



General Assembly

January Session, 2021

Committee Bill No. 5654

LCO No. 4963



Referred to Committee on GOVERNMENT ADMINISTRATION
AND ELECTIONS

Introduced by:
(GAE)

***AN ACT CONCERNING THE UPDATING OF STATE FORMS,
APPLICATIONS AND METHODS OF IDENTIFICATION TO INCLUDE A
NONBINARY GENDER OPTION.***

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

1 Section 1. (NEW) (*Effective January 1, 2022*) (a) As used in this section,
2 "state agency" means any department, board, council, commission,
3 institution or other executive branch agency of state government,
4 including, but not limited to, each constituent unit, public institution of
5 higher education and technical education and career school, but does
6 not include any health care facility, as defined in section 19a-630 of the
7 general statutes, that is operated by the state. Each state agency shall
8 update all printed and electronic forms and applications used by the
9 public that require the individual who is filling out such form or
10 application to indicate a sex or gender to include a nonbinary sex or
11 gender option, which shall be an "X" in lieu of the options for indicating
12 as male or female. Each such agency may use any forms or applications
13 printed prior to January 1, 2022, prior to using such updated forms and
14 applications.

15 (b) Any state agency issuing a certificate, registration, card or other
16 document that specifies sex or gender to an individual who has
17 indicated a nonbinary sex or gender on a form or application of such
18 agency under subsection (a) of this section, shall indicate such
19 nonbinary sex or gender on such certificate, registration, card or other
20 document using the method described in subsection (a) of this section.

21 (c) Any state agency sending an electronic or mailed notification,
22 correspondence or other written communication to an individual who
23 has indicated a nonbinary sex or gender on a form or application of such
24 agency under subsection (a) of this section, shall not use a title prefixing
25 such individual's name within such notification, correspondence or
26 communication, including, but not limited to, to address such
27 notification, correspondence or communication.

28 (d) The provisions of this section shall not apply to the Department
29 of Motor Vehicles until the department develops the technological
30 capability to process applications for and to issue identity cards,
31 permits, motor vehicle operator's licenses or commercial driver's
32 licenses containing such nonbinary sex or gender indication.

33 Sec. 2. Subdivision (1) of subsection (b) of section 1-1h of the general
34 statutes is repealed and the following is substituted in lieu thereof
35 (*Effective January 1, 2022*):

36 (b) (1) An identity card shall indicate its date of expiration, contain a
37 picture of the applicant and specify the applicant's height, sex and eye
38 color. Once the department develops the technological capability to
39 process applications for and to issue an identity card that indicates a
40 nonbinary sex or gender as described in section 1 of this act, the
41 department shall issue an identity card containing such indication to
42 any applicant who has indicated a nonbinary sex or gender on the
43 application for such card. Until such time as the department develops
44 such capability, applicants for an identity card may only indicate as
45 male or female on the application.

46 Sec. 3. Subsections (f) to (j), inclusive, of section 14-36 of the general
47 statutes are repealed and the following is substituted in lieu thereof
48 (*Effective January 1, 2022*):

49 (f) Once the Department of Motor Vehicles develops the
50 technological capability to process applications for and to issue a motor
51 vehicle operator's license indicating a nonbinary sex or gender as
52 described in section 1 of this act, the department shall issue a motor
53 vehicle operator's license containing such indication to any applicant
54 who has indicated a nonbinary sex or gender on the application for such
55 license. Until such time as the department develops such capability,
56 applicants for a motor vehicle operator's license card may only indicate
57 as male or female on the application.

58 ~~[(f)]~~ (g) No person issued a limited license shall operate (1) a motor
59 vehicle in violation of the limitations imposed by such license, or (2) any
60 motor vehicle other than the motor vehicle for which such person's right
61 to operate is limited.

62 ~~[(g)]~~ (h) The commissioner may place a restriction on the motor
63 vehicle operator's license of any person or on any special operator's
64 permit issued to any person in accordance with the provisions of section
65 14-37a that restricts the holder of such license or permit to the operation
66 of a motor vehicle that is equipped with an approved ignition interlock
67 device, as defined in section 14-227j, for such time as the commissioner
68 shall prescribe, if such person has: (1) Been convicted for a first or second
69 time of a violation of subdivision (2) of subsection (a) of section 14-227a,
70 and has served not less than forty-five days of the prescribed period of
71 suspension for such conviction, in accordance with the provisions of
72 subsections (g) and (i) of section 14-227a; (2) been ordered by the
73 Superior Court not to operate any motor vehicle unless it is equipped
74 with an approved ignition interlock device, in accordance with the
75 provisions of section 14-227j; (3) been granted a reversal or reduction of
76 such person's license suspension or revocation, in accordance with the
77 provisions of subsection (i) of section 14-111; (4) been issued a motor

