



NEW YORK STATE SENATOR

Daphne Jordan

## Senator Daphne Jordan pushes to indemnify DMV employees from lawsuits arising from criminal acts related to the use of non-federally compliant driver's licenses expected under NY's new Green Light Law

SENATOR DAPHNE JORDAN December 19, 2019

| ISSUE: **DRIVER'S LICENSES, ILLEGAL IMMIGRANTS, GREEN LIGHT LAW**

Senator Daphne Jordan (R,C,I,Ref-Halfmoon) has introduced two pieces of legislation to protect the individuals working at State and County DMV offices and duly elected County Clerks who serve taxpayers. Senate Bill S.6907 would indemnify DMV employees and County Clerks from lawsuits arising from criminal acts related to the use of non-federally compliant

driver's licenses expected under NY's new Green Light Law.

Senator Jordan's second piece of legislation would amend the Green Light Law, creating a "Driver Privilege License" for those who cannot prove their lawful status in the United States. This legislation addresses concerns by law enforcement and County Clerks regarding identity fraud stemming from the lax regulations and qualifications for a NYS Standard Driver License, allowing for holders to earn the privilege to drive while restoring security standards in the issuance of Standard Driver Licenses, which are also used as identification by 70-percent of New York drivers.

To protect the individuals working at State County DMV offices and duly elected County Clerks who serve taxpayers, Senator Jordan has introduced new legislation, Senate Bill S.6907 that would amend the State's Vehicle and Traffic Law to indemnify DMV employees for processing non-commercial drivers' licenses and learners' permits which do not meet federal standards for identification.

Section 1 of Senator Jordan's new bill amends Section 502 of the State's Vehicle and Traffic Law and provides that the Commissioner of Motor Vehicles, County Clerks, and their employees shall be held harmless for any claims, liabilities, damages, or fines arising from any criminal act involving non-federal standard drivers licenses created by New York's Green Light Law. This includes, but is not limited to ID theft, forgery, money laundering, and terrorism. Chapter 37 of the Laws of 2019 (aka the Green Light Law) that provided for the creation of a system of driver's licenses for illegal immigrants, has created unprecedented challenges for DMV employees and County Clerks. Central among these issues is the

fundamental undermining of the reliability of the identification, as the State can no longer guarantee an individual is who their identification says they are. The Green Light Law allows for foreign forms of identification to be used as proof of identity, and foreign forms of identification can be easily forged. The United States, as of 2017, recognizes 193 foreign countries, and, to date, the State has provided inadequate resources for DMV staff to determine the authenticity of foreign documents.

Rising from the failure of Chapter 37 to account for identification fraud issues based on inauthentic foreign documents, several dangers have arisen for hard-working public servants at DMV offices. The possibility of being named in a criminal or civil lawsuit for the wrongdoing of an individual who obtained a non-federally compliant driver's license using foreign forms of identification thanks to the Green Light Law is now a very real threat for DMV employees, County Clerks, or even the Commissioner of Motor Vehicles.

Senator Jordan's new bill ensures that DMV employees, the DMV Commissioner, and County Clerks acting in good faith are indemnified and held harmless in lawsuits arising from criminal acts relating to the use of non-federally compliant drivers licenses provided for under New York's Green Light Law. Senator Jordan's new legislation does not carry any fiscal implications to the state.

Also, to help prevent the increased instances of fraud expected from the Green Light Law, Senator Jordan has introduced legislation – Senate Bill S.6910 – that would amend Section 501 of the State's Vehicle and Traffic Law to provide "Driving Privilege Licenses," a new classification of license for use in non-commercial vehicles. The new designation includes

stipulations that the Driving Privilege License shall not be used for identification purposes.

Senator Jordan's bill specifically requires that Driver's Privilege Licenses using alternative forms of identification shall be visually distinct from federal-compliant drivers licenses and shall include the statement "FOR DRIVING PRIVILEGES ONLY - NOT VALID FOR IDENTIFICATION" on the card. It also includes a definition of alternative forms of identification and replaces Ch. 37 citations with "Drivers Privilege Card."

Furthermore, Senator Jordan's bill amends Section 5-212 of the State Election Law, requiring that any application to vote "made simultaneously and integrated with an application for a motor vehicle drivers' license" shall require the applicant to provide their social security number" to help prevent the expected increase in voter fraud under New York's Green Light Law.

