

# STATE OF NEW YORK

10178

## IN ASSEMBLY

March 24, 2020

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

AN ACT to amend the vehicle and traffic law, in relation to repealing the "driver's license access and privacy act"; and to repeal certain provisions of such law and chapter 37 of the laws of 2019, amending the vehicle and traffic law, relating to the issuance of non-commercial drivers' licenses and learners' permits

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

1 Section 1. Subdivisions 8, 9, 10, 11, and 12 of section 201 of the  
2 vehicle and traffic law are REPEALED.

3 § 2. Subdivision 1 of section 502 of the vehicle and traffic law, as  
4 amended by chapter 37 of the laws of 2019, is amended to read as  
5 follows:

6 1. Application for license. Application for a driver's license shall  
7 be made to the commissioner. The fee prescribed by law may be submitted  
8 with such application. The applicant shall furnish such proof of identi-  
9 ty, age, and fitness as may be required by the commissioner. [~~With  
10 respect to a non-commercial driver's license or learner's permit which  
11 does not meet federal standards for identification, in addition to the  
12 acceptable proofs of age and identity approved by the commissioner as of  
13 January first, two thousand nineteen, acceptable proof of identity shall  
14 also include, but not be limited to, a valid, unexpired foreign passport  
15 issued by the applicant's country of citizenship (which shall also be  
16 eligible as proof of age), a valid, unexpired consular identification  
17 document issued by a consulate from the applicant's country of citizen-  
18 ship, or a valid foreign driver's license that includes a photo image of  
19 the applicant and which is unexpired or expired for less than twenty-  
20 four months of its date of expiration, as primary forms of such proof.  
21 Nothing contained in this subdivision shall be deemed to preclude the  
22 commissioner from approving additional proofs of identity and age.~~] The  
23 commissioner may also provide that the application procedure shall  
24 include the taking of a photo image or images of the applicant in  
25 accordance with rules and regulations prescribed by the commissioner. In

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

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1 addition, the commissioner also shall require that the applicant provide  
2 his or her social security number [~~or, in lieu thereof, with respect to~~  
3 ~~an application for a non-commercial driver's license or learner's permit~~  
4 ~~which does not meet federal standards for identification, an affidavit~~  
5 ~~signed by such applicant that they have not been issued a social securi-~~  
6 ~~ty number. The commissioner also~~] and shall provide space on the appli-  
7 cation so that the applicant may register in the New York state organ  
8 and tissue donor registry under section forty-three hundred ten of the  
9 public health law with the following stated on the application in clear  
10 and conspicuous type:

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

14 The commissioner of health shall not maintain records of any person  
15 who checks "skip this question". Except where the application is made in  
16 person or electronically, failure to check a box shall not impair the  
17 validity of an application, and failure to check "yes" or checking "skip  
18 this question" shall not be construed to imply a wish not to donate. In  
19 the case of an applicant under eighteen years of age, checking "yes"  
20 shall not constitute consent to make an anatomical gift or registration  
21 in the donate life registry, except as otherwise provided pursuant to  
22 the provisions of paragraph (b) of subdivision one of section forty-  
23 three hundred one of the public health law. Where an applicant has  
24 previously consented to make an anatomical gift or registered in the  
25 donate life registry, checking "skip this question" or failing to check  
26 a box shall not impair that consent or registration. In addition, an  
27 applicant for a commercial driver's license who will operate a commer-  
28 cial motor vehicle in interstate commerce shall certify that such appli-  
29 cant meets the requirements to operate a commercial motor vehicle, as  
30 set forth in public law 99-570, title XII, and title 49 of the code of  
31 federal regulations, and all regulations promulgated by the United  
32 States secretary of transportation under the hazardous materials trans-  
33 portation act. In addition, an applicant for a commercial driver's  
34 license shall submit a medical certificate at such intervals as required  
35 by the federal motor carrier safety improvement act of 1999 and Part  
36 383.71(h) of title 49 of the code of federal regulations relating to  
37 medical certification and in a manner prescribed by the commissioner.  
38 For purposes of this section and sections five hundred three, five  
39 hundred ten-a, and five hundred ten-aa of this title, the terms "medical  
40 certificate" and "medical certification" shall mean a form substantially  
41 in compliance with the form set forth in Part 391.43(h) of title 49 of  
42 the code of federal regulations. Upon a determination that the holder of  
43 a commercial driver's license has made any false statement, with respect  
44 to the application for such license, the commissioner shall revoke such  
45 license.

46 § 3. Paragraph (a) of subdivision 6 of section 502 of the vehicle and  
47 traffic law, as amended by chapter 37 of the laws of 2019, is amended to  
48 read as follows:

49 (a) A license issued pursuant to subdivision five of this section  
50 shall be valid until the expiration date contained thereon, unless such  
51 license is suspended, revoked or cancelled. Such license may be renewed  
52 by submission of an application for renewal, the fee prescribed by law,  
53 proofs of prior licensing, fitness and acceptable vision prescribed by  
54 the commissioner, the applicant's social security number [~~or, in lieu~~  
55 ~~thereof, with respect to an application for a non-commercial driver's~~  
56 ~~license or learner's permit which does not meet federal standards for~~

~~identification, an affidavit signed by such applicant that they have not been issued a social security number~~], and if required by the commissioner, a photo image of the applicant in such numbers and form as the commissioner shall prescribe. In addition, an applicant for renewal of a license containing a hazardous material endorsement shall pass an examination to retain such endorsement. The commissioner shall, with respect to the renewal of a hazardous materials endorsement, comply with the requirements imposed upon states by sections 383.141 and 1572.13 of title 49 of the code of federal regulations. A renewal of such license shall be issued by the commissioner upon approval of such application, except that no such license shall be issued if its issuance would be inconsistent with the provisions of section five hundred sixteen of this title, and except that the commissioner may refuse to renew such license if the applicant is the holder of a currently valid or renewable license to drive issued by another state or foreign country unless the applicant surrenders such license.

