

# STATE OF NEW YORK

4447

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

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; and to repeal certain provisions of the vehicle and traffic law related thereto

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.

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 Subdivision 1 of section 502 of the vehicle and traffic law, as amended by chapter 487 of the laws of 2012, is REPEALED.

§ 3. 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

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

LBD09349-01-1

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

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

33 The commissioner of health shall not maintain records of any person  
34 who checks "skip this question". Except where the application is made in  
35 person or electronically, failure to check a box shall not impair the  
36 validity of an application, and failure to check "yes" or checking "skip  
37 this question" shall not be construed to imply a wish not to donate. In  
38 the case of an applicant under eighteen years of age, checking "yes"  
39 shall not constitute consent to make an anatomical gift or registration  
40 in the donate life registry, except as otherwise provided pursuant to  
41 the provisions of paragraph (b) of subdivision one of section forty-  
42 three hundred one of the public health law. Where an applicant has  
43 previously consented to make an anatomical gift or registered in the  
44 donate life registry, checking "skip this question" or failing to check  
45 a box shall not impair that consent or registration. In addition, an  
46 applicant for a commercial driver's license who will operate a commer-  
47 cial motor vehicle in interstate commerce shall certify that such appli-  
48 cant meets the requirements to operate a commercial motor vehicle, as  
49 set forth in public law 99-570, title XII, and title 49 of the code of  
50 federal regulations, and all regulations promulgated by the United  
51 States secretary of transportation under the hazardous materials trans-  
52 portation act. In addition, an applicant for a commercial driver's  
53 license shall submit a medical certificate at such intervals as required  
54 by the federal motor carrier safety improvement act of 1999 and Part  
55 383.71(h) of title 49 of the code of federal regulations relating to  
56 medical certification and in a manner prescribed by the commissioner.

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

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

12 (a) A license issued pursuant to subdivision five of this section  
13 shall be valid until the expiration date contained thereon, unless such  
14 license is suspended, revoked or cancelled. Such license may be renewed  
15 by submission of an application for renewal, the fee prescribed by law,  
16 proofs of prior licensing, fitness and acceptable vision prescribed by  
17 the commissioner, the applicant's social security number or, in lieu  
18 thereof, with respect to an application for a [~~non-commercial driver's~~  
19 driving privilege] license or learner's permit which does not meet federal  
20 standards for identification, an affidavit signed by such applicant  
21 that they have not been issued a social security number, and if required  
22 by the commissioner, a photo image of the applicant in such numbers and  
23 form as the commissioner shall prescribe. In addition, an applicant for  
24 renewal of a license containing a hazardous material endorsement shall  
25 pass an examination to retain such endorsement. The commissioner shall,  
26 with respect to the renewal of a hazardous materials endorsement, comply  
27 with the requirements imposed upon states by sections 383.141 and  
28 1572.13 of title 49 of the code of federal regulations. A renewal of  
29 such license shall be issued by the commissioner upon approval of such  
30 application, except that no such license shall be issued if its issuance  
31 would be inconsistent with the provisions of section five hundred  
32 sixteen of this title, and except that the commissioner may refuse to  
33 renew such license if the applicant is the holder of a currently valid  
34 or renewable license to drive issued by another state or foreign country  
35 unless the applicant surrenders such license.

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

38 8. Non-commercial drivers' licenses and learners' permits which do not  
39 meet federal standards for identification. [~~(a)~~] Non-commercial drivers'  
40 licenses and learners' permits which do not meet federal standards for  
41 identification shall be issued in such form as the commissioner shall  
42 determine, provided that such licenses and permits shall be visually  
43 identical to non-commercial drivers' licenses and learners' permits  
44 which do meet federal standards for identification except that such  
45 licenses and permits may state "Not for Federal Purposes". Provided,  
46 however, that the commissioner may promulgate regulations providing for  
47 additional design or color indicators for both such non-commercial drivers'  
48 licenses and learners' permits if required to comply with federal  
49 law.

50 8-a. Driving privilege licenses and learners' permits applied for with  
51 alternative forms of identification. (a) Driving privilege licenses and  
52 learners' permits applied for with alternative forms of identification  
53 shall be issued in such form as the commissioner shall determine,  
54 provided that such licenses and permits shall be visually distinct to  
55 non-commercial drivers' licenses and learners' permits which do meet  
56 federal standards for identification including, but not limited to, that

1 such licenses and permits shall state a phrase substantially similar to  
2 "FOR DRIVING PRIVILEGES ONLY - NOT VALID FOR IDENTIFICATION". Provided,  
3 however, that the commissioner may promulgate regulations providing for  
4 additional design or color indicators for driving privilege licenses and  
5 learners' permits applied for with alternative forms of identification  
6 if required to comply with federal law. As used in this section "alter-  
7 native forms of identification" shall mean a valid, unexpired foreign  
8 passport issued by an applicant's country of citizenship (which shall  
9 also be eligible as proof of age), a valid, unexpired consular identifi-  
10 cation document issued by a consulate from the applicant's country of  
11 citizenship, or a valid foreign driver's license that includes a photo  
12 image of the applicant and which is unexpired or expired for less than  
13 twenty-four months of its date of expiration.

14 (b) Applicants for a [~~non-commercial driver's~~] driving privilege  
15 license or learner's permit applied for with alternative forms of iden-  
16 tification or a renewal thereof shall not be required to prove that they  
17 are lawfully present in the United States.

18 (c) Application forms for [~~non-commercial drivers'~~] driving privilege  
19 licenses and learners' permits [~~which do not meet federal standards for~~]  
20 applied for with alternative forms of identification or for renewal  
21 thereof shall not state (i) the documents an applicant used to prove age  
22 or identity, or (ii) an applicant's ineligibility for a social security  
23 number where applicable, or (iii) an applicant's citizenship or immi-  
24 gration status.

25 (d) The commissioner and any agent or employee of the commissioner  
26 shall not retain the documents or copies of documents presented by  
27 applicants for [~~non-commercial drivers'~~] driving privilege licenses or  
28 learners' permits [~~which do not meet federal standards for~~] applied for  
29 with alternative forms of identification to prove age or identity except  
30 for a limited period necessary to ensure the validity and authenticity  
31 of such documents.

32 (e) (i) A [~~non-commercial driver's~~] driving privilege license or  
33 learner's permit [~~which does not meet federal standards for~~] applied for  
34 with alternative forms of identification shall not be used as evidence  
35 of a person's citizenship or immigration status, and shall not be the  
36 basis for investigating, arresting, or detaining a person. (ii) Neither  
37 the commissioner nor any agent or employee of the commissioner shall  
38 inquire about the citizenship or immigration status of any applicant for  
39 a [~~non-commercial driver's~~] driving privilege license or learner's  
40 permit [~~which does not meet federal standards for~~] applied for with  
41 alternative forms of identification.

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

44 3. The voter registration portion of such forms:

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

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

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

- 1 (i) voter eligibility requirements;  
2 (ii) penalties for submission of false registration application;  
3 (iii) that the office where applicant registers shall remain confiden-  
4 tial and the information be used only for voter registration purposes;  
5 (iv) if the applicant declines to register, his or her declination  
6 shall remain confidential and be used only for voter registration  
7 purposes[+].  
8 (d) notwithstanding any provision of law to the contrary, shall  
9 require the applicant to provide his or her social security number.  
10 § 7. This act shall take effect immediately.