

STATE OF NEW YORK

1747

2019-2020 Regular Sessions

IN SENATE

January 16, 2019

Introduced by Sen. SEPULVEDA -- 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 standard drivers' licenses; and to repeal subdivisions 1 and 7 of section 502 of the vehicle and traffic law relating thereto

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

1 Section 1. This act shall be known and may be cited as the "driver's
2 license access and privacy act".
3 § 2. Section 201 of the vehicle and traffic law, as added by chapter
4 380 of the laws of 1980, paragraph (b) of subdivision 1 and subdivision
5 2 as amended by chapter 568 of the laws of 1994, paragraph (f) of subdi-
6 vision 1 as amended by chapter 550 of the laws of 1992, paragraph (i) of
7 subdivision 1 as amended by section 2 of part E of chapter 60 of the
8 laws of 2005, item 1 of clause (A) of subparagraph (ii) of paragraph (i)
9 of subdivision 1 as amended by section 1 of part I of chapter 58 of the
10 laws of 2015, item 2 of clause (A) of subparagraph (ii) of paragraph (i)
11 of subdivision 1 as amended by section 1 of part K of chapter 59 of the
12 laws of 2009, paragraph (j) of subdivision 1 as added by chapter 448 of
13 the laws of 1995, paragraph (k) of subdivision 1 as amended by chapter
14 391 of the laws of 1998, subdivision 5 as amended by chapter 196 of the
15 laws of 1996, subdivision 6 as amended by chapter 432 of the laws of
16 1997, and subdivision 7 as added by chapter 978 of the laws of 1984, is
17 amended to read as follows:
18 § 201. Custody of records. 1. Documents. The commissioner may destroy:
19 (a) any application, including supporting documents, for registration
20 and/or title of a motor vehicle or trailer, other than an application
21 for renewal of registration, or any notice of a lien on a motor vehicle
22 or trailer, after such application shall have been on file for a period
23 of five years;

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

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1 (b) any application for renewal of a registration which results in the
2 issuance of a registration renewal of any motor vehicle or trailer, upon
3 entry of an electronic record of renewal on the files;

4 (c) any application for a federal-purpose driver's license, including
5 any document required to be filed with any such application, after such
6 application shall have been on file for a period of five years;

7 (d) any application for a standard driver's license, including any
8 document required to be filed with such application, after the applica-
9 tion has been reviewed, provided that such application and documents
10 shall be destroyed after having been on file for a period of six months;

11 (e) any application, including supporting documents, for the registra-
12 tion, other than a renewal of a registration, of a snowmobile after such
13 application shall have been on file for a period of two years;

14 [~~e~~] (f) any application for renewal of a registration which results
15 in the issuance of a registration renewal for any snowmobile, upon the
16 expiration of the registration renewal issued;

17 [~~f~~] (g) any application, including supporting documents, for regis-
18 tration and/or title of a motorboat, other than an application for
19 renewal of registration, or any notice of a lien on a motorboat after
20 such application shall have been on file for a period of four years;

21 [~~g~~] (h) any application for renewal of a registration which results
22 in the issuance of a registration renewal for any motorboat, upon the
23 expiration of the registration renewal issued;

24 [~~h~~] (i) any application, including supporting documents relating to
25 ownership, for any other registration, license or certificate issued
26 under this chapter and not specifically otherwise provided for in this
27 subdivision, after such application shall have been on file for a period
28 of five years;

29 [~~i~~] (j) (i) any accident reports filed with the commissioner,
30 conviction certificates, police reports, complaints, satisfied judgment
31 records, closed suspension and revocation orders, hearing records, other
32 than audio tape recordings of hearings, significant correspondence
33 relating to any of the same, and any other record on file after remain-
34 ing on file for four years except that if the commissioner shall
35 receive, during the last year of such period of four years, written
36 notice to retain one or more of such papers or documents, the same shall
37 be retained for another four years in addition to said period of four
38 years. The provisions of this paragraph shall not apply to certificates
39 of conviction filed with respect to convictions which affect sentencing
40 or administrative action required by law beyond such four year period.
41 Such certificates may be destroyed after they have no legal effect on
42 sentencing or administrative action;

43 (ii)(A) Notwithstanding the provisions of subparagraph (i) of this
44 paragraph, the commissioner may destroy any conviction certificates and
45 closed suspension and revocation orders after remaining on file for:

