

ADMINISTRATIVE REGULATIONS

Regulations and notices published herein, pursuant to General Statutes Sections 4-168 and 4-173, are printed exactly as submitted by the forwarding agencies. These, being official documents submitted by the responsible agencies, are consequently not subject to editing by the Commission on Official Legal Publications.

A cumulative list of effective amendments to the Regulations of Connecticut State Agencies may be found in the Connecticut Law Journal dated May 6, 2008.

DEPARTMENT OF MOTOR VEHICLES

Issuing a Motor Vehicle Operator's License

Section 1. Sections 14-137-62 through 14-137-78, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

General Requirements

Sec. 14-137-62. Submission of application

(a) In accordance with the provisions of sections 14-36 and 14-44c of the Connecticut General Statutes, the commissioner shall not issue a motor vehicle operator's license or commercial driver's license to any person unless such person signs and files with the commissioner an application under oath.

(b) Sections 14-137-63 through 14-137-79a of the Regulations of Connecticut State Agencies, inclusive, set forth requirements for the contents of every such application, including the information to be contained therein, and supporting documents that must be submitted as part of the application. Such requirements pertain to the issuance of a motor vehicle operator's license to:

(1) Persons who hold an operator's license issued by another state or territory which is valid and unexpired; and

(2) Persons who do not hold such license issued by another state or territory, or who never have held an operator's license in this state.

(c) Unless the context states otherwise, the provisions of sections 14-137-62 through 14-137-79a, inclusive, of the Regulations of Connecticut State Agencies apply to applications for a commercial driver's license, issued in accordance with the provisions of section 14-44c of the Connecticut General Statutes, and applications for an identity card, issued under the authority of section 1-1h of the Connecticut General Statutes.

(d) The provisions of sections 14-137-69 through 14-137-75, inclusive, of the Regulations of Connecticut State Agencies also pertain to applications for a duplicate motor vehicle operator's license, commercial driver's license or identity card which is issued by the commissioner upon payment of the fee prescribed in Section 14-50a of the Connecticut General Statutes, as amended.

(e) The provisions of sections 14-137-68 and 14-137-77 of the Regulations of Connecticut State Agencies also pertain to the required skills, knowledge, and vision testing of applicants for operator's licenses and commercial driver's licenses.

(f) Sections 14-137-62 through 14-137-79a, inclusive, of the Regulations of Connecticut State Agencies do not apply to the issuance of suppressed licenses authorized

in accordance with Section 14-11a of the General Statutes and Sections 14-11a-1 through 14-11a-7, inclusive, of the Regulations of Connecticut State Agencies.

Sec. 14-137-63. Evidence of full legal name

(a) Except as otherwise provided in subsection (b), the commissioner shall presume that the name of the applicant as shown on the applicant's official, unexpired passport or birth certificate, submitted as evidence of the applicant's identity, is the full legal name of the applicant, and the commissioner shall not place any other name on a motor vehicle operator's license, commercial driver's license, or identity card, unless the applicant presents an order of the superior court, or other court of competent jurisdiction, pertaining to a change of the applicant's name.

(b) Notwithstanding the provisions of subsection (a), the commissioner may accept an original or certified copy of a marriage license, certificate of dissolution of marriage, or certificate of civil union or dissolution of civil union for the purpose of establishing the applicant's full legal name to be placed on an operator's license, commercial driver's license, or identity card issued to the applicant.

Sec. 14-137-64. Provision of address of principal residence

(a) An applicant for a motor vehicle operator's license, commercial driver's license, or an identity card as provided by section 1-1h of the Connecticut General Statutes, shall provide to the commissioner the address of such applicant's principal residence in this state, which address shall be imprinted on the operator's license, commercial driver's license, or identity card. The commissioner shall require evidence of the applicant's place of principal residence.

(b) Persons who have previously been issued an operator's license, commercial driver's license, or identity card, which does not have a residence address appearing thereon, shall be required at the time of renewal to provide the address of such person's principal residence in this state to the commissioner in accordance with subsection (a) of this section. Official communications from the Department of Motor Vehicles shall thereafter be mailed to a person's residence address unless a separate mailing address is specified. Any change in the person's residence or mailing address shall be reported to the commissioner as required by section 14-45 of the Connecticut General Statutes.

(c) The commissioner may verify the existence and accuracy of an applicant's address of principal residence, as provided on the application to the commissioner, and shall decline to grant the application if such information is determined to be inaccurate or false.

Sec. 14-137-64a. Residence of applicant for operator's license, commercial driver's license or identity card

(a) An applicant for a motor vehicle operator's license, commercial driver's license, or identity card as provided in section 1-1h of the Connecticut General Statutes, shall be required to indicate whether he is a citizen of the United States of America. If any applicant indicates that he is not a citizen of the United States of America, the applicant shall be required to submit evidence that he is legally present in the United States and is a lawful resident of the State of Connecticut. Such evidence may consist of any currently valid document issued to the applicant by the United States Citizenship and Immigration Service of the United States Department of Homeland Security.

