

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 13-89—sHB 6495

Transportation Committee

Finance, Revenue and Bonding Committee

AN ACT CONCERNING THE ISSUANCE OF MOTOR VEHICLE OPERATORS' LICENSES

SUMMARY: This act requires the motor vehicles (DMV) commissioner to issue driver's licenses "for driving purposes only" to individuals who cannot provide DMV with proof of legal U.S. residence or a Social Security Number (SSN). The license only allows the holder to drive; it cannot be used for federal identification purposes (e.g., boarding a plane) or as proof of identity to vote.

The act specifies the types of proof of (1) identity and (2) residence needed to obtain this license and the restrictions on its use. It prohibits the commissioner from issuing such a license to a person convicted of a felony in Connecticut, allows her to adopt regulations to implement the act's provisions, and makes a conforming change.

The act also creates a working group to examine methods to verify the validity of foreign documents submitted to DMV.

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

The act makes people who cannot establish legal presence in the United States or do not have an SSN eligible for restricted driver's licenses if they (1) provide the commissioner with two types of proof of their identity (primary and secondary) and proof of Connecticut residence and (2) satisfy DMV's knowledge, road test, and other license requirements. It specifies the types of documents that may be used as such proof (see below).

Prior law and regulations required all driver's license applicants to provide DMV with proof of their identity (CGS § 14-36 (e)), and, if not U.S. citizens, proof of their legal presence in the United States and residence in Connecticut (Conn. Agencies Reg. § 14-137-64a). DMV generally requires all license applicants to provide their SSN, except where the applicant can provide DMV with a letter from the Social Security Administration stating that he or she is ineligible for one (Conn. Agencies Reg. § 14-137-79a).

Regardless of any other law or regulation, the commissioner must issue a license to an applicant who meets the act's requirements. But the commissioner cannot issue such a license to an applicant convicted of a felony in Connecticut.

Restricted License Requirements

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Under the act, applicants for the new restricted licenses must:

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.

License Restrictions

The commissioner must place restrictions on each license issued under the act, indicating that it can be used “for driving purposes only” and that it is not valid for federal identification purposes (see BACKGROUND). Under the act, 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 license holder appears in person and shows proof of residency at the time of renewal. The act does not require the license holder to demonstrate that he or she has legalized his or her immigration status.

Felony Convictions, Knowledge Test, and Records Check

The act requires the commissioner to administer the driver’s license knowledge test to an applicant who submits the required proofs of residency and identity. 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 in Connecticut, the commissioner must mail him or her an instruction permit (see BACKGROUND). The commissioner cannot refund the application fee of an applicant who failed the knowledge test or was convicted of a felony.

PROOF OF IDENTITY AND RESIDENCY

Primary Proof of Identity

Under the act, primary proof of identity is a:

1. valid foreign passport issued by the applicant’s country of citizenship that (a) is unexpired or (b) expired 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

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Under the act, 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 act means 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 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 or renter's insurance policy or motor vehicle insurance card or policy dated no earlier than 12 months before the application;
8. a home mortgage or similar loan contract, lease, or rental contract signed by 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 record showing enrollment.

WORKING GROUP

The act creates a working group to examine methods to verify foreign documents submitted to DMV by applicants for these restricted licenses. The working group must (1) review methods used by other states and the federal government to verify foreign documents and (2) analyze issues concerning DMV's implementation of a foreign document verification process.

The working group consists of seven members, including the DMV commissioner or her designee and one member each appointed by the six House

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and Senate leaders. At least two of the appointees must have expertise in evaluating and verifying foreign identification documents.

All appointments to the working group must be made no later than July 6, 2013. 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 act does not specify the number of chairpersons.) The chairpersons must schedule the group's first meeting, which must be held no later than August 5, 2013.

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 act 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 accepted for such federal purposes as boarding airplanes and accessing federal buildings. The law allows states to issue two types of licenses: one that is acceptable for federal purposes, and one that is not. To obtain a federally compliant license, a non-citizen applicant must provide proof of lawful immigration status. License applicants unable to provide such proof are eligible only for licenses that are not acceptable for federal purposes.

Instruction Permits

Before learning to drive on public roads, applicants for driver's licenses age 18 or older must obtain a DMV adult instruction permit; 16- and 17-year-old applicants must obtain a DMV youth instruction permit (CGS § 14-36).

OLR Tracking: PF:JR:JKL:ts/eh