46 (1) fifty-five years where the conviction and suspension or revocation
47 order relates to a conviction, suspension or revocation by the holder of
48 any driver's license when operating a commercial motor vehicle, as
49 defined in subdivision four of section five hundred one-a of this chap-
50 ter, or by the holder of a commercial driver's license or commercial
51 learner's permit when operating any motor vehicle, who: has refused to
52 submit to a chemical test pursuant to section eleven hundred ninety-four
53 of this chapter or has been convicted of any of the following offenses:
54 any violation of subdivision two, two-a, three, four or four-a of
55 section eleven hundred ninety-two of this chapter, any violation of
56 subdivision one or two of section six hundred of this chapter, any felo-

1 ny involving the use of a motor vehicle, other than the use of a motor
2 vehicle in the commission of a felony involving manufacturing, distrib-
3 uting, dispensing a controlled substance; or the conviction, suspension
4 or revocation involves any of the following offenses while operating a
5 commercial motor vehicle: any violation of subdivision five or six of
6 section eleven hundred ninety-two of this chapter, driving a commercial
7 motor vehicle when as a result of prior violations committed while oper-
8 ating a commercial motor vehicle, the driver's commercial driver's
9 license or commercial learner's permit is suspended or revoked, or has
10 been convicted of causing a fatality through the negligent operation of
11 a commercial motor vehicle, including but not limited to the crimes of
12 vehicular manslaughter and criminally negligent homicide as set forth in
13 article one hundred twenty-five of the penal law;

14 (2) fifteen years for violating an out of service order as provided
15 for in the rules and regulations of the department of transportation
16 while operating a commercial motor vehicle.

17 (B) Any conviction arising out of the use of a motor vehicle in the
18 commission of a felony involving manufacturing, distributing, or
19 dispensing a controlled substance shall never be destroyed.

20 (C) The provisions of this subparagraph shall only apply to records
21 requested by a state, the United States secretary of transportation, the
22 person who is the subject of the record, or a motor carrier who employs
23 or who prospectively may employ the person who is the subject of the
24 record.

25 ~~[(j) audio tape recordings of hearings, two years after such hearing,
26 provided, however, that audio tape recordings of hearings held pursuant
27 to section two hundred twenty seven of this chapter may be destroyed
28 ninety days after a determination has been made as prescribed in such
29 section.]~~

30 (k) any records, including any reproductions or electronically created
31 images of such records and including any records received by the commis-
32 sioner from a court pursuant to paragraph (c) of subdivision ten of
33 section eleven hundred ninety-two of this chapter or section
34 forty-nine-b of the navigation law, relating to a finding of a violation
35 of section eleven hundred ninety-two-a of this chapter or a waiver of
36 the right to a hearing under section eleven hundred ninety-four-a of
37 this chapter or a finding of a refusal following a hearing conducted
38 pursuant to subdivision three of section eleven hundred ninety-four-a of
39 this chapter or a finding of a violation of section forty-nine-b of the
40 navigation law or a waiver of the right to a hearing or a finding of
41 refusal following a hearing conducted pursuant to such section, after
42 remaining on file for three years after such finding or entry of such
43 waiver or refusal or until the person that is found to have violated
44 such section reaches the age of twenty-one, whichever is the greater
45 period of time. Upon the expiration of the period for destruction of
46 records pursuant to this paragraph, the entirety of the proceedings
47 concerning the violation or alleged violation of such section eleven
48 hundred ninety-two-a of this chapter or such section forty-nine-b of the
49 navigation law, from the initial stop and detention of the operator to
50 the entering of a finding and imposition of sanctions pursuant to any
51 subdivision of section eleven hundred ninety-four-a of this chapter or
52 of section forty-nine-b of the navigation law shall be deemed a nullity,
53 and the operator shall be restored, in contemplation of law, to the
54 status he occupied before the initial stop and prosecution[~~+~~]; and

55 [(l) audio tape recordings of hearings, two years after such hearing;
56 provided, however, that audio tape recordings of hearings held pursuant

1 to section two hundred twenty-seven of this title may be destroyed nine-
2 ty days after a determination has been made as prescribed in such
3 section.

4 2. Reproduction of documents by commissioner. The provisions of subdivi-
5 sion one of this section shall not prevent the commissioner from
6 reproducing a copy of any document specified in that subdivision or from
7 electronically creating and storing an image of any documents maintained
8 by the department. Such image or reproduction may be designated as the
9 official departmental record. The original document may be destroyed
10 after such reproduction or image has been made and filed and the
11 destruction of the reproduction or image shall be governed by the
12 provisions of subdivision one of this section.

