
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)