78 vehicle operator's license upon the surrender of an operator's license
79 issued by another state and such previously held license contains a
80 restriction to the operation of a motor vehicle equipped with an ignition
81 interlock device; (5) been convicted of a violation of section 53a-56b or
82 53a-60d; (6) been permitted by the commissioner to be issued or to retain
83 an operator's license subject to reporting requirements concerning such
84 person's physical condition, in accordance with the provisions of
85 subsection (e) of this section and sections 14-45a to 14-46g, inclusive; (7)
86 had such person's operator's license suspended under subsection (i) of
87 section 14-227b and has served not less than forty-five days of the
88 prescribed period of such suspension; (8) been convicted for a first or
89 second time of a violation of subsection (a) of section 14-227m and has
90 served not less than forty-five days of the prescribed period of
91 suspension for such conviction, in accordance with the provisions of
92 subsection (c) of section 14-227m and subsection (i) of section 14-227a;
93 or (9) been convicted of a violation of subdivision (1) or (2) of subsection
94 (a) of section 14-227n and has served not less than forty-five days of the
95 prescribed period of suspension for such conviction, in accordance with
96 the provisions of subsection (c) of section 14-227n and subsection (i) of
97 section 14-227a.

98 [(h)] (i) Before issuing a motor vehicle operator's license in
99 accordance with this section or section 14-44c, as amended by this act,
100 the commissioner shall request information from the National Driver
101 Registry and the Commercial Driver License Information System, in
102 accordance with the provisions of 49 CFR section 383.73. Each driving
103 history record shall contain a notation of the date on which such inquiry
104 was made.

105 [(i)] (j) (1) Any person who violates any provision of this section shall,
106 for a first offense, be deemed to have committed an infraction and be
107 fined not less than seventy-five dollars or more than ninety dollars and,
108 for any subsequent offense, shall be fined not less than two hundred
109 fifty dollars or more than three hundred fifty dollars or be imprisoned
110 not more than thirty days, or both.

111 (2) In addition to the penalty prescribed under subdivision (1) of this
112 subsection, any person who violates any provision of this section who
113 (A) has, prior to the commission of the present violation, committed a
114 violation of this section or subsection (a) of section 14-215, shall be fined
115 not more than five hundred dollars or sentenced to perform not more
116 than one hundred hours of community service, or (B) has, prior to the
117 commission of the present violation, committed two or more violations
118 of this section or subsection (a) of section 14-215, or any combination
119 thereof, shall be sentenced to a term of imprisonment of one year, ninety
120 days of which may not be suspended or reduced in any manner.

121 [(j)] (k) The Commissioner of Motor Vehicles may adopt regulations,
122 in accordance with chapter 54, to implement the provisions of this
123 section.

124 Sec. 4. Subsection (f) of section 14-36h of the general statutes is
125 repealed and the following is substituted in lieu thereof (*Effective January*
126 *1, 2022*):

127 (f) As used in this section: (1) "Full legal name" means the most
128 complete version of the name that appears on a person's certificate of
129 birth, official passport or other document or documents accepted by the
130 Commissioner of Motor Vehicles to verify the person's identity, unless
131 the person presents a marriage license or certificate, a certificate of civil
132 union, a divorce decree or an order of a court of competent jurisdiction
133 pertaining to a permanent change of the person's name; [and] (2)
134 "gender" includes nonbinary sex or gender, once the Department of
135 Motor Vehicles develops the technological capability to so indicate; and
136 (3) "veteran" means (A) any person honorably discharged from, or
137 released under honorable conditions from active service in, the armed
138 forces, as defined in section 27-103, (B) any former member of the armed
139 forces who is entitled to retirement pay under 10 USC Chapter 1223, as
140 amended from time to time, or, but for age, would be so entitled, or (C)
141 any person with a qualifying condition, as defined in section 27-103,
142 who has received a discharge other than bad conduct or dishonorable

143 from active service in the armed forces.

144 Sec. 5. Section 14-44c of the general statutes is repealed and the
145 following is substituted in lieu thereof (*Effective January 1, 2022*):

146 (a) The application for a commercial driver's license or commercial
147 driver's instruction permit, shall include the following:

148 (1) The full name and current mailing and residence address of the
149 person;

150 (2) A physical description of the person, including sex, height and eye
151 color;

152 (3) Date of birth;

153 (4) The applicant's Social Security number;

154 (5) The person's statement, under oath, that such person meets the
155 physical qualification standards set forth in 49 CFR 391, as amended
156 from time to time;

157 (6) The person's statement, under oath, that the type of vehicle in
158 which the person has taken or intends to take the driving skills test is
159 representative of the type of motor vehicle the person operates or
160 intends to operate;

161 (7) The person's statement, under oath, that such person is not subject
162 to disqualification, suspension, revocation or cancellation of operating
163 privileges in any state, and that he or she does not hold an operator's
164 license in any other state;

165 (8) The person's identification of all states in which such person has
166 been licensed to drive any type of motor vehicle during the last ten
167 years, and the person's statement, under oath that he or she does not
168 hold an operator's license in any other state; and

169 (9) The person's signature, and certification of the accuracy and

170 completeness of the application, subject to the penalties of false
171 statement under section 53a-157b. The application shall be accompanied
172 by the fee prescribed in section 14-44h.

