

GREEN LIGHT NY: Driving Together

BASICS OF THE "DRIVER'S LICENSE ACCESS AND PRIVACY ACT" S01747/A03675



TITLE OF BILL: An act to amend the vehicle and traffic law, in relation to authorizing the department of motor vehicles to issue standard drivers' licenses; and to repeal subdivisions 1 and 7 of section 502 of the vehicle and traffic law relating thereto.

VTL § 201. Custody of records.

- The legislation limits the ability of the DMV to retain records needed to apply for a Standard License for no longer than six months and for records regarding standard licenses to only be maintained for two years after expiration.
- The legislation specifically prohibits the DMV from disclosing information or records it collects from driver's license applicants or holders to law enforcement agencies without a judicial subpoena or warrant.
- The legislation prohibits third parties, including law enforcement agencies, from having direct access to DMV databases to prevent law enforcement agencies, like ICE, from conducting fishing expeditions or bulk searches of DMV data to try to identify certain classes of individuals.
- This legislation requires that agency databases and indexes not identify individuals as either standard or federal-purpose license holders, and not include information about individuals' SSNs or whether they have one. This is intended to prevent anyone who does obtain access to DMV databases from using them to easily identify people who may be undocumented immigrants.

VTL § 502. Requirements for licensing.

- The legislation requires DMV employees to notify individuals who cannot meet the requirements for a federal-purpose license about the standard license option.
- The legislation adds a new section to the VTL--502-b-- to govern the issuance of standard driver's licenses and learner's permits, as distinguished from federal-purpose documents issued pursuant to section 502.
 - The newly created section requires that standard licenses be valid for the same periods as federal-purpose licenses, and that they be identical to federal-purpose licenses other than being marked "Not for Federal Purposes."
 - The legislation directs the commissioner to create an eligibility scheme by regulation so long as foreign government-issued identity documents are accepted as one form of proof, and applicants have the option of signing an affidavit stating they were never issued an SSN. It also expressly states that applicants shall not be required to prove that they are lawfully present in the United States.
 - The legislation requires applicants to pass the same examinations and meet the same minimum age requirements as federal-purpose licenses, which is unchanged from the status quo. Renewals are also handled in the same way, except that the legislation clarifies that standard license holders do not have to provide an SSN to renew.
- The legislation makes it unlawful to discriminate based on the type of license held and prohibits using the fact of a standard license as evidence of immigration status. DMV employees are also not permitted to inquire about a standard license applicant's immigration status. VTL § Section 508. Administrative procedures.

For general information or to be connected with an organization leading the campaign in your region, contact:

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