



# House of Representatives

**File No. 854**

General Assembly

January Session, 2013

**(Reprint of File No. 368)**

Substitute House Bill No. 6495  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 24, 2013

**AN ACT CONCERNING THE ISSUANCE OF MOTOR VEHICLE  
OPERATORS' LICENSES.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2015*) (a) As used in this  
2 section:

3 (1) "Primary proof of identity" means documentation indicating the  
4 identity of an applicant for a motor vehicle operator's license in the  
5 form of (A) a valid foreign passport issued by an applicant's country of  
6 citizenship that is unexpired or expired for less than three years before  
7 an application for such motor vehicle operator's license, (B) a valid,  
8 unexpired consular identification document issued by an applicant's  
9 country of citizenship, or (C) a consular report of an applicant's birth in  
10 a foreign country.

11 (2) "Secondary proof of identity" means documentation indicating  
12 the identity of an applicant for a motor vehicle operator's license in the  
13 form of (A) a valid, unexpired motor vehicle operator's license, with  
14 security features, issued by another state or country, (B) a valid foreign

15 voter registration card, (C) a certified copy of a marriage certificate  
16 issued by any state or territory of the United States, or any political  
17 subdivision thereof, including any county, city or town, (D) a certified  
18 school transcript, or (E) a baptismal certificate or any similar  
19 document.

20 (3) "Proof of residency" means a piece of mail or electronic mail that  
21 includes an applicant's name and address, indicates that such  
22 applicant resides in the state and is dated, unless otherwise indicated,  
23 not earlier than ninety days before an application for a motor vehicle  
24 operator's license, from any two of the following sources: (A) A bill  
25 from a bank or mortgage company, utility company, credit card  
26 company, doctor or hospital, (B) a bank statement or bank transaction  
27 receipt showing the bank's name and mailing address, (C) a preprinted  
28 pay stub, (D) a property or excise tax bill dated not earlier than twelve  
29 months before such application, (E) an annual benefits summary  
30 statement from the Social Security Administration or other pension or  
31 retirement plan dated not earlier than twelve months before such  
32 application, (F) a Medicaid or Medicare benefit statement, (G) a current  
33 homeowner's insurance or renter's insurance policy or motor vehicle  
34 insurance card or policy dated not earlier than twelve months before  
35 such application, (H) a residential mortgage or similar loan contract,  
36 lease or rental contract showing signatures from all parties needed to  
37 execute the agreement dated not earlier than twelve months before  
38 such application, (I) any postmarked mail, (J) a change of address  
39 confirmation from the United States Postal Service indicating an  
40 applicant's current and prior address, (K) a survey of an applicant's  
41 real property issued by a licensed surveyor, or (L) any official school  
42 records showing enrollment.

43 (b) (1) Notwithstanding any provision of the general statutes or any  
44 regulation, the Commissioner of Motor Vehicles shall not decline to  
45 issue a motor vehicle operator's license to any applicant who meets the  
46 licensure requirements provided in section 14-36 of the general statutes  
47 but who cannot establish that he or she is legally present in the United  
48 States or does not have a Social Security number if such applicant (A)

49 submits proof of residency in the state, (B) submits either two forms of  
50 primary proof of identity or one form of primary proof of identity and  
51 one form of secondary proof of identity, and (C) files an affidavit with  
52 the commissioner attesting that such applicant has filed an application  
53 to legalize his or her immigration status or will file such an application  
54 as soon as he or she is eligible to do so. Any form of primary proof of  
55 identity, secondary proof of identity or proof of residency submitted to  
56 the commissioner that is in a language other than English shall be  
57 accompanied by a certified English translation of such document  
58 prepared by a translator approved by the commissioner.

59 (2) The commissioner shall not issue a motor vehicle operator's  
60 license under this section to any applicant who has been convicted of  
61 any felony in Connecticut.