13 3. Electronically or mechanically stored records. Any electronically
14 or mechanically stored record relating to:

15 (a) certificates of title shall be retained for a period of seven
16 years from the date of the issuance of the title plus an additional
17 three consecutive years of inactivity regarding the titled vehicle;

18 (b) liens and satisfaction of liens shall be retained for one year
19 from the date of satisfaction;

20 (c) renewal of the registration of any motor vehicle or trailer shall
21 be retained for a period of one year from the date of expiration of the
22 registration issued;

23 (d) federal-purpose driver's licenses shall be retained for a period
24 of two years from the date of expiration of the last driver's license
25 issued;

26 (e) standard driver's license may be retained only for a period of two
27 years from the date of expiration of the last driver's license issued;

28 (f) registrations, licenses, or certificates not otherwise provided
29 for in this subdivision shall be retained for a period of one year from
30 the date of expiration of the last registration, license or certificate;

31 [~~(f)~~] (g) documents specified in paragraph [~~(i)~~] (j) of subdivision
32 one of this section shall be retained until the document itself may be
33 destroyed.

34 4. Whenever any document referred to in subdivision one of this
35 section shall have been destroyed, a document produced from the surviv-
36 ing electronically or mechanically stored data record shall be consid-
37 ered the original record of such document.

38 5. Whenever any document referred to in subdivision one of this
39 section or any record retained in subdivision three of this section has
40 been retained beyond the required retention period of such document or
41 record, the document or record shall not be a public record; and, to the
42 extent that any document referred to in paragraph (k) of subdivision one
43 of this section has not been destroyed at the expiration of the
44 retention period set forth therein, such document shall be deemed
45 destroyed as a matter of law for all purposes upon the expiration of the
46 retention period.

47 6. Whenever any document referred to in subdivision one of this
48 section is filed with this department when it is not required to be
49 filed and is used by this department for no other purposes, other than
50 for statistics or research, the document shall not be a public record.
51 Provided, however, that an accident report filed with this department
52 when it is not required to be filed shall not be a public record except
53 as follows: for use by the state or any political subdivision thereof
54 for no other purposes other than for statistics or research relating to
55 highway safety; for any lawful purpose by a person to whom such report
56 pertains or named in such report, or his or her authorized represen-

1 tative; and, for use by any other person, or his or her authorized
2 representative, who has demonstrated to the satisfaction of the commis-
3 sioner that such person is or may be a party to a civil action arising
4 out of the conduct described in such accident report.

5 7. Where a judge or magistrate reports a license suspension or revoca-
6 tion to the commissioner, following a youthful offender determination,
7 as is required by section five hundred thirteen of this chapter, the
8 commissioner shall not make available the finding of the court of youth-
9 ful offender status to any person, or public or private agency.

10 8. Any portion of any record retained by the commissioner that identi-
11 fies a person's social security number, address, place of birth, country
12 of origin, place of employment, school or educational institution
13 attended, source of income, status as a recipient of public benefits, or
14 the customer identification number associated with a public utilities
15 account is not a public record and shall not be disclosed in response to
16 any request for records except where expressly authorized by this
17 section.

18 9. The commissioner shall not disclose records or information
19 collected from driver's license or learner's permit applicants or hold-
20 ers to any law enforcement agency absent a judicial subpoena or judicial
21 warrant that names the individual whose information is sought. If
22 presented with a judicial subpoena or judicial warrant, only those
23 records or information specifically identified in the subpoena or
24 warrant may be disclosed.

25 10. The commissioner shall not permit any third party, including any
26 law enforcement agency, to have direct physical or electronic access to
27 any databases or indexes maintained by the department.

28 11. The commissioner shall provide notice to each individual whose
29 information is requested by any third party, including law enforcement.
30 Such notice shall include the identity of the person or agency that made
31 the request.

32 12. Any databases or indexes maintained by the commissioner of driv-
33 er's license applicants or holders shall not include an individual's
34 social security number or whether the applicant or holder provided a
35 social security number, and shall not identify whether an individual
36 holds a standard or federal-purpose driver's license.

