

# STATE OF NEW YORK

4447--B

2021-2022 Regular Sessions

## IN SENATE

February 4, 2021

Introduced by Sens. JORDAN, AKSHAR, ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to driving privilege licenses and making technical corrections; to amend the election law, in relation to registering to vote on an application for a motor vehicle driver's license

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

Section 1. Section 501 of the vehicle and traffic law is amended by adding a new subdivision 7 to read as follows:

7. Driving privilege licenses. (a) The commissioner shall issue driving privilege licenses as provided in this article. Such license shall be valid only for the operation of a motor vehicle of a type which could be operated by the holder of the class of license for which application is being made, provided, however that no driving privilege license shall be issued which would be equivalent to a commercial driver's license.

(b) (i) No governmental entity shall accept a driving privilege license as proof of personal identification.

(ii) No driving privilege license shall be used as a document providing proof of a person's age for any government required purpose.

(iii) No driving privilege license shall be used as a document providing proof of a person's residency for any government required purpose.

§ 2. Subdivision 1 of section 502 of the vehicle and traffic law, as amended by chapter 440 of the laws of 2021, 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

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

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1 with such application. The applicant shall furnish such proof of identi-  
2 ty, age, and fitness as may be required by the commissioner. With  
3 respect to a [~~non-commercial driver's~~] driving privilege license or  
4 learner's permit which does not meet federal standards for identifica-  
5 tion, in addition to the acceptable proofs of age and identity approved  
6 by the commissioner as of January first, two thousand nineteen, accepta-  
7 ble proof of identity shall also include, but not be limited to, a  
8 valid, unexpired foreign passport issued by the applicant's country of  
9 citizenship (which shall also be eligible as proof of age), a valid,  
10 unexpired consular identification document issued by a consulate from  
11 the applicant's country of citizenship, or a valid foreign driver's  
12 license that includes a photo image of the applicant and which is unex-  
13 pired or expired for less than twenty-four months of its date of expira-  
14 tion, as primary forms of such proof. Nothing contained in this subdivi-  
15 sion shall be deemed to preclude the commissioner from approving  
16 additional proofs of identity and age. The commissioner may also  
17 provide that the application procedure shall include the taking of a  
18 photo image or images of the applicant in accordance with rules and  
19 regulations prescribed by the commissioner. In addition, the commission-  
20 er also shall require that the applicant provide his or her social secu-  
21 rity number or, in lieu thereof, with respect to an application for a  
22 [~~non-commercial driver's~~] driving privilege license or learner's permit  
23 which does not meet federal standards for identification, an affidavit  
24 signed by such applicant that they have not been issued a social securi-  
25 ty number. The commissioner also shall provide space on the application  
26 so that the applicant may request a notation upon such license that he  
27 or she is a veteran of the United States armed forces, and space on the  
28 application so that the applicant may register in the New York state  
29 organ and tissue donor registry under section forty-three hundred ten of  
30 the public health law with the following stated on the application in  
31 clear and conspicuous type:

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

35 The commissioner of health shall not maintain records of any person  
36 who checks "skip this question". Except where the application is made in  
37 person or electronically, failure to check a box shall not impair the  
38 validity of an application, and failure to check "yes" or checking "skip  
39 this question" shall not be construed to imply a wish not to donate. In  
40 the case of an applicant under eighteen years of age, checking "yes"  
41 shall not constitute consent to make an anatomical gift or registration  
42 in the donate life registry, except as otherwise provided pursuant to  
43 the provisions of paragraph (b) of subdivision one of section forty-  
44 three hundred one of the public health law. Where an applicant has  
45 previously consented to make an anatomical gift or registered in the  
46 donate life registry, checking "skip this question" or failing to check  
47 a box shall not impair that consent or registration. In addition, an  
48 applicant for a commercial driver's license who will operate a commer-  
49 cial motor vehicle in interstate commerce shall certify that such appli-  
50 cant meets the requirements to operate a commercial motor vehicle, as  
51 set forth in public law 99-570, title XII, and title 49 of the code of  
52 federal regulations, and all regulations promulgated by the United  
53 States secretary of transportation under the hazardous materials trans-  
54 portation act. In addition, an applicant for a commercial driver's  
55 license shall submit a medical certificate at such intervals as required  
56 by the federal motor carrier safety improvement act of 1999 and Part

1 383.71(h) of title 49 of the code of federal regulations relating to  
2 medical certification and in a manner prescribed by the commissioner.  
3 For purposes of this section and sections five hundred three, five  
4 hundred ten-a, and five hundred ten-aa of this title, the terms "medical  
5 certificate" and "medical certification" shall mean a form substantially  
6 in compliance with the form set forth in Part 391.43(h) of title 49 of  
7 the code of federal regulations. Upon a determination that the holder of  
8 a commercial driver's license has made any false statement, with respect  
9 to the application for such license, the commissioner shall revoke such  
10 license.