62 (3) The commissioner shall administer a knowledge test to any such  
63 applicant after such applicant has submitted proof of residency and  
64 proof of identity that satisfy the requirements of this section. Not later  
65 than thirty days after such applicant has passed such knowledge test,  
66 the commissioner shall determine whether such applicant has been  
67 convicted of any felony in Connecticut by searching the electronic  
68 criminal record system maintained on the Internet web site of the  
69 Judicial Department for convictions matching such applicant's name  
70 and date of birth. If such applicant has not been convicted of any such  
71 felony, the commissioner shall mail the applicant an adult instruction  
72 permit or youth instruction permit. The commissioner shall not refund  
73 the application fee of any applicant who fails a knowledge test or has  
74 been convicted of any such felony.

75 (c) Any motor vehicle operator's license issued pursuant to this  
76 section shall include an indication on such license that such license  
77 shall not be acceptable for federal identification purposes.

78 (d) Any motor vehicle operator's license issued under this section  
79 shall expire from three to six years after the date of issuance and may  
80 be renewed every three years thereafter. The commissioner shall not

81 renew any such operator's license unless the holder of such operator's  
82 license makes personal appearance and demonstrates proof of  
83 residency at the time of renewal.

84 (e) No motor vehicle operator's license issued pursuant to this  
85 section shall be used as identification for voting purposes.

86 (f) The commissioner shall place a restriction on each motor vehicle  
87 operator's license issued pursuant to this section, indicating that such  
88 motor vehicle operator's license is "for driving purposes only".

89 (g) The commissioner may adopt regulations in accordance with  
90 chapter 54 of the general statutes to implement the provisions of this  
91 section.

92 Sec. 2. Subsection (e) of section 14-36 of the general statutes is  
93 repealed and the following is substituted in lieu thereof (*Effective*  
94 *January 1, 2015*):

95 (e) (1) No motor vehicle operator's license shall be issued until (A)  
96 the applicant signs and files with the commissioner an application  
97 under oath, or made subject to penalties for false statement in  
98 accordance with section 53a-157b, and (B) the commissioner is satisfied  
99 that the applicant is sixteen years of age or older and is a suitable  
100 person to receive the license. (2) [An] Except any applicant described  
101 in section 1 of this act, an applicant for a new motor vehicle operator's  
102 license shall, in the discretion of the commissioner, file, with the  
103 application, a copy of such applicant's birth certificate or other prima  
104 facie evidence of date of birth and evidence of identity. (3) Before  
105 granting a license to any applicant who has not previously held a  
106 Connecticut motor vehicle operator's license, or who has not operated  
107 a motor vehicle during the preceding two years, the commissioner  
108 shall require the applicant to demonstrate personally to the  
109 commissioner, a deputy or a motor vehicle inspector or an agent of the  
110 commissioner, in such manner as the commissioner directs, that the  
111 applicant is a proper person to operate motor vehicles of the class for  
112 which such applicant has applied, has sufficient knowledge of the

113 mechanism of the motor vehicles to ensure their safe operation by him  
114 or her and has satisfactory knowledge of the laws concerning motor  
115 vehicles and the rules of the road. The knowledge test of an applicant  
116 for a class D motor vehicle operator's license may be administered in  
117 such form as the commissioner deems appropriate, including audio,  
118 electronic or written testing. Such knowledge test shall be  
119 administered in English, Spanish or any language spoken at home by  
120 at least one per cent of the state's population, according to statistics  
121 prepared by the United States Census Bureau, based on the most  
122 recent decennial census. If any such applicant has held a license from a  
123 state, territory or possession of the United States where a similar  
124 examination is required, or if any such applicant is a person honorably  
125 separated from the United States armed forces who applies within two  
126 years following the separation and who, prior to the separation, held a  
127 military operator's license for motor vehicles of the same class as that  
128 for which such applicant has applied, the commissioner may waive  
129 part or all of the examination. When the commissioner is satisfied as to  
130 the ability and competency of any applicant, the commissioner may  
131 issue to such applicant a license, either unlimited or containing such  
132 limitations as the commissioner deems advisable, and specifying the  
133 class of motor vehicles which the licensee is eligible to operate. (4) If  
134 any applicant or operator license holder has any health problem which  
135 might affect such person's ability to operate a motor vehicle safely, the  
136 commissioner may require the applicant or license holder to  
137 demonstrate personally or otherwise establish that, notwithstanding  
138 such problem, such applicant or license holder is a proper person to  
139 operate a motor vehicle, and the commissioner may further require a  
140 certificate of such applicant's condition, signed by a medical authority  
141 designated by the commissioner, which certificate shall in all cases be  
142 treated as confidential by the commissioner. A license, containing such  
143 limitation as the commissioner deems advisable, may be issued or  
144 renewed in any case, but nothing in this section shall be construed to  
145 prevent the commissioner from refusing a license, either limited or  
146 unlimited, to any person or suspending a license of a person whom the  
147 commissioner determines to be incapable of safely operating a motor

