

STATE OF NEW YORK

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IN ASSEMBLY

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Introduced by M. of A. CRESPO, NOLAN, GLICK, DINOWITZ, L. ROSENTHAL, ABINANTI, SIMOTAS, QUART, SEAWRIGHT, SIMON, GOTTFRIED, PEOPLES-STOKES, WEPRIN, MOSLEY, DE LA ROSA, HYNDMAN, PERRY, JAFFEE, DILAN, WALKER, DICKENS, ORTIZ -- Multi-Sponsored by -- M. of A. LENTOL -- read once and referred 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

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

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1 for renewal of registration, or any notice of a lien on a motor vehicle
2 or trailer, after such application shall have been on file for a period
3 of five years;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 and the operator shall be restored, in contemplation of law, to the
2 status he occupied before the initial stop and prosecution[~~+~~]; and

3 (l) audio tape recordings of hearings, two years after such hearing;
4 provided, however, that audio tape recordings of hearings held pursuant
5 to section two hundred twenty-seven of this title may be destroyed nine-
6 ty days after a determination has been made as prescribed in such
7 section.

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

17 3. Electronically or mechanically stored records. Any electronically
18 or mechanically stored record relating to:

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

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

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

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

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

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

35 [~~(g)~~] (g) documents specified in paragraph [~~(i)~~] (j) of subdivision
36 one of this section shall be retained until the document itself may be
37 destroyed.

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

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

51 6. Whenever any document referred to in subdivision one of this
52 section is filed with this department when it is not required to be
53 filed and is used by this department for no other purposes, other than
54 for statistics or research, the document shall not be a public record.
55 Provided, however, that an accident report filed with this department
56 when it is not required to be filed shall not be a public record except

1 as follows: for use by the state or any political subdivision thereof
2 for no other purposes other than for statistics or research relating to
3 highway safety; for any lawful purpose by a person to whom such report
4 pertains or named in such report, or his or her authorized represen-
5 tative; and, for use by any other person, or his or her authorized
6 representative, who has demonstrated to the satisfaction of the commis-
7 sioner that such person is or may be a party to a civil action arising
8 out of the conduct described in such accident report.

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

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

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

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

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

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

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

50 (iv) Class D. Such license shall be valid to operate any passenger or
51 limited use automobile or any truck with a GVWR of not more than twen-
52 ty-six thousand pounds or any such vehicle towing a vehicle with a GVWR
53 of not more than ten thousand pounds, or any such vehicle towing another
54 vehicle with a GVWR of more than ten thousand pounds provided such
55 combination of vehicles has a GCWR of not more than twenty-six thousand
56 pounds, or any personal use vehicle with a GVWR of not more than twen-

1 ty-six thousand pounds or any such vehicle towing a vehicle with a GVWR
2 of not more than ten thousand pounds, except it shall not be valid to
3 operate a tractor, a motorcycle other than a class B or C limited use
4 motorcycle, a vehicle used to transport passengers for hire or for which
5 a hazardous materials endorsement is required, or a vehicle defined as a
6 bus in subdivision one of section five hundred nine-a of this title.

7 Such licenses may be issued either as a standard driver's license or a
8 federal-purpose driver's license.

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

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

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

27 (a) The commissioner shall issue learner's permits as provided in this
28 article. Such permits may be issued either as a standard learner's
29 permit or a federal-purpose learner's permit. Such permits shall be
30 valid only:

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

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

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

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

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

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

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

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

55 1. Application for license. Application for a federal-purpose driver's
56 license shall be made to the commissioner pursuant to this section. The

1 fee prescribed by law may be submitted with such application. The appli-
2 cant shall furnish such proof of identity, age, and fitness as may be
3 required by the commissioner. Applicants who cannot present sufficient
4 proof to obtain a federal-purpose driver's license shall be notified
5 that they may be eligible for a standard driver's license under section
6 five hundred two-b of this article. The commissioner may also provide
7 that the application procedure shall include the taking of a photo image
8 or images of the applicant in accordance with rules and regulations
9 prescribed by the commissioner. In addition, the commissioner also shall
10 require that the applicant provide his or her social security number and
11 shall provide space on the application so that the applicant may regis-
12 ter in the New York state organ and tissue donor registry under section
13 forty-three hundred ten of the public health law with the following
14 stated on the application in clear and conspicuous type:

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

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

50 § 6. Subdivision 3, paragraph (a) of subdivision 5 and paragraph (a)
51 of subdivision 6 of section 502 of the vehicle and traffic law, subdivi-
52 sion 3 as amended by chapter 97 of the laws of 2016, paragraph (a) of
53 subdivision 5 as amended by chapter 138 of the laws of 1981, and para-
54 graph (a) of subdivision 6 as amended by section 3 of part K of chapter
55 59 of the laws of 2009, are amended to read as follows:

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

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

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

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

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

49 § 7. The vehicle and traffic law is amended by adding a new section
50 502-b to read as follows:

51 § 502-b. Standard driver's licenses. 1. Issuance of standard driver's
52 licenses and learner's permits. (a) The commissioner shall issue stand-
53 ard driver's licenses and learner's permits in accordance with this
54 section to any eligible applicant who seeks one.

55 (b) Such licenses and permits shall be made available with the classi-
56 fications of D, DJ, M, and MJ as defined by subdivision two of section

1 five hundred one of this article, and shall be valid for the same peri-
2 ods as the equivalent class of federal-purpose license.

3 (c) Such licenses shall be visually identical to federal-purpose driv-
4 er's licenses issued pursuant to section five hundred two of this arti-
5 cle except that such licenses may state "Not for Federal Purposes" in a
6 font no larger than the smallest font otherwise appearing on the face of
7 the card. The commissioner may promulgate regulations to approve addi-
8 tional design or color indicators for standard or federal-purpose
9 licenses if required to comply with federal law.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (c) The commissioner may collect the application form completed by an
2 applicant for a standard driver's license for the period necessary to
3 review the application, provided that such application and any copies of
4 such application shall be destroyed after a period of no more than six
5 months. Application forms shall not be public records and shall not be
6 disclosed in response to any public records request.

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

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

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

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

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

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

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

42 § 9. This act shall take effect immediately.