

# STATE OF NEW YORK

2651

2025-2026 Regular Sessions

## IN ASSEMBLY

January 21, 2025

Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to specifying conditions for the issuance of optional mobile or digital alternatives to driver's licenses and non-driver identification cards; and to amend the executive law, in relation to prohibiting law enforcement from seeking consent for phone searches during identity verifications using mobile or digital alternatives to driver's licenses and non-driver identification cards

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

1 Section 1. The vehicle and traffic law is amended by adding a new  
2 section 504-a to read as follows:

3 § 504-a. Digital driver's licenses and non-driver identification  
4 cards. 1. The department's optional mobile or digital alternatives to  
5 driver's licenses and non-driver identification cards shall be subject  
6 to all of the following requirements:

7 (a) The alternative licenses shall be approved by the superintendent  
8 of the state police.

9 (b) The alternative products shall be provided at no cost to the state  
10 or to the participant.

11 (c) A user who no longer wishes to have a digital alternative to a  
12 driver's license or non-driver identification card may request the  
13 deletion of any data associated with their digital alternative to a  
14 driver's license or non-driver identification card. Within ten days of  
15 any such request, the department and all entities contracted with the  
16 department for the purpose of effectuating the program shall delete all  
17 data collected or maintained pertaining to that user.

18 (d) All users shall receive a physical license or non-driver identifi-  
19 cation card and shall have the option of downloading the digital driv-  
20 er's license or non-driver identification card. No user shall be

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

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1 required to download the digital driver's license or non-driver iden-  
2 ification card.

3 2. In developing and implementing the use of digital driver's licenses  
4 and non-driver identification cards, the department shall ensure the  
5 protection of personal information and include security features that  
6 protect against unauthorized access to information, including, but not  
7 limited to, all of the following:

8 (a) Ensuring that use of the digital driver's license or non-driver  
9 identification card does not require handing over one's digital device  
10 to any other person or entity when using the digital driver's license or  
11 non-driver identification card.

12 (b) Ensuring that any remote access to the digital driver's license or  
13 non-driver identification card shall require the express, affirmative,  
14 real-time consent of the person whose digital driver's license or non-  
15 driver identification card is being requested for each piece of informa-  
16 tion being requested and shall be limited to only that information which  
17 is provided on a physical driver's license or non-driver identification  
18 card.

19 (c) Ensuring that the digital driver's license or non-driver identifi-  
20 cation card, as well as any mobile application required for the digital  
21 driver's license or non-driver identification card, shall not contain or  
22 collect any information not strictly necessary for the functioning of  
23 the digital driver's license, non-driver identification card, or mobile  
24 application, including, but not limited to, location information.

25 (d) Ensuring that the information transmitted to the digital driver's  
26 license or non-driver identification card, as well as any mobile appli-  
27 cation required for the digital driver's license or non-driver identifi-  
28 cation card, is encrypted and protected to the highest reasonable secu-  
29 rity standards broadly available and cannot be intercepted while being  
30 transmitted from the department.

31 (e) Prohibiting tracking of the digital driver's license or non-driver  
32 identification card or any app pertaining thereto by the issuer of such  
33 license or card.

34 (f) Implementing clear standards for when and where a digital driver's  
35 license or non-driver identification card can be used and allow selec-  
36 tive disclosures to give holders control over what parts of their data  
37 are being shared and with whom.

38 (g) Prohibiting the sharing, sale or exploitation of data by issuing  
39 parties, vendors and verifiers and require warrants where they currently  
40 exist.

41 (h) Implementing strong enforcement mechanisms and a fine structure  
42 that compels compliance with the provisions of this section and any  
43 applicable rules and regulations of the department or any other relevant  
44 department, agency or office of the state.

45 (i) Mandating registration of verifying parties, including government  
46 agencies and privacy companies, with the state to determine what uses of  
47 user data by such entities are permissible.

48 3. (a) In the conduct of any program pursuant to this section, any  
49 data exchanged between the department and any electronic device, between  
50 the department and the provider of any electronic device, and between  
51 any electronic device and the provider of that electronic device, shall  
52 be limited to those data necessary to display the information necessary  
53 for a driver's license or non-driver identification card.

