



# House of Representatives

**File No. 870**

General Assembly

January Session, 2015

**(Reprint of File No. 405)**

House Bill No. 6366  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 20, 2015

**AN ACT CONCERNING PROOF OF IDENTITY FOR A "DRIVE ONLY"  
MOTOR VEHICLE OPERATOR'S LICENSE.**

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

1 Section 1. Section 14-36m of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2015*):

3 (a) As used in this section:

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

12 (2) "Secondary proof of identity" means documentation indicating  
13 the identity of an applicant for a motor vehicle operator's license in the

14 form of (A) a valid, unexpired motor vehicle operator's license, with  
15 security features, issued by another state or country, (B) [a valid  
16 foreign voter registration card] a valid foreign national identification  
17 card, (C) a certified copy of a marriage certificate issued by any state or  
18 territory of the United States, or any political subdivision thereof,  
19 including any county, city or town, [(D) a certified school transcript, or  
20 (E) a baptismal certificate or any similar document] or (D) an original  
21 birth certificate with a raised seal issued by a foreign country.

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

45 (b) (1) Notwithstanding any provision of the general statutes or any  
46 regulation, the Commissioner of Motor Vehicles shall not decline to  
47 issue a motor vehicle operator's license to any applicant who meets the

48 licensure requirements provided in section 14-36 but who cannot  
49 establish that he or she is legally present in the United States or does  
50 not have a Social Security number if such applicant (A) submits proof  
51 of residency in the state, (B) submits either two forms of primary proof  
52 of identity or one form of primary proof of identity and one form of  
53 secondary proof of identity, and (C) files an affidavit with the  
54 commissioner attesting that such applicant has filed an application to  
55 legalize his or her immigration status or will file such an application as  
56 soon as he or she is eligible to do so. Any form of primary proof of  
57 identity, secondary proof of identity or proof of residency submitted to  
58 the commissioner that is in a language other than English shall be  
59 accompanied by a certified English translation of such document  
60 prepared by a translator approved by the commissioner. No  
61 photocopies, notarized photocopies or noncertified documents are  
62 acceptable as a form of primary proof of identity, secondary proof of  
63 identity or proof of residency.

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

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

80 (c) Any motor vehicle operator's license issued pursuant to this

81 section shall include an indication on such license that such license  
82 shall not be acceptable for federal identification purposes.

83 (d) Any motor vehicle operator's license issued under this section  
84 shall expire from three to six years after the date of issuance and may  
85 be renewed every three years thereafter. The commissioner shall not  
86 renew any such operator's license unless the holder of such operator's  
87 license makes personal appearance and demonstrates proof of  
88 residency at the time of renewal.

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

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

94 (g) The commissioner may adopt regulations in accordance with  
95 chapter 54 to implement the provisions of this section.

96 Sec. 2. Subsection (e) of section 14-36m of the general statutes is  
97 repealed and the following is substituted in lieu thereof (*Effective July*  
98 *1, 2016*):

99 (e) No motor vehicle operator's license issued pursuant to this  
100 section shall be used as identification for voting purposes, and shall  
101 contain language on the back of such license indicating that it cannot  
102 be used for voting purposes. For any such license issued prior to July  
103 1, 2016, the language required by this subsection shall be added upon  
104 renewal of such license.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2015	14-36m
Sec. 2	July 1, 2016	14-36m(e)

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:**

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Department of Motor Vehicles	TF - Potential Revenue Gain	Potential	Potential
Department of Motor Vehicles	TF - Potential Cost	None	up to \$50,000

Note: TF=Transportation Fund

**Municipal Impact:** None

**Explanation**

The bill allows the Department of Motor Vehicles (DMV) to accept an original birth certificate from a foreign country as secondary proof of identity for a “drive only” license. This may result in a potential revenue gain to the Special Transportation Fund due to more eligibility for the license.

The bill also requires “drive only” licenses to indicate that the license cannot be used for voting purposes. The bill may result in a potential cost of up to \$50,000 to DMV for reprogramming costs.