"Under the Green Light Law that is now in effect in New York State, illegal immigrants will be able to show foreign documentation to receive a driver's license. This bad law is an open invitation to identity fraud and voter fraud the likes of which New York State has never seen. DMV offices are now required by law to accept foreign identification even though DMV employees did not receive adequate training or proper resources to determine fraudulent forms of foreign identification. The result is that DMVs will not be able to verify that someone is who they say they are and individuals can then endlessly reinvent themselves. It also will allow non-citizens to register to vote at a DMV Office on one of the electronic tablets used, which is a gateway to voter fraud. All of these are outcomes that I warned about – and the law's Senate sponsor lied about – during our debate on the Senate Floor,"

Senator Jordan said.

“I have introduced legislation aimed at protecting DMV employees from the lawsuits expected to be filed in response to the driver’s licenses being used in the commission of criminal acts because the men and women working at DMVs should be held harmless from Albany’s lack of regard for public safety. I also introduced a bill to mitigate the expected explosion of ID fraud by establishing a new ‘Driving Privilege License’ and stipulating that individuals must provide their Social Security Number when registering to vote to establish their identity as American citizens. My bills are common-sense steps to try and address the many shortfalls of the Green Light Law that will make our state and our streets less safe and throw open the doors to identity fraud and voter fraud,” Senator Jordan stated.

Saratoga County Clerk Craig Hayner said, “A New York State driver license is not just a license to drive; it is the primary identification document used by most New Yorkers. The identification standards have been so widely loosened that it makes the Standard Driver License unreliable as an ID for the millions of New Yorkers who hold one and the thousands of businesses that rely on it as a source of identification in their daily business transactions. I am thankful to Senator Jordan for her understanding of the dangerous implications that could come from nefarious individuals taking advantage of our honest DMV employees and the inadequate regulations and for this much-needed legislation.”

“Thank you to Senator Jordan for considering the front lines of the DMV world, this legislation was passed without any input from the very people who run the majority of DMV offices in NYS, the County Clerks. This consideration by Senator Jordan is much appreciated

as we struggle with implementing, after last-minute, very rushed training, this major initiative in our offices,” Columbia County Clerk Holly Tanner said.

Montgomery County Clerk Brittany Kolbe said, “Thank you, Senator Jordan, for your support of County Clerks and motor vehicle staff across New York State. The lax security standards and ill-considered roll out of the Green Light law, coupled with hurried, inadequate training, begs for these protections now more than ever. Most importantly, this vital legislation will protect DMV employees against lawsuits stemming from criminal acts by someone taking advantage of the loosened standards.”

Madison County Clerk Michael Keville said, “The NY Standard Driver License is used by banks, schools, government, and dozens of other institutions as a proof of identity. The new regulations allow an individual to secure a NY driver’s license with a host of documents easily forged on a personal computer, such as a foreign school’s report card with a picture, all having the same proof of identity value as an original Social Security Card. In addition, Motor Vehicle clerks are forbidden from documenting the proofs submitted for a standard driver’s license; this not only enables and protects criminals, but also creates a liability for every DMV clerk doing their job. The opportunity for fraudsters to steal a person’s identity will now be aided by the NYS DMV with a process that leaves no tracks for law enforcement to follow and no way for a DMV employee to defend themselves. Now more than ever, Senator Jordan’s legislation is needed to protect all hard-working, honest DMV employees.”

Saratoga County Sheriff Michael Zurlo said, “With nearly 90-percent of the driving public using their driver license as their primary identification, New York’s watered-down

qualifications for the Standard license invites the criminal element to exploit the system. Further, with no means to track the source documents used to get a Standard license, our deputies' hands are tied when it comes to ensuring people are who they say they are and investigating related crimes. I commend Senator Jordan for keeping this important issue in the public eye."

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#### RELATED LEGISLATION

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### 2019-S6907

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Indemnifies department of motor vehicle employees for processing non-commercial drivers' licenses and learners' permits which do not meet federal standards for identification

December 16, 2019

In Senate Committee [Transportation](#)

Sponsored by [Daphne Jordan](#)

Do you support this bill?

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## 2019-S6910

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

[Relates to implementing driving privilege licenses and requiring a social security number to register to vote on an application for a motor vehicle driver's license; repealer](#)



December 18, 2019

In Senate Committee **Transportation**

Sponsored by **Daphne Jordan**

Do you support this bill?