



General Assembly

January Session, 2005

Amendment

LCO No. 6312

HB0679306312HRO

Offered by:

REP. HARKINS, 120th Dist.
REP. FERRARI, 62nd Dist.
REP. GIBBONS, 150th Dist.
REP. FLOREN, 149th Dist.
REP. TYMNIAK, 133rd Dist.
REP. FREY, 111th Dist.

REP. ROWE, 123rd Dist.
REP. GREENE, 105th Dist.
REP. GIEGLER, 138th Dist.
REP. STONE, 134th Dist.
REP. WITKOS, 17th Dist.

To: Subst. House Bill No. 6793

File No. 653

Cal. No. 467

**"AN ACT CONCERNING ACCESS TO POSTSECONDARY
EDUCATION."**

1 Strike everything after the enacting clause and insert the following
2 in lieu thereof:

3 "Section 1. Section 10a-30 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2005*):

5 Unless the contrary appears to the satisfaction of the registering
6 authority of the institution at which a student is registering, it shall be
7 presumed that:

8 (1) The establishment of a new domicile in this state by an
9 emancipated person has not occurred until he has resided in this state
10 for a period of not less than one year;

11 (2) No emancipated person shall be deemed to have gained
12 residence while attending any educational institution in this state as a
13 full-time student, as such status is defined by the governing board of
14 such institution, in the absence of a clear demonstration that he has
15 established domicile in the state;

16 (3) Once established, a domicile is not lost by mere absence
17 unaccompanied by intention to establish a new domicile;

18 (4) The domicile of any emancipated person receiving regular
19 financial assistance from his parent, or whose parent's income was
20 taken into account by any private or governmental agency furnishing
21 financial educational assistance to such person, including scholarships,
22 loans or otherwise, is that of his parent. Notwithstanding the definition
23 of "parent" contained in subsection (5) of section 10a-28, if such
24 person's parents have separate domiciles, his domicile shall be that of
25 the parent furnishing him the greater financial assistance, or of the
26 parent having the larger income if neither furnishes such assistance;
27 and

28 (5) A person does not gain or lose in-state status by reason of his
29 presence in any state or country while a member of the armed forces of
30 the United States; provided a member of the armed forces may obtain
31 in-state status for himself and his dependents by establishing his
32 domicile in this state.

33 (6) A person who has held a motor vehicle operator's license
34 pursuant to section 14-36 for one year is a resident of this state.

35 Sec. 2. (NEW) (*Effective July 1, 2005*) If the Commissioner of Motor
36 Vehicles issues a motor vehicle operator's license, in accordance with
37 the provisions of section 14-36 of the general statutes, or an identity
38 card, in accordance with the provisions of section 1-1h of the general
39 statutes, to any person who is a resident of this state and not a citizen
40 of the United States and whose presence in the United States is,
41 pursuant to any provision of federal law, of limited duration, the
42 commissioner shall, unless the person presents evidence satisfactory to

43 the commissioner that the person has a pending application for change
44 or extension of the authority of the person to be present in the United
45 States under federal law, restrict the validity of such motor vehicle
46 operator's license or identity card to a term limited to coincide with the
47 period of such person's lawful presence in the United States. Any
48 person who has been issued a motor vehicle operator's license or
49 identity card for a term limited under this section and who has been
50 granted an extension of stay or has obtained permanent resident
51 status, may request to be issued another motor vehicle operator's
52 license or identity card bearing a new expiration date. On receipt of
53 such a request, presentation of evidence satisfactory to the
54 commissioner of an extension of stay or permanent resident status and
55 surrender of the license or identity card that has been issued, the
56 commissioner shall issue to the person another motor vehicle
57 operator's license or identity card bearing a new expiration date. The
58 fee for a motor vehicle operator's license issued for a limited term shall
59 be determined in accordance with subsection (b) of section 14-41 of the
60 general statutes.

61 Sec. 3. (NEW) (*Effective July 1, 2005*) Before issuing a commercial
62 driver's license to an applicant, in accordance with the provisions of
63 section 14-44c of the general statutes, the Commissioner of Motor
64 Vehicles shall require the applicant to submit evidence satisfactory to
65 the commissioner that the applicant is a lawful resident of this state. As
66 used in this section, "lawful resident" means a resident of this state
67 who is a citizen of the United States, a permanent resident alien or a
68 temporary resident alien authorized to work in the United States for a
69 period of not less than one year from the date of application for a
70 commercial driver's license.

71 Sec. 4. (NEW) (*Effective July 1, 2005*) (a) The Commissioner of Motor
72 Vehicles shall adopt regulations, in accordance with chapter 54 of the
73 general statutes, to implement the provisions of sections 2 and 3 of this
74 act. The regulations shall require the conduct of regular training
75 sessions for the staff of the Department of Motor Vehicles with regard
76 to the recognition and verification of documents evidencing

77 employment authorization and lawful presence in the United States.

78 (b) Any person aggrieved by a decision of the commissioner made
79 pursuant to the provisions of section 2 or 3 of this act shall be afforded
80 an opportunity for an administrative hearing which shall be conducted
81 in accordance with the provisions of chapter 54 of the general statutes."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	10a-30
Sec. 2	<i>July 1, 2005</i>	New section
Sec. 3	<i>July 1, 2005</i>	New section
Sec. 4	<i>July 1, 2005</i>	New section