Lastly, the bill: (1) eliminates certain primary and secondary proof of identity documents, and (2) adds a valid foreign national identification card to the list of documents to be used for secondary proof of identify. The fiscal impact cannot be identified because the number of applicants who have these documents in unknown.

House “A” struck the underlying bill and its associated fiscal impact. The substitute language results in the fiscal impact described above.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of individuals applying for the “drive only” license.

**OLR Bill Analysis****HB 6366 (as amended by House "A")\******AN ACT MAKING FOREIGN BIRTH CERTIFICATES A SECONDARY PROOF OF IDENTITY FOR A "DRIVE-ONLY" OPERATOR'S LICENSE.*****SUMMARY:**

This bill changes the types of documents that the Department of Motor Vehicles (DMV) may accept as primary or secondary proof of identity of applicants for "drive only" licenses. It allows applicants to submit two additional types of documents as secondary proof but prohibits the use of three types of documents the law currently allows. It reduces, from three to two, the types of documents DMV may accept as primary proof.

It prohibits applicants, when presenting this information as primary or secondary proof of identity or as proof of residency, from submitting documents that are photocopies, notarized photocopies, or noncertified documents.

It requires, starting July 1, 2016, that the back of a "drive only" license contain a statement that the license cannot be used for voting purposes. Licenses issued before that date must have this statement added when they are renewed.

\*House Amendment "A" replaces the underlying bill. It (1) allows the use of original birth certificates with a raised seal as secondary proof of identity, as did the underlying bill; (2) makes additional changes in the types of documents that DMV may accept as primary or secondary proof of identity; (3) bars the use of certain documents for those purposes or for proof of residency; and (4) adds the restriction that must be placed on the back of a "drive only" license.

EFFECTIVE DATE: July 1, 2015, except the provision adding the statement to the back of the “drive only” license takes effect July 1, 2016.

### **PROOF OF IDENTITY FOR “DRIVE ONLY” LICENSES**

The bill changes the type of documents people must provide to obtain “drive only” licenses. By law, the DMV commissioner may issue these licenses for driving purposes only to individuals who cannot provide DMV with proof of legal U. S. residency or a Social Security number. The license only allows the license holder to drive; he or she cannot use it for federal identification purposes (e.g., boarding a plane) or as proof of identity to vote (CGS § 14-36m).

To obtain a “drive only” license, applicants must, among other requirements, provide DMV with proof of residency in the state and identification, which can be either (1) two forms of primary proof of identity or (2) one form of primary proof of identity and one form of secondary proof of identity.

#### ***Primary Proof of Identity***

The bill eliminates an applicant’s ability to use, as primary proof of identity, a consular report of his or her birth in a foreign country. As under current law, applicants will still be able to use a (1) valid, unexpired foreign passport, or one that expired less than three years before the date of application, or (2) valid, unexpired consular identification document issued by their country of citizenship.

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

Starting July 1, 2015, the bill allows applicants for “drive only” licenses to use, as secondary proof of identity, a (1) valid foreign national identification card or (2) original birth certificate with a raised seal issued by a foreign country. But applicants will no longer be able to use for this purpose a (1) valid foreign voter registration card, (2) certified school transcript, or (3) baptismal certificate or similar document. As under current law, applicants may still use a (1) valid, unexpired driver’s license with security features, issued by another

state or country or (2) certified copy of a marriage certificate issued by any U.S. state, territory, county, city, or town.

By law, any form of proof of identity submitted to DMV in a language other than English must be accompanied by a certified English translation prepared by a translator the commissioner approves.

**BACKGROUND**

***Related Bill***

SB 506 (File 430), reported favorably by the Transportation Committee, requires the DMV commissioner to (1) use distinctive numbers or lettering as part of the license number of “drive only” licenses to easily identify them and (2) provide information to registrars of voters on identifying these licenses.

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable

Yea 18 Nay 13 (03/18/2015)