37 § 3. Subparagraphs (iv), (vi), (vii) and (viii) of paragraph (a) of
38 subdivision 2 and paragraph (a) of subdivision 5 of section 501 of the
39 vehicle and traffic law, subparagraphs (vi), (vii) and (viii) of para-
40 graph (a) of subdivision 2 as added by chapter 173 of the laws of 1990,
41 subparagraph (iv) of paragraph (a) of subdivision 2 as amended by chap-
42 ter 339 of the laws of 2005, paragraph (a) of subdivision 5 as amended
43 by chapter 692 of the laws of 1985, and subparagraph (ii) of paragraph
44 (a) of subdivision 5 as amended by chapter 644 of the laws of 2002, are
45 amended to read as follows:

46 (iv) Class D. Such license shall be valid to operate any passenger or
47 limited use automobile or any truck with a GVWR of not more than twen-
48 ty-six thousand pounds or any such vehicle towing a vehicle with a GVWR
49 of not more than ten thousand pounds, or any such vehicle towing another
50 vehicle with a GVWR of more than ten thousand pounds provided such
51 combination of vehicles has a GCWR of not more than twenty-six thousand
52 pounds, or any personal use vehicle with a GVWR of not more than twen-
53 ty-six thousand pounds or any such vehicle towing a vehicle with a GVWR
54 of not more than ten thousand pounds, except it shall not be valid to
55 operate a tractor, a motorcycle other than a class B or C limited use
56 motorcycle, a vehicle used to transport passengers for hire or for which

1 a hazardous materials endorsement is required, or a vehicle defined as a
2 bus in subdivision one of section five hundred nine-a of this title.
3 Such licenses may be issued either as a standard driver's license or a
4 federal-purpose driver's license.

5 (vi) Class DJ. Such license shall be valid to operate only vehicles
6 which may be operated with a class D license by a person under eighteen
7 years of age, except it shall not be valid to operate a motor vehicle
8 with an unladen weight or a GVWR of more than ten thousand pounds or any
9 motor vehicle towing another vehicle with an unladen weight or GVWR of
10 more than three thousand pounds. Such license shall automatically become
11 a class D license when the holder becomes eighteen years of age. Such
12 licenses may be issued either as a standard driver's license or a feder-
13 al-purpose driver's license.

14 (vii) Class M. Such license shall be valid to operate any motorcycle,
15 or any motorcycle, other than a limited use motorcycle, towing a trailer.
16 Such licenses may be issued either as a standard driver's license
17 or a federal-purpose driver's license.

18 (viii) Class MJ. Such license shall be valid to operate any motorcycle
19 or limited use motorcycle by a person under eighteen years of age. Such
20 license shall automatically become a class M license when the holder
21 becomes eighteen years of age. Such licenses may be issued either as a
22 standard driver's license or a federal-purpose driver's license.

23 (a) The commissioner shall issue learner's permits as provided in this
24 article. Such permits may be issued either as a standard learner's
25 permit or a federal-purpose learner's permit. Such permits shall be
26 valid only:

27 (i) for the operation of a motor vehicle of a type which could be
28 operated by the holder of the class of license for which application is
29 being made;

30 (ii) when the holder is under the immediate supervision and control of
31 a person at least twenty-one years of age who holds a license valid in
32 this state for the operation of the type of vehicle being operated; and

33 (iii) in accordance with any additional restrictions prescribed by the
34 commissioner and noted on such permit.

35 § 4. Section 501-a of the vehicle and traffic law is amended by adding
36 three new subdivisions 9, 10 and 11 to read as follows:

37 9. Standard driver's license or learner's permit. A license or permit
38 card that authorizes a person to operate a motor vehicle as determined
39 by the class of license.

40 10. Federal-purpose driver's license or learner's permit. A license or
41 permit card that authorizes a person to operate a motor vehicle as
42 determined by the class of license, and which is intended to meet feder-
43 al standards for identification accepted by the federal government.

44 11. Judicial warrant. A warrant based on probable cause and issued by
45 a judge appointed pursuant to article III of the United States constitu-
46 tion or a federal magistrate judge appointed pursuant to 28 USC 631,
47 that authorizes federal immigration authorities to take into custody the
48 person who is the subject of such warrant.

49 § 5. Subdivisions 1 and 7 of section 502 of the vehicle and traffic
50 law are REPEALED and a new subdivision 1 is added to read as follows:

51 1. Application for license. Application for a federal-purpose driver's
52 license shall be made to the commissioner pursuant to this section. The
53 fee prescribed by law may be submitted with such application. The appli-
54 cant shall furnish such proof of identity, age, and fitness as may be
55 required by the commissioner. Applicants who cannot present sufficient
56 proof to obtain a federal-purpose driver's license shall be notified