148 vehicle. Consistent with budgetary allotments, each motor vehicle  
149 operator's license issued to or renewed by a deaf or hearing impaired  
150 person shall, upon the request of such person, indicate such  
151 impairment. Such person shall submit a certificate stating such  
152 impairment, in such form as the commissioner may require and signed  
153 by a licensed health care practitioner. (5) The issuance of a motor  
154 vehicle operator's license to any applicant who is the holder of a  
155 license issued by another state shall be subject to the provisions of  
156 sections 14-111c and 14-111k.

157 Sec. 3. (*Effective from passage*) (a) There is established a working  
158 group to examine methods to verify foreign documents submitted to  
159 the Department of Motor Vehicles by applicants applying for motor  
160 vehicle operators' licenses, pursuant to section 1 of this act, who cannot  
161 establish their legal presence in the United States and who do not have  
162 Social Security numbers. Such examination shall include, but not be  
163 limited to, a review of methods used for verification of foreign  
164 documents by other states and the federal government and an analysis  
165 of issues concerning the implementation of a foreign document  
166 verification process by the department.

167 (b) The working group shall consist of the following members:

168 (1) One appointed by the speaker of the House of Representatives;

169 (2) One appointed by the president pro tempore of the Senate;

170 (3) One appointed by the majority leader of the House of  
171 Representatives;

172 (4) One appointed by the majority leader of the Senate;

173 (5) One appointed by the minority leader of the House of  
174 Representatives;

175 (6) One appointed by the minority leader of the Senate; and

176 (7) The Commissioner of Motor Vehicles, or the commissioner's

177 designee.

178 (c) Not less than two members of the working group appointed  
 179 under subdivisions (1) to (6), inclusive, of subsection (b) of this section  
 180 shall have expertise in the evaluation and verification of foreign  
 181 identification documents.

182 (d) All appointments to the working group shall be made not later  
 183 than thirty days after the effective date of this section. Any vacancy  
 184 shall be filled by the appointing authority.

185 (e) The speaker of the House of Representatives and the president  
 186 pro tempore of the Senate shall select the chairpersons of the working  
 187 group from among the members of the working group. Such  
 188 chairpersons shall schedule the first meeting of the working group,  
 189 which shall be held not later than sixty days after the effective date of  
 190 this section.

191 (f) Not later than February 1, 2014, the working group shall prepare  
 192 a report on its findings and recommendations. The working group  
 193 shall terminate on the date that it prepares such report or February 1,  
 194 2014, whichever is later.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2015</i>	New section
Sec. 2	<i>January 1, 2015</i>	14-36(e)
Sec. 3	<i>from passage</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

## **OFA Fiscal Note**

### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 14 \$</b>	<b>FY 15 \$</b>
Motor Vehicle Dept.	TF - Cost	None	1,125,653
Motor Vehicle Dept.; Comptroller- Fringe Benefits <sup>1</sup>	TF - Cost	None	139,614
Judicial Dept.	GF - Potential Revenue Loss	None	See Below
Motor Vehicle Dept.	TF - Revenue Gain	None	1,539,000
Legislative Mgmt.; Various State Agencies	GF - Cost	less than 1,000	None

