



## **FACT SHEET**

### **THE ISSUANCE OF MOTOR VEHICLE OPERATORS' LICENSES TO UNDOCUMENTED IMMIGRANTS IN CONNECTICUT**

**SUMMARY:** Public Act No. 13-89 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.

EFFECTIVE DATE: January 1, 2015

#### 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).

Note: The commissioner cannot issue such a license to an applicant convicted of a felony in Connecticut.

##### ***Restricted License Requirements***

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 of DMV 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. 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. 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***

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. 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.

### ***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).

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OLR Tracking: PF: JR: JKL: ts/eh - ***Public Act No. 13-89***