1 that they may be eligible for a standard driver's license under section
2 five hundred two-b of this article. The commissioner may also provide
3 that the application procedure shall include the taking of a photo image
4 or images of the applicant in accordance with rules and regulations
5 prescribed by the commissioner. In addition, the commissioner also shall
6 require that the applicant provide his or her social security number and
7 shall provide space on the application so that the applicant may regis-
8 ter in the New York state organ and tissue donor registry under section
9 forty-three hundred ten of the public health law with the following
10 stated on the application in clear 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 § 6. Subdivision 3, paragraph (a) of subdivision 5 and paragraph (a)
47 of subdivision 6 of section 502 of the vehicle and traffic law, subdivi-
48 sion 3 as amended by chapter 97 of the laws of 2016, paragraph (a) of
49 subdivision 5 as amended by chapter 138 of the laws of 1981, and para-
50 graph (a) of subdivision 6 as amended by section 3 of part K of chapter
51 59 of the laws of 2009, are amended to read as follows:

52 3. Application for learner's permit. An application for a learner's
53 permit shall be included in the application for a standard or federal-
54 purpose driver's license. A learner's permit shall be issued in such
55 form as the commissioner shall determine but shall not be issued unless
56 the applicant has successfully passed the vision test required by this

1 section and the test set forth in paragraph (a) of subdivision four of
2 this section with respect to laws relating to traffic and ability to
3 read and comprehend traffic signs and symbols and has satisfactorily
4 completed any course required pursuant to paragraph (a) of subdivision
5 four of this section. Upon acceptance of an application for a learner's
6 permit the commissioner shall provide the applicant with a driver's
7 manual which includes but is not limited to the laws relating to traf-
8 fic, the laws relating to and physiological effects of driving while
9 ability impaired and driving while intoxicated, the law for exercising
10 due care to avoid colliding with a parked, stopped or standing vehicle
11 pursuant to section eleven hundred forty-four-a of this chapter, expla-
12 nations of traffic signs and symbols and such other matters as the
13 commissioner may prescribe.

14 (a) Upon successful completion of the requirements set forth in subdivi-
15 sion four of this section, and upon payment of the fee prescribed by
16 law, the commissioner shall issue an appropriate federal-purpose driv-
17 er's license to the applicant, except that the commissioner may refuse
18 to issue such license:

19 (i) if the applicant is the holder of a currently valid or renewable
20 license to drive issued by another state [~~or foreign country~~] unless the
21 applicant surrenders such license, or

22 (ii) if such issuance would be inconsistent with the provisions of
23 section five hundred sixteen of this [~~chapter~~] title.

24 (a) A license issued pursuant to subdivision five of this section
25 shall be valid until the expiration date contained thereon, unless such
26 license is suspended, revoked or cancelled. Such license may be renewed
27 by submission of an application for renewal, the fee prescribed by law,
28 proofs of prior licensing, fitness and acceptable vision prescribed by
29 the commissioner, the applicant's social security number, and if
30 required by the commissioner a photo image of the applicant in such
31 numbers and form as the commissioner shall prescribe. In addition, an
32 applicant for renewal of a license containing a hazardous material
33 endorsement shall pass an examination to retain such endorsement. The
34 commissioner shall, with respect to the renewal of a hazardous materials
35 endorsement, comply with the requirements imposed upon states by
36 sections 383.141 and 1572.13 of title 49 of the code of federal regu-
37 lations. A renewal of such license shall be issued by the commissioner
38 upon approval of such application, except that no such license shall be
39 issued if its issuance would be inconsistent with the provisions of
40 section five hundred sixteen of this title, and except that the commis-
41 sioner may refuse to renew such license if the applicant is the holder
42 of a currently valid or renewable license to drive issued by another
43 state [~~or foreign country~~] unless the applicant surrenders such license.

44 § 7. The vehicle and traffic law is amended by adding a new section
45 502-b to read as follows:

46 § 502-b. Standard driver's licenses. 1. Issuance of standard driver's
47 licenses and learner's permits. (a) The commissioner shall issue stand-
48 ard driver's licenses and learner's permits in accordance with this
49 section to any eligible applicant who seeks one.

50 (b) Such licenses and permits shall be made available with the classi-
51 fications of D, DJ, M, and MJ as defined by subdivision two of section
52 five hundred one of this article, and shall be valid for the same peri-
53 ods as the equivalent class of federal-purpose license.

54 (c) Such licenses shall be visually identical to federal-purpose driv-
55 er's licenses issued pursuant to section five hundred two of this arti-
56 cle except that such licenses may state "Not for Federal Purposes" in a

1 font no larger than the smallest font otherwise appearing on the face of
2 the card. The commissioner may promulgate regulations to approve addi-
3 tional design or color indicators for standard or federal-purpose
4 licenses if required to comply with federal law.

