STATE OF NEW YORK

338

2017-2018 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sen. PERALTA -- 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 the department of motor vehicles to issue limited purpose drivers' licenses

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The vehicle and traffic law is amended by adding a new section 503-a to read as follows:

§ 503-a. Limited purpose drivers' licenses. 1. The department shall, subject to the requirements of this section, issue a driver's license to an applicant for a driver's license who meets the applicable requirements of this chapter but who is unable to satisfy the forms for proof of identity prescribed in section five hundred two of this article.

2. To be eligible for a driver's license under this section, the applicant must:

(a) Present to the department proof of identity on terms identical to those required by the department's Form ID-44, with the following exemptions:

(i) The following documents shall be accepted as three points of proof of name, as well as proof of date of birth: (A) a current photo identification card issued to the applicant by the embassy or consulate in the United States of his or her country of citizenship; (B) a current identification document issued to the applicant by the government of his or her country of citizenship; or (C) an official municipal identification card issued by a municipality within the state.

(ii) The department shall accept either of the following as two points of proof of name: an individual taxpayer identification number or a sworn statement under the penalty of perjury, stating the applicant's

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

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identity, and the fact that he or she has not been issued a social security number.

(iii) An otherwise valid foreign passport shall not be required to include an I-551 stamp, and shall be accepted as three points of proof of name as well as proof of date of birth.

(iv) The following documents shall be accepted as two points of proof of name, as well as proof of date of birth: a certified birth certificate from the applicant's country of citizenship, or a consular report of the applicant's birth.

(v) Any federal Department of Homeland Security documentation listed on the department's form ID-44 as proof of identity shall be accepted as three points of proof of name as well as proof of date of birth even if the authorization period listed therein has expired.

(vi) Official records from a religious entity confirming participation in a religious ceremony shall be accepted as one point of proof of name, though not as proof of date of birth.

(b) Submit proof of an established residency in this state on terms identical to the proof of residency requirements in the department's Form ID-44EDL, except that a copy of a money order receipt with the applicant's name and address, sent to a location in this state from a foreign country, or from a location in this state to a foreign country shall be accepted as one of two documents for proof of residency in this state.

3. Licenses issued pursuant to this section shall be valid for the same duration of time as licenses of the same class issued pursuant to section five hundred three of this article.

4. Each driver's license issued or renewed pursuant to this section shall include the following notice printed on the face thereof: "Not Acceptable for Federal Purposes". This notice shall be in the same font and color as the text on the face of a driver's license issued pursuant to section five hundred three of this article, with no other distinguishable features.

5. In the event the federal Department of Homeland Security determines a license issued pursuant to this section does not satisfy the requirements of Section 37.71 of Title 6 of the Code of Federal Regulations, adopted pursuant to paragraph (11) of subdivision (d) of Section 202 of the Real ID Act of 2005 (Public Law 109-13), the commissioner shall, in consultation with the department of law and the office of new Americans of the department of state, modify the license only to the extent necessary to satisfy the requirement of such section.

6. A driver's license issued pursuant to this section shall not be used as evidence of the holder's citizenship or immigration status, and shall not be used as a basis for a criminal investigation, arrest or detention in circumstances where a holder of a driver's license that was not issued pursuant to this section would not be criminally investigated, arrested or detained.

7. It shall be a violation of law including but not limited to, article fifteen of the executive law, to discriminate against an individual because he or she applies for, holds or presents a license issued pursuant to this section.

8. Information collected pursuant to this section shall not be deemed to be a public record and shall not be disclosed by the department, except as required by law.

9. Except as otherwise expressly provided by law, a license issued pursuant to this section may be used as legal identification of the holder to whom the license is issued.

§ 2. This act shall take effect one year after it shall have become a law; provided, however, that the commissioner of motor vehicles shall promulgate any rules and regulations necessary for the timely implementation of the provisions of this act on or before such effective date.