STATE OF NEW YORK

10168

IN ASSEMBLY

March 24, 2020

Introduced by M. of A. BRABENEC -- 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; to repeal certain provisions of such law relating thereto; and to repeal section 7 of chapter 39 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:

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 Subdivisions 8, 9, 10, 11, and 12 of section 201 of the vehicle and traffic law are REPEALED.

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

1. Application for license. Application for a driver's license shall be made to the commissioner. The fee prescribed by law may be submitted with such application. The applicant shall furnish such proof of identity, age, and fitness as may be required by the commissioner. [~~With respect to a non-commercial driver's license or learner's permit which does not meet federal standards for identification, in addition to the acceptable proofs of age and identity approved by the commissioner as of January first, two thousand nineteen, acceptable proof of identity shall also include, but not be limited to, a valid, unexpired foreign passport issued by the applicant's country of citizenship (which shall also be eligible as proof of age), a valid, unexpired consular identification document issued by a consulate from the applicant's country of citizenship, or a valid foreign driver's license that includes a photo image of the applicant and which is unexpired or expired for less than twenty-four months of its date of expiration, as primary forms of such proof. Nothing contained in this subdivision shall be deemed to preclude the commissioner from approving additional proofs of identity and age.~~] The commissioner may also provide that the application procedure shall include the taking of a photo image or images of the applicant in

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

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accordance with rules and regulations prescribed by the commissioner. In addition, the commissioner also shall require that the applicant provide 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 which does not meet federal standards for identification, an affidavit signed by such applicant that they have not been issued a social security number. The commissioner also~~] **and** shall provide space on the application so that the applicant may register in the New York state organ and tissue donor registry under section forty-three hundred ten of the public health law with the following stated on the application in clear and conspicuous type:

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

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

§ 3. Paragraph (a) of subdivision 6 of section 502 of the vehicle and traffic law, as amended by chapter 37 of the laws of 2019, is amended to 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 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 are REPEALED and a new subdivision 7 is added to read as follows:

7. 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 identification 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 on the same date and same manner as chapter 37 of the laws of 2019, takes effect. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.