

STATE OF NEW YORK

2786

2021-2022 Regular Sessions

IN SENATE

January 25, 2021

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 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:

1 Section 1. Subdivisions 9 and 10 and paragraph (a) of subdivision 12
2 of section 201 of the vehicle and traffic law, subdivisions 9 and 10 as
3 added by chapter 37 of the laws of 2019 and paragraph (a) of subdivision
4 12 as added by section 1 of part YYY of chapter 58 of the laws of 2020,
5 are amended to read as follows:

6 9. The commissioner shall not disclose or otherwise make accessible
7 original documents or copies of documents collected from non-commercial
8 driver's license or learner's permit applicants or renewal applicants to
9 prove identity, age, or fitness except: (a) to the person who is the
10 subject of such documents; or (b) where expressly required pursuant to
11 chapter three hundred three of part A of subtitle vi of title forty-nine
12 of the United States code; or (c) unless necessary to comply with a
13 lawful court order, judicial warrant signed by a judge appointed pursu-
14 ant to article III of the United States constitution, or subpoena for
15 individual records properly issued pursuant to the criminal procedure
16 law or the civil practice law and rules; or (d) as required for the
17 commissioner to issue or renew a driver's license or learner's permit
18 that meets federal standards for identification.

19 10. The commissioner shall not disclose or otherwise make accessible
20 any portion of any record that identifies whether the type of driver's
21 license or learner's permit that a person holds either meets federal
22 standards for identification or does not meet federal standards for
23 identification except: (a) to the person who is the subject of such
24 record; or (b) where expressly required pursuant to chapter three
25 hundred three of part A of subtitle vi of title forty-nine of the United

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

LBD05618-01-1

1 States code; or (c) unless necessary to comply with a lawful court
2 order, judicial warrant signed by a judge appointed pursuant to article
3 III of the United States constitution, or subpoena for individual
4 records properly issued pursuant to the criminal procedure law or the
5 civil practice law and rules; or (d) as required for the commissioner to
6 issue or renew a driver's license or learner's permit that meets federal
7 standards for identification.

8 (a) Except as required for the commissioner to issue or renew a driv-
9 er's license or learner's permit that meets federal standards for iden-
10 tification, as necessary for an individual seeking acceptance into a
11 trusted traveler program, or to facilitate vehicle imports and/or
12 exports, the commissioner, and any agent or employee of the commission-
13 er, shall not disclose or make accessible in any manner records or
14 information that he or she maintains, to any agency that primarily
15 enforces immigration law or to any employee or agent of such agency,
16 unless the commissioner is presented with a lawful court order or judi-
17 cial warrant signed by a judge appointed pursuant to article III of the
18 United States constitution. Upon receiving a request for such records or
19 information from an agency that primarily enforces immigration law, the
20 commissioner shall, no later than three days after such request, notify
21 the individual about whom such information was requested, informing such
22 individual of the request and the identity of the agency that made such
23 request unless prohibited by a lawful court order or judicial warrant
24 signed by a judge appointed pursuant to article III of the United States
25 constitution.

26 § 2. Paragraph (c) of subdivision 8 of section 502 of the vehicle and
27 traffic law, as added by chapter 37 of the laws of 2019, is amended to
28 read as follows:

29 (c) Application forms for non-commercial drivers' licenses and lear-
30 ners' permits which do not meet federal standards for identification or
31 for renewal thereof shall not state (i) the documents an applicant used
32 to prove age or identity, or (ii) an applicant's ineligibility for a
33 social security number where applicable, or (iii) an applicant's citi-
34 zenship or immigration status except as required to comply with the
35 National Voter Registration Act of 1993 (Public Law 103-31), as amended.

36 § 3. This act shall take effect immediately.