11 § 2-a. Subdivision 1 of section 502 of the vehicle and traffic law,  
12 as separately amended by chapters 158 and 440 of the laws of  
13 2021, is amended to read as follows:

14 1. Application for license. Application for a driver's license shall  
15 be made to the commissioner. The fee prescribed by law may be submitted  
16 with such application. The applicant shall furnish such proof of identi-  
17 ty, age, and fitness as may be required by the commissioner. With  
18 respect to a [~~non-commercial driver's~~] driving privilege license or  
19 learner's permit which does not meet federal standards for identifica-  
20 tion, in addition to the acceptable proofs of age and identity approved  
21 by the commissioner as of January first, two thousand nineteen, accepta-  
22 ble proof of identity shall also include, but not be limited to, a  
23 valid, unexpired foreign passport issued by the applicant's country of  
24 citizenship (which shall also be eligible as proof of age), a valid,  
25 unexpired consular identification document issued by a consulate from  
26 the applicant's country of citizenship, or a valid foreign driver's  
27 license that includes a photo image of the applicant and which is unex-  
28 pired or expired for less than twenty-four months of its date of expira-  
29 tion, as primary forms of such proof. Nothing contained in this subdivi-  
30 sion shall be deemed to preclude the commissioner from approving  
31 additional proofs of identity and age. The license shall display the  
32 sex designation of M, F, or X as certified by the applicant, with no  
33 additional documentation required. The applicant may amend the sex  
34 designation of their driver's license upon request. Upon amendment of  
35 the sex designation, the change shall be made consistent through all  
36 affiliated records within the control of the department. The commission-  
37 er may also provide that the application procedure shall include the  
38 taking of a photo image or images of the applicant in accordance with  
39 rules and regulations prescribed by the commissioner. In addition, the  
40 commissioner also shall require that the applicant provide such appli-  
41 cant's social security number or, in lieu thereof, with respect to an  
42 application for a [~~non-commercial driver's~~] driving privilege license or  
43 learner's permit which does not meet federal standards for identifica-  
44 tion, an affidavit signed by such applicant that they have not been  
45 issued a social security number. The commissioner also shall provide  
46 space on the application so that the applicant may request a notation  
47 upon such license that such applicant is a veteran of the United States  
48 armed forces, and space on the application so that the applicant may  
49 request a notation upon such license that he or she is a veteran of the  
50 United States armed forces, and space on the application so that the  
51 applicant may register in the New York state organ and tissue donor  
52 registry under section forty-three hundred ten of the public health law  
53 with the following stated on the application in clear and conspicuous  
54 type:

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

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

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

39 (a) A license issued pursuant to subdivision five of this section  
40 shall be valid until the expiration date contained thereon, unless such  
41 license is suspended, revoked or cancelled. Such license may be renewed  
42 by submission of an application for renewal, the fee prescribed by law,  
43 proofs of prior licensing, fitness and acceptable vision prescribed by  
44 the commissioner, the applicant's social security number or, in lieu  
45 thereof, with respect to an application for a ~~[non-commercial driver's]~~  
46 driving privilege license or learner's permit which does not meet feder-  
47 al standards for identification, an affidavit signed by such applicant  
48 that they have not been issued a social security number, and if required  
49 by the commissioner, a photo image of the applicant in such numbers and  
50 form as the commissioner shall prescribe. In addition, an applicant for  
51 renewal of a license containing a hazardous material endorsement shall  
52 pass an examination to retain such endorsement. The commissioner shall,  
53 with respect to the renewal of a hazardous materials endorsement, comply  
54 with the requirements imposed upon states by sections 383.141 and  
55 1572.13 of title 49 of the code of federal regulations. A renewal of  
56 such license shall be issued by the commissioner upon approval of such

1 application, except that no such license shall be issued if its issuance  
2 would be inconsistent with the provisions of section five hundred  
3 sixteen of this title, and except that the commissioner may refuse to  
4 renew such license if the applicant is the holder of a currently valid  
5 or renewable license to drive issued by another state or foreign country  
6 unless the applicant surrenders such license.

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

9 8. [~~Non-commercial drivers~~<sup>1</sup>] Driving privilege licenses and learners'  
10 permits which do not meet federal standards for identification. [~~(a)~~  
11 ~~Non-commercial drivers~~<sup>1</sup>] Driving privilege licenses and learners'  
12 permits which do not meet federal standards for identification shall be  
13 issued in such form as the commissioner shall determine, provided that  
14 such licenses and permits shall be visually identical to [~~non-commercial~~  
15 ~~drivers~~<sup>1</sup>] driving privilege licenses and learners' permits which do meet  
16 federal standards for identification except that such licenses and  
17 permits may state "Not for Federal Purposes". Provided, however, that  
18 the commissioner may promulgate regulations providing for additional  
19 design or color indicators for both such [~~non-commercial drivers~~<sup>1</sup>] driv-  
20 ing privilege licenses and learners' permits if required to comply with  
21 federal law.