### **Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 14 \$</b>	<b>FY 15 \$</b>
Various Municipalities	Potential Revenue Gain	None	See Below

### **Explanation**

It is anticipated that the Department of Motor Vehicles (DMV) will need eighteen additional staff positions to handle the increased caseload of issuing new motor vehicle operator licenses and adult permits to undocumented individuals living in Connecticut. As the bill is effective January 1, 2015, FY 15 costs are estimated to be approximately \$1.3 million in FY 15 for personal services (including fringe benefits costs) and other expenses due to adding eighteen additional staff position for six months. Costs are anticipated to be \$1.1

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 34.54% of payroll in FY 14 and FY 15.

million in FY 16 and \$1.2 million in FY 17. The bill is also anticipated to result in a revenue gain to the Special Transportation Fund of approximately \$1.5 million in FY 15, \$2.8 million in FY 16 and \$769, 500 in FY 17.

**DMV Costs**

DMV is expected to require eighteen additional staff positions, twelve Motor Vehicle Examiners (\$42, 855/Examiner) and six Motor Vehicle License Operator Agents (\$49, 027/Agent) to handle the increased caseload of issuing new motor vehicle operator licenses and adult permits to undocumented individuals living in Connecticut. The table below presents the anticipated cost to the department for personal services and other expenses including one-time costs in FY 15 for information technology, computers and printers, office furniture and supplies.

<b>Anticipated Cost to the Department of Motor Vehicles</b>			
	<b>Personal Services \$</b>	<b>Other Expenses \$</b>	<b>Total \$</b>
<b>FY 15</b>	543,825	721,442	<b>1,265,267</b>
<b>FY 16</b>	1,136,595	44,340	<b>1,180 935</b>
<b>FY 17</b>	1,187,742	44,340	<b>1,232,082</b>
<b>FY 18</b>	1,311,861	44,340	<b>1,356,201</b>

**STF Revenue**

It is anticipated that approximately 54, 000 licenses and permits will be issued over the next three years. The table below presents the anticipated revenue gain. The estimate assumes 30% of the eligible population will apply for a license/permit in FY 15, 55% in FY 16, and the remaining 15% in FY 17. The fee for a three year motor vehicle operator's license is \$36 and the fee for an adult driving permit and test is \$59.

<b>Anticipated Revenue Gain to the Department of Motor Vehicles</b>			
	<b>MV License</b>	<b>MV Adult Permit</b>	<b>Total \$</b>

	Revenue Gain \$	Revenue Gain \$	
<b>FY 15</b>	583,200	955,800	<b>1,539,000</b>
<b>FY 16</b>	1,069,200	1,752,300	<b>2,821 500</b>
<b>FY 17</b>	291,600	477,900	<b>769,500</b>
<b>FY 18</b>	583,200	-	<b>583,200</b>

It is also anticipated that by allowing undocumented individuals to obtain a motor vehicle operator's license there will be a reduction in the number of violations of driving without a license which will result in a revenue loss to the General Fund. In FY 12 there were 742 violations for driving without a license which generated \$84, 000 in revenue.

To the extent that there is an increase in the amount of registered cars there will be a revenue gain to DMV due to the increased number of registration fees and an associated revenue gain to municipalities due to an increase in property tax collections.

Lastly, there may be a cost of less than \$1, 000 to agencies participating in the task force to reimburse legislators and agency staff for mileage expenses.

House "A" struck the original bill and results in the fiscal impact as stated above.

