

STATE OF NEW YORK

5373

2021-2022 Regular Sessions

IN SENATE

March 3, 2021

Introduced by Sen. COONEY -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to the creation of a department of corrections identification form; to amend the vehicle and traffic law, in relation to the use of a department of corrections identification form as proof of identity; and to repeal certain provisions 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. Section 2 of the correction law is amended by adding a new
2 subdivision 33 to read as follows:

3 33. "Identification form" shall mean and refer to a department of
4 corrections identification form issued pursuant to the provisions of
5 section eighty-one of this chapter.

6 § 2. The correction law is amended by adding a new section 81 to read
7 as follows:

8 § 81. Department of corrections identification form. 1. The commis-
9 sioner, in cooperation with the commissioner of motor vehicles, shall
10 create a department of corrections identification form, which shall be
11 issued to each individual upon such individual's release from a correc-
12 tional facility.

13 2. Identification forms issued pursuant to this section shall contain,
14 at a minimum, the following information about the individual to whom
15 such identification form is issued:

16 (a) Such individual's full name;

17 (b) Such individual's permanent address, if such individual has a
18 permanent address that they intend to return to;

19 (c) Such individual's birth date; and

20 (d) Any other information the commissioner shall deem relevant or
21 necessary.

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

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1 3. A correctional facility shall deliver to each individual all forms,
2 paperwork, and/or other documents required to be delivered to such indi-
3 vidual in addition to the identification form required by subdivision
4 one of this section, immediately upon such individual's release.

5 § 3. Section 490 of the vehicle and traffic law is amended by adding
6 a new subdivision 2-a to read as follows:

7 2-a. A department of corrections identification form issued pursuant
8 to section eighty-one of the correction law shall constitute sufficient
9 proof of identity for an individual submitting an application for an
10 identification card pursuant to this section, and the commissioner shall
11 not require such individual to provide any further proof of identifica-
12 tion.

13 § 4. Subparagraph (i) of paragraph (a) of subdivision 3 of section 490
14 of the vehicle and traffic law, as amended by chapter 487 of the laws of
15 2012, is amended to read as follows:

16 (i) The commissioner shall upon submission of an appropriate applica-
17 tion, upon payment of the prescribed fee, and upon being satisfied that
18 the person described is the applicant and that such applicant meets the
19 requirements set forth in subdivision two of this section, issue to such
20 applicant a nontransferable identification card. In addition, the
21 commissioner also shall require that an applicant for an identification
22 card or renewal thereof provide his or her social security number, or
23 department of corrections identification form issued pursuant to section
24 eighty-one of the correction law. The commissioner shall provide space
25 so that an applicant may request a notation upon such identification
26 card that he or she is a veteran of the United States armed forces.

27 § 5. Subdivision 1 of section 502 of the vehicle and traffic law, as
28 amended by chapter 487 of the laws of 2012, is REPEALED.

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

32 1. Application for license. Application for a driver's license shall
33 be made to the commissioner. The fee prescribed by law may be submitted
34 with such application. The applicant shall furnish such proof of identi-
35 ty, age, and fitness as may be required by the commissioner. With
36 respect to a non-commercial driver's license or learner's permit which
37 does not meet federal standards for identification, in addition to the
38 acceptable proofs of age and identity approved by the commissioner as of
39 January first, two thousand nineteen, acceptable proof of identity shall
40 also include, but not be limited to, a department of corrections iden-
41 tification form issued pursuant to section eighty-one of the correction
42 law, a valid, unexpired foreign passport issued by the applicant's coun-
43 try of citizenship (which shall also be eligible as proof of age), a
44 valid, unexpired consular identification document issued by a consulate
45 from the applicant's country of citizenship, or a valid foreign driver's
46 license that includes a photo image of the applicant and which is unex-
47 pired or expired for less than twenty-four months of its date of expira-
48 tion, as primary forms of such proof. Nothing contained in this subdivi-
49 sion shall be deemed to preclude the commissioner from approving
50 additional proofs of identity and age. In the case of an applicant
51 using a department of corrections identification form issued pursuant to
52 section eighty-one of the correction law as proof of identity, the
53 commissioner shall not require such applicant to provide any additional
54 proof of identity. The commissioner may also provide that the applica-
55 tion procedure shall include the taking of a photo image or images of
56 the applicant in accordance with rules and regulations prescribed by the

1 commissioner. In addition, the commissioner also shall require that the
2 applicant provide his or her social security number or, in lieu thereof,
3 with respect to an application for a non-commercial driver's license or
4 learner's permit which does not meet federal standards for identifica-
5 tion, an affidavit signed by such applicant that they have not been
6 issued a social security number. The commissioner also shall provide
7 space on the application so that the applicant may register in the New
8 York state organ and tissue donor registry under section forty-three
9 hundred ten of the public health law with the following stated on the
10 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 § 7. This act shall take effect on the one hundred eightieth day after
47 it shall have become a law. Effective immediately, the addition, amend-
48 ment and/or repeal of any rule or regulation necessary for the implemen-
49 tation of this act on its effective date are authorized to be made and
50 completed on or before such effective date.