22 8-a. Driving privilege licenses and learners' permits applied for with  
23 alternative forms of identification. (a) Driving privilege licenses and  
24 learners' permits applied for with alternative forms of identification  
25 shall be issued in such form as the commissioner shall determine,  
26 provided that such licenses and permits shall be visually distinct to  
27 non-commercial drivers' licenses and learners' permits which do meet  
28 federal standards for identification including, but not limited to, that  
29 such licenses and permits shall state a phrase substantially similar to  
30 "FOR DRIVING PRIVILEGES ONLY - NOT VALID FOR IDENTIFICATION". Provided,  
31 however, that the commissioner may promulgate regulations providing for  
32 additional design or color indicators for driving privilege licenses and  
33 learners' permits applied for with alternative forms of identification  
34 if required to comply with federal law. As used in this section "alter-  
35 native forms of identification" shall mean a valid, unexpired foreign  
36 passport issued by an applicant's country of citizenship (which shall  
37 also be eligible as proof of age), a valid, unexpired consular identifi-  
38 cation document issued by a consulate from the applicant's country of  
39 citizenship, or a valid foreign driver's license that includes a photo  
40 image of the applicant and which is unexpired or expired for less than  
41 twenty-four months of its date of expiration.

42 (b) Applicants for a [~~non-commercial driver's~~<sup>1</sup>] driving privilege  
43 license or learner's permit applied for with alternative forms of iden-  
44 tification or a renewal thereof shall not be required to prove that they  
45 are lawfully present in the United States.

46 (c) Application forms for [~~non-commercial drivers~~<sup>1</sup>] driving privilege  
47 licenses and learners' permits [~~which do not meet federal standards for~~  
48 applied for with alternative forms of identification or for renewal  
49 thereof shall not state (i) the documents an applicant used to prove age  
50 or identity, or (ii) an applicant's ineligibility for a social security  
51 number where applicable, or (iii) an applicant's citizenship or immi-  
52 gration status.

53 (d) The commissioner and any agent or employee of the commissioner  
54 shall not retain the documents or copies of documents presented by  
55 applicants for [~~non-commercial drivers~~<sup>1</sup>] driving privilege licenses or  
56 learners' permits [~~which do not meet federal standards for~~] applied for

1 with alternative forms of identification to prove age or identity except  
2 for a limited period necessary to ensure the validity and authenticity  
3 of such documents.

4 (e) (i) A [~~non-commercial driver's~~] driving privilege license or  
5 learner's permit [~~which does not meet federal standards for~~] applied for  
6 with alternative forms of identification shall not be used as evidence  
7 of a person's citizenship or immigration status, and shall not be the  
8 basis for investigating, arresting, or detaining a person. (ii) Neither  
9 the commissioner nor any agent or employee of the commissioner shall  
10 inquire about the citizenship or immigration status of any applicant for  
11 a [~~non-commercial driver's~~] driving privilege license or learner's  
12 permit [~~which does not meet federal standards for~~] applied for with  
13 alternative forms of identification.

14 § 5. Subdivision 3 of section 5-212 of the election law, as added by  
15 chapter 659 of the laws of 1994, is amended to read as follows:

16 3. The voter registration portion of such forms:

17 (a) shall not require any information that duplicates the information  
18 required on the application for the driver license portion and shall  
19 require only such additional information, including the applicant's  
20 signature, as will enable election officials to assess the applicant's  
21 eligibility to register to vote, prevent duplicate registration and to  
22 administer voter registration and other parts of the election process.

23 (b) shall include a statement of the eligibility requirements for  
24 voter registration and shall require the applicant to attest by his or  
25 her signature that he or she meets those requirements under penalty of  
26 perjury.

27 (c) shall inform the applicant, in print identical to that used in the  
28 attestation section of the following:

29 (i) voter eligibility requirements;

30 (ii) penalties for submission of false registration application;

31 (iii) that the office where applicant registers shall remain confiden-  
32 tial and the information be used only for voter registration purposes;

33 (iv) if the applicant declines to register, his or her declination  
34 shall remain confidential and be used only for voter registration  
35 purposes[+].

36 (d) notwithstanding any provision of law to the contrary, shall  
37 require the applicant to provide his or her social security number.

38 § 6. This act shall take effect immediately; provided, however, that  
39 the amendments to subdivision 1 of section 502 of the vehicle and traf-  
40 fic law made by section two of this act shall be subject to the expira-  
41 tion of such subdivision, when upon such date the provisions of section  
42 two-a of this act shall take effect.