sen. ALCANTARA -- 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 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 487 of
3 the laws of 2012, 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. The commissioner shall provide space so that an appli-
14 cant may request a notation upon such identification card that he or she
15 is a veteran of the United States armed forces.

16 § 2. Subdivision 1 of section 502 of the vehicle and traffic law, as
17 separately amended by section 1 of part D of chapter 58 and chapter 487
18 of the laws of 2012, is amended to read as follows:

19 1. Application for license. Application for a driver's license shall
20 be made to the commissioner. The fee prescribed by law may be submitted
21 with such application. The applicant shall furnish such proof of identi-
22 ty, age, and fitness as may be required by the commissioner; provided,

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

LBD00023-01-7

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 shall provide space on the application so that the applicant may regis-
14 ter in the New York state organ and tissue donor registry under section
15 forty-three hundred ten of the public health law[, ~~and~~] with the follow-
16 ing stated on the application in clear and conspicuous type:

17 "You must fill out the following section: Would you like to be added
18 to the Donate Life Registry? Check box for 'yes' or 'skip this ques-
19 tion'."

20 The commissioner of the department of health shall not maintain
21 records of any person who checks "skip this question". Failure to check
22 a box shall not impair the validity of an application, and failure to
23 check "yes" or checking "skip this question" shall not be construed to
24 imply a wish not to donate. In the case of an applicant under eighteen
25 years of age, checking "yes" shall not constitute consent to make an
26 anatomical gift or registration in the donate life registry. Where an
27 applicant has previously consented to make an anatomical gift or regis-
28 tered in the donate life registry, checking "skip this question" or
29 failing to check a box shall not impair that consent or registration.
30 The application shall provide space so that the applicant may request a
31 notation upon such license that he or she is a veteran of the United
32 States armed forces. In addition, an applicant for a commercial driver's
33 license who will operate a commercial motor vehicle in interstate
34 commerce shall certify that such applicant meets the requirements to
35 operate a commercial motor vehicle, as set forth in public law 99-570,
36 title XII, and title 49 of the code of federal regulations, and all
37 regulations promulgated by the United States secretary of transportation
38 under the hazardous materials transportation act. In addition, an appli-
39 cant for a commercial driver's license shall submit a medical certif-
40 icate at such intervals as required by the federal motor carrier safety
41 improvement act of 1999 and Part 383.71(h) of title 49 of the code of
42 federal regulations relating to medical certification and in a manner
43 prescribed by the commissioner. For purposes of this section and
44 sections five hundred three, five hundred ten-a, and five hundred ten-aa
45 of this title, the terms "medical certificate" and "medical certif-
46 ication" shall mean a form substantially in compliance with the form set
47 forth in Part 391.43(h) of title 49 of the code of federal regulations.
48 Upon a determination that the holder of a commercial driver's license
49 has made any false statement, with respect to the application for such
50 license, the commissioner shall revoke such license.

51 § 3. Subdivision 1 of section 502 of the vehicle and traffic law, as
52 amended by chapter 465 of the laws of 2012, is REPEALED.

53 § 4. Subdivision 1 of section 502 of the vehicle and traffic law, as
54 separately amended by section 1 of part D of chapter 58 and chapter 487
55 of the laws of 2012, is amended to read as follows:

1 1. Application for license. Application for a driver's license shall
2 be made to the commissioner. The fee prescribed by law may be submitted
3 with such application. The applicant shall furnish such proof of identi-
4 ty, age, and fitness as may be required by the commissioner; provided,
5 however that no applicant shall be denied a driver's license if such
6 applicant: (i) otherwise qualifies for a license pursuant to this
7 section, (ii) has obtained a high school diploma or its equivalent, and
8 (iii) has applied for lawful immigration status or shall apply for
9 lawful immigration status as soon as such applicant is eligible to do
10 so. The commissioner may also provide that the application procedure
11 shall include the taking of a photo image or images of the applicant in
12 accordance with rules and regulations prescribed by the commissioner. In
13 addition, the commissioner also shall require that the applicant provide
14 his or her social security number, if such applicant has a social secu-
15 rity number, but no applicant shall be denied a license pursuant to this
16 section solely on the basis of not having a social security number, and
17 provide space on the application so that the applicant may register in
18 the New York state organ and tissue donor registry under section forty-
19 three hundred ten of the public health law, and space so that the appli-
20 cant may request a notation upon such license that he or she is a veter-
21 an of the United States armed forces. In addition, an applicant for a
22 commercial driver's license who will operate a commercial motor vehicle
23 in interstate commerce shall certify that such applicant meets the
24 requirements to operate a commercial motor vehicle, as set forth in
25 public law 99-570, title XII, and title 49 of the code of federal regu-
26 lations, and all regulations promulgated by the United States secretary
27 of transportation under the hazardous materials transportation act. In
28 addition, an applicant for a commercial driver's license shall submit a
29 medical certificate at such intervals as required by the federal motor
30 carrier safety improvement act of 1999 and Part 383.71(h) of title 49 of
31 the code of federal regulations relating to medical certification and in
32 a manner prescribed by the commissioner. For purposes of this section
33 and sections five hundred three, five hundred ten-a, and five hundred
34 ten-aa of this title, the terms "medical certificate" and "medical
35 certification" shall mean a form substantially in compliance with the
36 form set forth in Part 391.43(h) of title 49 of the code of federal
37 regulations. Upon a determination that the holder of a commercial driv-
38 er's license has made any false statement, with respect to the applica-
39 tion for such license, the commissioner shall revoke such license.

40 § 5. Paragraph (a) of subdivision 6 of section 502 of the vehicle and
41 traffic law, as amended by section 3 of part K of chapter 59 of the laws
42 of 2009, is amended to read as follows:

43 (a) A license issued pursuant to subdivision five of this section
44 shall be valid until the expiration date contained thereon, unless such
45 license is suspended, revoked or cancelled. Such license may be renewed
46 by submission of an application for renewal, the fee prescribed by law,
47 proofs of prior licensing, fitness and acceptable vision prescribed by
48 the commissioner, the applicant's social security number, if such appli-
49 cant has a social security number, and if required by the commissioner a
50 photo image of the applicant in such numbers and form as the commission-
51 er shall prescribe. In addition, an applicant for renewal of a license
52 containing a hazardous material endorsement shall pass an examination to
53 retain such endorsement. The commissioner shall, with respect to the
54 renewal of a hazardous materials endorsement, comply with the require-
55 ments imposed upon states by sections 383.141 and 1572.13 of title 49 of
56 the code of federal regulations. A renewal of such license shall be

1 issued by the commissioner upon approval of such application, except
2 that no such license shall be issued if its issuance would be inconsis-
3 ent with the provisions of section five hundred sixteen of this title,
4 and except that the commissioner may refuse to renew such license if the
5 applicant is the holder of a currently valid or renewable license to
6 drive issued by another state or foreign country unless the applicant
7 surrenders such license.

8 § 6. This act shall take effect on the one hundred twentieth day after
9 it shall have become a law; provided, however that the amendments to
10 subdivision 1 of section 502 of the vehicle and traffic law made by
11 section two of this act shall expire and be deemed repealed October 3,
12 2018 when upon such date section four of this act shall take effect.
13 Effective immediately, the addition, amendment and/or repeal of any rule
14 or regulation necessary for the implementation of this act on its effec-
15 tive date is authorized to be made on or before such date.