

STATE OF NEW YORK

5244

2023-2024 Regular Sessions

IN SENATE

February 28, 2023

Introduced by Sen. WEIK -- 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

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

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

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

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

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

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

16 1. Application for license. Application for a driver's license shall
17 be made to the commissioner. The fee prescribed by law may be submitted
18 with such application. The applicant shall furnish such proof of identi-
19 ty, age, and fitness as may be required by the commissioner. With
20 respect to a [~~non-commercial driver's~~] driving privilege license or
21 learner's permit which does not meet federal standards for identifica-
22 tion, in addition to the acceptable proofs of age and identity approved
23 by the commissioner as of January first, two thousand nineteen, accepta-

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

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ble proof of identity shall also include, but not be limited to, a valid, unexpired foreign passport issued by the applicant's country of citizenship (which shall also be eligible as proof of age), a valid, unexpired consular identification document issued by a consulate from the applicant's country of citizenship, or a valid foreign driver's license that includes a photo image of the applicant and which is unexpired or expired for less than twenty-four months of its date of expiration, as primary forms of such proof. Nothing contained in this subdivision shall be deemed to preclude the commissioner from approving additional proofs of identity and age. The license shall display the sex designation of M, F, or X as certified by the applicant, with no additional documentation required. The applicant may amend the sex designation of their driver's license upon request. Upon amendment of the sex designation, the change shall be made consistent through all affiliated records within the control of the department. The commissioner may also provide that the application procedure shall include the taking of a photo image or images of the applicant in accordance with rules and regulations prescribed by the commissioner. In addition, the commissioner also shall require that the applicant provide such applicant's social security number or, in lieu thereof, with respect to an application for a ~~[non-commercial driver's]~~ driving privilege license or learner's permit which does not meet federal standards for identification, an affidavit signed by such applicant that they have not been issued a social security number. The commissioner also shall provide space on the application so that the applicant may request a notation upon such license that such applicant is a veteran of the United States armed forces, and space on the application so that the applicant may request a notation upon such license that he or she is a veteran of the United States armed forces, and space on the application so that the applicant may register in the New York state organ and tissue donor registry under section forty-three hundred ten of the public health law with the following stated on the application in clear and conspicuous type:

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

The commissioner of health shall not maintain records of any person who checks "skip this question". Except where the application is made in person or electronically, failure to check a box shall not impair the validity of an application, and failure to check "yes" or checking "skip this question" shall not be construed to imply a wish not to donate. In the case of an applicant under eighteen years of age, checking "yes" shall not constitute consent to make an anatomical gift or registration in the donate life registry, except as otherwise provided pursuant to the provisions of paragraph (b) of subdivision one of section forty-three hundred one of the public health law. Where an applicant has previously consented to make an anatomical gift or registered in the donate life registry, checking "skip this question" or failing to check a box shall not impair that consent or registration. In addition, an applicant for a commercial driver's license who will operate a commercial motor vehicle in interstate commerce shall certify that such applicant meets the requirements to operate a commercial motor vehicle, as set forth in public law 99-570, title XII, and title 49 of the code of federal regulations, and all regulations promulgated by the United States secretary of transportation under the hazardous materials transportation act. In addition, an applicant for a commercial driver's

1 license shall submit a medical certificate at such intervals as required
2 by the federal motor carrier safety improvement act of 1999 and Part
3 383.71(h) of title 49 of the code of federal regulations relating to
4 medical certification and in a manner prescribed by the commissioner.
5 For purposes of this section and sections five hundred three, five
6 hundred ten-a, and five hundred ten-aa of this title, the terms "medical
7 certificate" and "medical certification" shall mean a form substantially
8 in compliance with the form set forth in Part 391.43(h) of title 49 of
9 the code of federal regulations. Upon a determination that the holder of
10 a commercial driver's license has made any false statement, with respect
11 to the application for such license, the commissioner shall revoke such
12 license.

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

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

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

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

54 8-a. Driving privilege licenses and learners' permits applied for with
55 alternative forms of identification. (a) Driving privilege licenses and
56 learners' permits applied for with alternative forms of identification

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

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

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

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

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

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

48 3. The voter registration portion of such forms:

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

55 (b) shall include a statement of the eligibility requirements for
56 voter registration and shall require the applicant to attest by his or

1 her signature that he or she meets those requirements under penalty of
2 perjury.

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

5 (i) voter eligibility requirements;

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

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

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

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

14 § 6. This act shall take effect immediately.