§ 4. Subdivisions 7 and 8 of section 502 of the vehicle and traffic law, as added by chapter 37 of the laws of 2019, are amended to read as follows:

~~7. [Selective service act. The commissioner shall provide separate space on the application for a learner's permit, driver's license, non-driver identification card, or renewal thereof so that any person who is at least eighteen years of age but less than twenty-six years of age who applies to the commissioner for such permit, license, or card or renewal thereof may opt to register with the selective service in accordance with 50 U.S.C. App 451 et. seq., as amended, if such person is subject to such act, and consent to have the commissioner forward the necessary personal information in accordance with this subdivision. Such consent shall be separate from any other certification or signature on such application. The commissioner shall include on the application a brief statement about the requirement of the law, a citation of the act, and the consequences for failing to meet the same. The commissioner shall forward to the selective service system, in an electronic format, the necessary personal information required for registration only of individuals who have affirmatively opted and consented, pursuant to this subdivision, to authorize the commissioner to forward such information to the selective service system.]~~

~~8. Non-commercial drivers' licenses and learners' permits which do not meet federal standards for identification. (a) Non-commercial drivers' licenses and learners' permits which do not meet federal standards for identification shall be issued in such form as the commissioner shall determine, provided that such licenses and permits shall be visually identical to non-commercial drivers' licenses and learners' permits which do meet federal standards for identification except that such licenses and permits may state "Not for Federal Purposes". Provided, however, that the commissioner may promulgate regulations providing for additional design or color indicators for both such non-commercial drivers' licenses and learners' permits if required to comply with federal law.~~

~~(b) Applicants for a non-commercial driver's license or learner's permit or a renewal thereof shall not be required to prove that they are lawfully present in the United States.~~

~~(c) Application forms for non-commercial drivers' licenses and learners' permits which do not meet federal standards for identification or for renewal thereof shall not state (i) the documents an applicant used to prove age or identity, or (ii) an applicant's ineligibility for a~~

~~social security number where applicable, or (iii) an applicant's citizenship or immigration status.~~

~~(d) The commissioner and any agent or employee of the commissioner shall not retain the documents or copies of documents presented by applicants for non-commercial drivers' licenses or learners' permits which do not meet federal standards for identification to prove age or identity except for a limited period necessary to ensure the validity and authenticity of such documents.~~

~~(e) (i) A non-commercial driver's license or learner's permit which does not meet federal standards for identification shall not be used as evidence of a person's citizenship or immigration status, and shall not be the basis for investigating, arresting, or detaining a person. (ii) Neither the commissioner nor any agent or employee of the commissioner shall inquire about the citizenship or immigration status of any applicant for a non-commercial driver's license or learner's permit which does not meet federal standards for identification.]~~

Compliance with selective service act required. (a) All persons who are at least eighteen years of age but less than twenty-six years of age who apply to the commissioner for a learner's permit, driver's license, renewal of license, or non-driver's identification card, shall either: (i) be in compliance with the requirements of the military selective service act as provided for pursuant to 50 U.S.C. App 451 et. seq., as amended, or (ii) consent to permit the commissioner to forward such information as is required to register such individual with the selective service system, if such individual must be registered pursuant to such act.

(b) The commissioner shall forward in an electronic format the necessary personal information required for registration of such individuals specified in paragraph (a) of this subdivision with the selective service system. Such individual's application to the commissioner for a learner's permit, driver's license, renewal of license, or non-driver's identification card shall serve as an indication that the applicant has already registered with the military selective service act or that such individual is authorizing the commissioner to forward to the selective service system the necessary information for such selective service registration. The commissioner shall notify such applicants on the application form that any application for a learner's permit, driver's license, renewal of license, or non-driver's identification card shall serve as consent to be registered with the selective service system, if so required by federal law.

§ 5. Subdivisions 2 and 3 of section 508 of the vehicle and traffic law, as amended by chapter 37 of the laws of 2019, are amended to read as follows:

2. Any application required to be filed under this article shall be in a manner and on a form or forms prescribed by the commissioner. The applicant shall furnish all information required by statute and~~[, except as otherwise provided in this title,~~] such other information as the commissioner shall deem appropriate.

3. License record. The commissioner shall keep a record of every license issued which record shall be open to public inspection during reasonable business hours. ~~[Provided, however, that the following information whenever contained within the record of non-commercial drivers' licenses and learners' permits shall not be open to public inspection: the photo image, social security number, client identification number, name, address, telephone number, place of birth, country of origin, place of employment, school or educational institution attended, source of income, status as a recipient of public benefits, the customer iden-~~

~~tification number associated with a public utilities account, medical information or disability information of any holders of, or applicants for, such licenses and permits, and whether such licenses or permits meet federal standards for identification or do not meet federal standards for identification.~~] Neither the commissioner nor his agent shall be required to allow the inspection of an application, or to furnish a copy thereof, or information therefrom, until a license has been issued thereon.

§ 6. Section 7 of chapter 37 of the laws of 2019, amending the vehicle and traffic law, relating to the issuance of non-commercial drivers' licenses and learners' permits, is REPEALED.

§ 7. This act shall take effect immediately.