5 2. Eligibility for standard driver's licenses. (a) Notwithstanding any
6 other provision of this article, a standard driver's license shall be
7 issued to any applicant who furnishes proof of identity, age, and
8 fitness as required by this section.

9 (b) Proof of identity and age. The commissioner shall promulgate regu-
10 lations to establish acceptable proof of age and identity for standard
11 driver's license and learner's permit applicants, provided that:

12 (i) the commissioner shall accept a passport or government identifica-
13 tion document issued in a foreign country as at least one form of proof;
14 and

15 (ii) if any applicant is required to furnish a social security number,
16 applicants may have the option of signing an affidavit stating that the
17 applicant has not been issued a social security number.

18 (c) Proof of fitness. Applicants for standard driver's licenses and
19 learner's permits shall be subject to the same minimum age requirements
20 as provided for in subdivision two of section five hundred two of this
21 article, and shall be subject to the same examination requirements as
22 provided for in subdivision four of section five hundred two of this
23 article.

24 (d) Notwithstanding any other provision of this article or title,
25 applicants for standard driver's licenses and learner's permits shall
26 not be required to prove that they are lawfully present in the United
27 States.

28 3. Application form. (a) The commissioner shall provide an application
29 form for standard driver's licenses in accordance with this section.

30 (b) The application form may include fields for an applicant's name,
31 date of birth, residential and mailing address, sex, height, eye color,
32 veteran status, whether the applicant chooses to be an organ donor, and
33 consent of the applicant's parent or guardian, when applicable.

34 (c) The applications form shall include a single field to indicate
35 whether an applicant has furnished proof of identity as required by this
36 section, and shall not state the documents used to prove identity.

37 (d) The applications form shall not state an applicant's ineligibility
38 for a social security number where applicable, and shall not state a
39 person's citizenship or immigration status.

40 4. Renewals. A standard driver's license or learner's permit may be
41 renewed according to the procedures provided in subdivision six of
42 section five hundred two of this article, except that the applicant
43 shall not be required to provide a social security number.

44 5. Custody of records. (a) Notwithstanding any other provision of this
45 article, the commissioner shall collect, store, and maintain documents
46 and information furnished by applicants for standard driver's licenses
47 in accordance with this subdivision.

48 (b) The commissioner shall not collect or retain the documents or
49 copies of the documents furnished by an applicant for a standard driv-
50 er's license, including those documents furnished as proof of identity
51 and age.

52 (c) The commissioner may collect the application form completed by an
53 applicant for a standard driver's license for the period necessary to
54 review the application, provided that such application and any copies of
55 such application shall be destroyed after a period of no more than six

1 months. Application forms shall not be public records and shall not be
2 disclosed in response to any public records request.

3 (d) The commissioner shall not disclose any information collected
4 pursuant to this section to any law enforcement agency absent a judicial
5 subpoena or judicial warrant that names the individual whose information
6 is sought. If presented with a judicial subpoena or judicial warrant,
7 only those records specifically identified in the subpoena or warrant
8 may be disclosed.

9 6. Prohibition on discrimination. (a) It shall be a violation of law,
10 including but not limited to article fifteen of the executive law, to
11 discriminate against an individual because he or she applies for, holds,
12 or presents a standard driver's license or learner's permit.

13 (b) A standard driver's license or learner's permit shall not be used
14 as evidence of a person's citizenship or immigration status, and shall
15 not be the basis for investigating, arresting, or detaining a person.

16 (c) Employees of the department shall not inquire about a standard
17 driver's license or learner's permit applicant's citizenship or immi-
18 gration status.

19 § 8. Subdivisions 2 and 3 of section 508 of the vehicle and traffic
20 law, as added by chapter 780 of the laws of 1972, are amended to read as
21 follows:

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

27 3. License record. The commissioner shall keep a record of every
28 license issued which record shall be open to public inspection during
29 reasonable business hours. Such record shall not include the social
30 security number, address, place of birth, country of origin, place of
31 employment, school or educational institution attended, source of
32 income, status as a recipient of public benefits, or the customer iden-
33 tification number associated with a public utilities account of any
34 license holders or applicants. Neither the commissioner nor his agent
35 shall be required to allow the inspection of an application, or to
36 furnish a copy thereof, or information therefrom, until a license has
37 been issued thereon.

38 § 9. This act shall take effect immediately.