### ***The Out Years***

#### ***State Impact:***

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$	FY 18 \$
Motor Vehicle Dept.	TF - Cost	889,141	927,157	1,019,411
Motor Vehicle Dept.; Comptroller-Fringe Benefits	TF - Cost	291,794	304,925	336,790
Judicial Dept.	GF - Potential Revenue Loss	See Above	See Above	See Above
Motor Vehicle Dept.	TF - Revenue Gain	2,821,500	769,500	583,200
Legislative Mgmt.; Various	GF - Cost	None	None	None

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State Agencies				
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***Municipal Impact:***

<b>Municipalities</b>	<b>Effect</b>	<b>FY 16 \$</b>	<b>FY 17 \$</b>	<b>FY 18 \$</b>
Various Municipalities	Potential Revenue Gain	See Above	See Above	See Above

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**OLR Bill Analysis****sHB 6495 (as amended by House "A")\******AN ACT CONCERNING REVISIONS TO THE MOTOR VEHICLE STATUTES.*****SUMMARY:**

This bill allows people who cannot provide the motor vehicles (DMV) commissioner with proof of legal residence in the U.S. or a Social Security Number (SSN) to obtain driver's licenses for driving purposes only. The licenses cannot be used for federal identification purposes (e.g., boarding a plane) or as proof of identity in order to vote.

The bill specifies the types of proof of identity and proof of residence needed to obtain such a license, the restrictions on the use of the license, and prohibits the commissioner from issuing such a license to a person convicted of a felony in Connecticut.

It creates a working group to examine methods to verify the validity of foreign documents submitted to DMV as proof of identity and allows the commissioner to adopt regulations to implement its provisions. It also makes a conforming change.

\*House Amendment "A" replaces the original bill (File 368) which made a number of changes to the motor vehicle laws.

EFFECTIVE DATE: January 1, 2015, except the provision on the working group is effective on passage.

**LICENSES "FOR DRIVING PURPOSES ONLY"*****Proving Identity and Residence***

DMV currently issues two types of noncommercial driver's licenses,

one that is federally compliant and one that is not (see BACKGROUND). Current DMV regulations require license applicants to provide proof of identity (CGS § 14-36 (e)) and legal presence in the U.S. and lawful residence in Connecticut (Conn. Agency Regs. § 14-137-64a).

The bill allows people who cannot establish legal presence in the U.S. or do not have a SSN to obtain restricted licenses if they provide the commissioner with two types of proof of their identity (primary and secondary) and proof of residence in the state. It specifies the types of documents that may be used as proof of each (see below). The applicants also must meet the existing knowledge and road test requirements under existing law. (In practice, DMV requires a SSN as proof of identity, except where a non-citizen can present proof from the Social Security Administration that he or she is ineligible for one.)

Specifically, the bill requires these applicants to:

1. provide proof of residency in Connecticut;
2. provide either (a) two forms of primary proof of identity or (b) one form of primary proof of identity and one form of secondary proof; and
3. file an affidavit with the commissioner attesting that the applicant has applied to legalize his or her immigration status or will apply as soon as he or she is eligible to do so.

Any form of documentation in a language other than English must be accompanied by a certified English translation prepared by a translator the commissioner approves.

The commissioner cannot refuse to issue a license to an applicant who meets the above requirement if the applicant also meets the other requirements for obtaining a license. But the commissioner cannot issue a license under these provisions to an applicant convicted of a felony in Connecticut (see below).

**License Restrictions**

The commissioner must place a restriction on each license issued under the bill, indicating that it can be used “for driving purposes only,” and the license must indicate it is not valid for federal identification purposes. Under the bill, such a license cannot be used as identification for voting.

**Term and Renewal**

The license is valid for between three and six years from the date it is issued and may be renewed every three years. The commissioner cannot renew such a license unless the holder appears in person and shows proof of residency at the time of renewal. The bill does not require the license holder to demonstrate that he or she has legalized his or her immigration status.

**Felony Convictions, Knowledge Test, and Record Check**

The bill requires the commissioner to administer a knowledge test to an applicant who submits the required documents. No later than 30 days after the applicant has passed the knowledge test, the commissioner must search the Judicial Department’s website for felony convictions matching the applicant’s name and birthdate. If the applicant has not been convicted of a felony, the commissioner must mail him or her an adult or youth instruction permit (see BACKGROUND). The commissioner cannot refund the application fee of an applicant who either failed the knowledge test or been convicted of a felony.