54 (b) If the state contracts with non-state entities to develop, in  
55 whole or in part, the technology used to implement the provisions of  
56 this section, it shall require such entities to use open-source technol-

1 ogy. Any such contracts shall mandate that the resulting product or app  
2 is owned by the state, to the extent practicable, and that data supplied  
3 by the state for development of the resulting product or app shall not  
4 be used by the non-state entity in any other product or app. All apps  
5 resulting from such contract shall be controlled by the state.

6 (c) An entity contracted with the department for this purpose shall  
7 not use, share, sell, or disclose any information obtained as part of  
8 this contract, including, but not limited to any information about the  
9 holder of a digital driver's license or non-driver identification card,  
10 except as is necessary to satisfy the terms of the contract. Upon termi-  
11 nation or expiration of any contract entered into for this purpose, the  
12 contracting entity shall delete any data collected or generated in the  
13 course of activities pursuant to that contract within thirty days.

14 4. (a) The holder of a digital driver's license or non-driver iden-  
15 tification card shall not be required to turn over their electronic  
16 device to any other person or entity in order to use the digital driv-  
17 er's license or non-driver identification card for identity verifica-  
18 tion.

19 (b) The holder of a digital driver's license or non-driver identifica-  
20 tion card showing or turning over their electronic device to any other  
21 person or entity in order to use the digital driver's license or non-  
22 driver identification card for identity verification shall not consti-  
23 tute consent to a search, nor shall it constitute consent for access to  
24 any information other than that which is immediately available on the  
25 digital driver's license or non-driver identification card. Information  
26 incidentally obtained in the process of viewing a digital driver's  
27 license or non-driver identification card in order to verify the identi-  
28 ty of the holder shall not be used to establish probable cause for a  
29 warrant to search the electronic device.

30 (c) Any request for remote access to their digital driver's license or  
31 non-driver identification card for identity verification shall require  
32 the express consent of the holder of the digital driver's license or  
33 non-driver identification card, shall be limited to the content of the  
34 digital driver's license or non-driver identification card specified in  
35 the request for remote access, and shall not exceed the information  
36 available on a physical driver's license or non-driver identification  
37 card.

38 (d) Consent to remote access to a digital driver's license or non-dri-  
39 ver identification card by the holder shall not constitute consent to a  
40 search, nor shall it constitute consent for access to any information  
41 other than that which is immediately available on the digital driver's  
42 license or non-driver identification card. Information incidentally  
43 obtained in the process of remotely accessing a digital driver's license  
44 or non-driver identification card shall not be used to establish proba-  
45 ble cause for a warrant to search the electronic device.

46 5. (a) A participant in any program established by the department  
47 pursuant to this section shall not be required to use a digital driver's  
48 license or non-driver identification card rather than a physical driv-  
49 er's license or non-driver identification card for the purpose of iden-  
50 tity verification, nor shall their participation in the program preclude  
51 their use of a physical driver's license or non-driver identification  
52 card under any circumstances.

53 (b) A person or entity shall not provide preferential service based on  
54 a person's use of a digital driver's license or non-driver identifica-  
55 tion card rather than a physical driver's license or non-driver iden-  
56 tification card.

1 6. The program may include the issuance of a mobile or digital Real ID  
2 driver's license or non-driver identification card upon authorization of  
3 the United States Secretary of Homeland Security.

4 7. The provision of a mobile or digital alternative to a driver's  
5 license or non-driver identification card to a law enforcement officer  
6 for identity verification during a traffic violation stop or other type  
7 of stop shall not be deemed as providing consent to a search of the  
8 device upon which such mobile or digital alternative is displayed.

9 § 2. The executive law is amended by adding a new section 382-c to  
10 read as follows:

11 § 382-c. Search of digital device. No police agency, prosecutorial  
12 agency or other law enforcement agency shall conduct a search of an  
13 electronic device used to display a mobile or digital alternative to a  
14 driver's license or non-driver identification card to a law enforcement  
15 officer for purposes of identity verification in violation of the  
16 provisions of subdivision seven of section five hundred four-a of the  
17 vehicle and traffic law. No police agency, prosecutorial agency or other  
18 law enforcement agency shall seek the consent of the owner or user of  
19 the electronic device to conduct a search of the device.

20 § 3. This act shall take effect January 1, 2027.