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 Subdivisions 8, 9, 10, 11, and 12 of section 201 of the 2 vehicle and traffic law are REPEALED.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

б 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 to a non-commercial driver's license or learner's permit which 10 respect does not meet federal standards for identification, in addition to the 11 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 eligible as proof of age), a valid, unexpired consular identification 16 document issued by a consulate from the applicant's country of citizen-17 ship, or a valid foreign driver's license that includes a photo image of 18 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 <u>italics</u> (underscored) is new; matter in brackets [-] is old law to be omitted.

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addition, the commissioner also shall require that the applicant provide 1 2 his or her social security number [or, in lieu thereof, with respect to an application for a non-commercial driver's license or learner's permit 3 which does not meet federal standards for identification, an affidavit 4 5 signed by such applicant that they have not been issued a social securiб ty number. The commissioner also] and shall provide space on the application so that the applicant may register in the New York state organ 7 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: "You must fill out the following section: Would you like to be added 11 to the Donate Life Registry? Check box for 'yes' or 'skip this ques-12 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 validity of an application, and failure to check "yes" or checking "skip 17 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 the provisions of paragraph (b) of subdivision one of section forty-22 three hundred one of the public health law. Where an applicant has 23 previously consented to make an anatomical gift or registered in the 24 donate life registry, checking "skip this question" or failing to check 25 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 commercial motor vehicle in interstate commerce shall certify that such appli-28 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 certificate" and "medical certification" shall mean a form substantially 40 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 to the application for such license, the commissioner shall revoke such 44 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:

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

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identification, an affidavit signed by such applicant that they have not 1 been issued a social security number], and if required by the commis-2 3 sioner, a photo image of the applicant in such numbers and form as the commissioner shall prescribe. In addition, an applicant for renewal of a 4 5 license containing a hazardous material endorsement shall pass an examб ination 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 7 8 9 title 49 of the code of federal regulations. A renewal of such license 10 shall be issued by the commissioner upon approval of such application, 11 except that no such license shall be issued if its issuance would be inconsistent with the provisions of section five hundred sixteen of this 12 13 title, and except that the commissioner may refuse to renew such license 14 if the applicant is the holder of a currently valid or renewable license 15 to drive issued by another state or foreign country unless the applicant 16 surrenders such license.

17 § 4. Subdivisions 7 and 8 of section 502 of the vehicle and traffic 18 law, as added by chapter 37 of the laws of 2019, are amended to read as 19 follows:

20 7. [Selective service act. The commissioner shall provide separate 21 space on the application for a learner's permit, driver's license, nondriver identification card, or renewal thereof so that any person who is 22 at least eighteen years of age but less than twenty-six years of age who 23 applies to the commissioner for such permit, license, or card or renewal 24 thereof may opt to register with the selective service in accordance 25 26 with 50 U.S.C. App 451 et. seq., as amended, if such person is subject 27 to such act, and consent to have the commissioner forward the necessary personal information in accordance with this subdivision. Such consent 28 shall be separate from any other certification or signature on such 29 30 application. The commissioner shall include on the application a brief 31 statement about the requirement of the law, a citation of the act, and 32 the consequences for failing to meet the same. The commissioner shall 33 forward to the selective service system, in an electronic format, the necessary personal information required for registration only of indi-34 35 viduals who have affirmatively opted and consented, pursuant to this subdivision, to authorize the commissioner to forward such information 36 37 to the selective service system. 38 8. Non-commercial drivers' licenses and learners' permits which do not

meet federal standards for identification. (a) Non-commercial drivers! 39 licenses and learners' permits which do not meet federal standards for 40 identification shall be issued in such form as the commissioner shall 41 determine, provided that such licenses and permits shall be visually 42 identical to non-commercial drivers' licenses and learners' permits 43 44 which do meet federal standards for identification except that such 45 licenses and permits may state "Not for Federal Purposes". Provided, 46 however, that the commissioner may promulgate regulations providing for additional design or color indicators for both such non-commercial driv-47 48 ers' licenses and learners' permits if required to comply with federal 49 law. 50 (b) Applicants for a non-commercial driver's license or learner's 51 permit or a renewal thereof shall not be required to prove that they are 52 lawfully present in the United States. (c) Application forms for non-commercial drivers' licenses and lear-53 54 ners' permits which do not meet federal standards for identification or

55 for renewal thereof shall not state (i) the documents an applicant used

56 to prove age or identity, or (ii) an applicant's ineligibility for a

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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.

12 § 7. This act shall take effect immediately.