173 (b) Once the Department of Motor Vehicles develops the
174 technological capability to process applications for and to issue a
175 commercial driver's license or commercial driver's instruction permit
176 indicating a nonbinary sex or gender as described in section 1 of this act,
177 the department shall issue a commercial driver's license or commercial
178 driver's instruction permit containing such indication to any applicant
179 who has indicated a nonbinary sex or gender on the application for such
180 license or permit. Until such time as the department develops such
181 capability, applicants for a commercial driver's license or commercial
182 driver's instruction permit may only indicate as male or female on the
183 application.

184 ~~[(b)]~~ (c) No person who has been a resident of this state for thirty days
185 may drive a commercial motor vehicle under the authority of a
186 commercial driver's license issued by another jurisdiction.

187 ~~[(c)]~~ (d) At the time of application for a commercial driver's license,
188 the applicant shall make the applicable certification, as required by 49
189 CFR 383.71(b), regarding the type of commerce in which such person
190 shall engage. No commercial driver's license shall be issued to a person
191 who fails to make such certification.

192 ~~[(d)]~~ (e) In addition to other penalties provided by law, any person
193 who knowingly falsifies information or certifications required under
194 subsection (a) of this section shall have such person's operator's license
195 or privilege to operate a motor vehicle in this state suspended for sixty
196 days.

197 Sec. 6. Subsection (b) of section 14-44e of the general statutes is
198 repealed and the following is substituted in lieu thereof (*Effective January*
199 *1, 2022*):

200 (b) The commissioner shall not issue a commercial driver's license or
201 a commercial driver's instruction permit to any applicant who does not
202 meet the physical qualification standards set forth in 49 CFR 391, as
203 amended from time to time. As required by 49 CFR 383.71(h), each
204 applicant for a commercial driver's license or commercial driver's
205 instruction permit shall provide to the commissioner a copy of a medical
206 examiner's certificate, prepared by a medical examiner, as defined in 49
207 CFR 390.5, indicating that such applicant is medically certified to
208 operate a commercial motor vehicle. For each applicant who has
209 submitted such medical certification and who has also certified, in
210 accordance with 49 CFR 383.71(b) and subsection [(c)] (d) of section 14-
211 44c, as amended by this act, that such applicant operates in nonexcepted
212 interstate commerce, the commissioner shall post a medical certification
213 status of "certified" on the Commercial Driver's License Information
214 System driver record for such applicant. The holder of a commercial
215 driver's license who has not been examined and certified as qualified to
216 operate a commercial motor vehicle during the preceding twenty-four
217 months, or a shorter period as indicated by the medical examiner
218 submitting such certificate, shall be required to submit a new medical
219 certificate. The commissioner shall not issue a commercial driver's
220 license or commercial driver's instruction permit to any applicant or
221 holder who fails to submit the medical certification required by this
222 section. If the holder of a commercial driver's license or commercial
223 driver's instruction permit fails to submit a new medical examiner's
224 certificate before the expiration of twenty-four months or the period
225 specified by the medical examiner, whichever is shorter, the
226 commissioner shall, not later than sixty days after the date that such
227 holder's medical status becomes uncertified: (1) Downgrade the
228 commercial driver's license to a Class D operator's license; or (2) cancel
229 the commercial driver's instruction permit. Any applicant or holder who
230 is denied a commercial driver's license or a commercial driver's
231 instruction permit, or whose license or permit is disqualified,
232 suspended, revoked or cancelled pursuant to this subsection shall be
233 granted an opportunity for a hearing in accordance with the provisions

234 of chapter 54.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2022</i>	New section
Sec. 2	<i>January 1, 2022</i>	1-1h(b)(1)
Sec. 3	<i>January 1, 2022</i>	14-36(f) to (j)
Sec. 4	<i>January 1, 2022</i>	14-36h(f)
Sec. 5	<i>January 1, 2022</i>	14-44c
Sec. 6	<i>January 1, 2022</i>	14-44e(b)

Statement of Purpose:

To require all state agency forms, applications and methods of identification to be updated with a nonbinary gender option.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. MICHEL, 146th Dist.; REP. CURREY, 11th Dist.
REP. WINKLER, 56th Dist.; REP. HENNESSY, 127th Dist.

H.B. 5654