**PROOF OF IDENTITY****Primary Proof of Identity**

Under the bill, primary proof of identity is one of the following, a:

1. valid foreign passport issued by the applicant’s country of citizenship that is (a) unexpired or (b) expired for less than three years before the application;
2. valid, unexpired consular identification document issued by an

applicant's country of citizenship; or

3. consular report of an applicant's birth in a foreign country.

### ***Secondary Proof of Identity***

Under the bill, secondary proof of identity is a:

1. valid, unexpired, driver's license with security features, issued by another state or country;
2. valid foreign voter registration card;
3. certified copy of a marriage certificate issued by any state or U.S. territory or any county, city, or town in a state or territory;
4. certified school transcript; or
5. baptismal certificate or similar document.

### ***Proof of Residency***

Proof of residency under the bill means a piece of mail or email that (1) includes an applicant's name and address; (2) indicates that the applicant resides in Connecticut; and (3) is dated, unless otherwise indicated below, no earlier than 90 days before the application is submitted, from any two of the following:

1. a bill from a bank or mortgage company, utility company, credit card company, doctor, or hospital;
2. a bank statement or bank transaction receipt showing the bank's name and mailing address;
3. a preprinted pay stub;
4. a property or excise tax bill dated no earlier than 12 months before the application;
5. an annual benefits summary statement from the Social Security Administration or other pension or retirement plan dated no

- earlier than 12 months before the application;
6. a Medicaid or Medicare benefit statement;
  7. a current homeowner's insurance or renter's insurance policy or motor vehicle insurance card or policy dated no earlier than 12 months before the application;
  8. a residential mortgage or similar loan contract, lease, or rental contract showing signatures from all parties needed to execute the agreement dated no earlier than 12 months before the application;
  9. any postmarked mail;
  10. a change of address confirmation from the U.S. Postal Service indicating an applicant's current and prior address;
  11. a survey of an applicant's real property issued by a licensed surveyor; or
  12. any official school records showing enrollment.

### **WORKING GROUP**

The bill creates a working group to examine methods to verify foreign documents submitted by license applicants who cannot establish legal presence in the U.S. and do not have SSNs. The examination must include (1) a review of methods used for verification of foreign documents by other states and the federal government and (2) an analysis of issues concerning the implementation of a foreign document verification process by DMV.

The working group consists of seven members, including the commissioner or her designee and one each appointed by the House and Senate leaders. At least two members of the working group appointed by the legislative leaders must have expertise in evaluating and verifying foreign identification documents.

All appointments to the working group must be made no later than 30 days after the bill's passage. The appointing authority fills any vacancy. The House speaker and Senate president pro tempore must select the chairpersons from among the working group members. (The bill does not specify the number of chairpersons.) The chairpersons must schedule the group's first meeting, which must be held no later than 60 days after the bill's passage

The working group must prepare a report on its findings and recommendations by February 1, 2014. It terminates on the date it prepares the report or February 1, 2014, whichever is later. The bill does not state whether or to whom the working group delivers the report.

## **BACKGROUND**

### ***Connecticut Drivers Licenses and REAL ID***

Federal law (Real ID Act, P.L. 109-13, 2005) requires states to meet certain standards when issuing driver's licenses and non-driver photo identification cards for those credentials to be acceptable for certain federal purposes such as boarding airplanes and accessing federal buildings.

It allows states to issue two types of driver's licenses – one type that is valid for the federal identification purposes and a second type that is not valid for such purposes. To obtain a federally compliant license, a non-citizen applicant must provide proof of lawful immigration status.

### ***Instruction Permits***

An applicant for a driver's license must obtain an adult instruction permit, if age 18 or older, or youth instruction permit, before learning to drive on public roads (CGS § 14-36).

## **COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute

Yea 33 Nay 1 (03/15/2013)

Finance, Revenue and Bonding Committee

Joint Favorable

Yea 45 Nay 5 (05/01/2013)