(b) If the applicant is unable to present any such document or if the document or documents presented indicate that the applicant is no longer entitled to be present in the United States, and the applicant is unable to present evidence that he or she has been granted employment authorization and duly applied for an extension of

stay in the United States, the department shall decline to issue an operator's license, commercial driver's license, or identity card to such applicant.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, the commissioner may decline to issue an operator's license, commercial driver's license, or identity card if the applicant is currently under removal proceedings, or is the subject of an outstanding warrant or warrant of removal issued by the United States Bureau of Immigration and Customs Enforcement, or the immigration status of the applicant cannot be determined. If the commissioner receives reliable information or becomes aware that a non-citizen who has been issued an operator's license, commercial driver's license, or identity card is no longer entitled to be present in the United States, the commissioner may revoke such license or identity card. An individual subject to such revocation shall be given an opportunity for a hearing in accordance with the provisions of Chapter 54 of the Connecticut General Statutes.

(d) An applicant who presents to the department a document for the purpose of identification may be required to provide to the Department a certified translation if such document is in a language other than English or Spanish.

Issuance of Motor Vehicle Operator's License or Commercial Driver's License to Holder of Out-of-State License

Sec. 14-137-65. Licensing of person holding out-of-state operator's license or commercial driver's license. Identification. Surrender of out-of-state license

(a) If an applicant for a Connecticut operator's license or commercial driver's license presents to the commissioner an operator's license from another state or territory which is valid and unexpired and such operator's license or commercial driver's license includes a photograph of the applicant, such applicant must also present to the commissioner one document furnishing proof of identity as follows:

(1) A birth certificate or registration of birth issued by a government entity having a raised seal thereon applied by a certifying authority; or

(2) An official, unexpired passport, subject to the conditions set forth in section 14-137-67 subsection (a) (2) of the Regulations of Connecticut State Agencies.

(b) In accordance with the provisions of subsection (a) of section 14-111k and subsection (e) of section 14-44e of the Connecticut General Statutes, an applicant issued an operator's license, commercial driver's license or identity card in this state shall be required to surrender to the commissioner the out-of-state operator's license, commercial driver's license or identity card presented and any other current operator's license, commercial driver's license or identity card from another state or territory in his or her possession.

Sec. 14-137-66. Certification of driving status. Commissioner may request information

(a) An applicant for a Connecticut operator's license or commercial driver's license who has previously been issued a license in another state or territory shall certify under penalty of false statement that his or her right or privilege to operate a motor vehicle is not presently under suspension or disqualification in any state or territory, or is not subject to suspension or disqualification at a date certain in the future in any state or territory.

(b) The commissioner may at any time independently request information concerning the driving status of such person from any state or territory, or from any regional or national organization maintaining such information, and shall decline to issue or revoke and declare void the license of any person providing false information concerning his or her driving status in addition to any other penalties or sanctions required or permitted by law.

Issuance of Operator's License to a Person Who Does Not Hold Valid Out-of-State License

Sec. 14-137-67. Licensing of person not holding out-of-state license. Identification

(a) If an applicant for a Connecticut operator's license does not have an operator's license from another state or territory which is valid and unexpired, or if an applicant has never held an operator's license in this state, such applicant must present to the commissioner evidence of identity, consisting of one document from each of the following two groups or both documents from Group One, as follows:

Group One

(1) A birth certificate or registration of birth issued by a government entity having a raised seal thereon applied by a certifying authority; or

(2) An official unexpired passport. If the passport submitted in accordance with the provisions of this subsection has not been issued by the United States government, the passport must bear evidence showing lawful entry into the United States and acceptance for such purposes by the United States Department of Homeland Security, Citizenship and Immigration Services, or its successor agency.

Group Two

(1) An official, unexpired document issued by a federal or state government containing the person's signature and a photograph or computerized image of the person;

(2) A military identification card or military dependent card with photograph;

(3) An identification card issued by the Connecticut Department of Social Services with photograph;

(4) A social security card with signature;

(5) An original baptismal certificate or similar document;

(6) A Connecticut pistol or firearm permit;

(7) A military discharge form DD214;

(8) A certificate of naturalization;

(9) An original or a certified copy having a raised seal thereon of an adoption decree or order;

(10) An original or a certified copy having a raised seal thereon of school records;

(11) A Connecticut identity card issued on October 1, 2001 or later, in accordance with section 1-1h of the Connecticut General Statutes;

(12) A certificate of citizenship;

(13) An alien registration receipt card (resident alien card) or I-551 stamp;

(14) A temporary resident card;

(15) A travel document issued by the United States Department of Homeland Security; or

(16) An original certificate of identification issued by the Department of Correction.

(b) At least one of the documents presented to the commissioner shall include a photograph or computerized image of the applicant or have both the applicant's full legal name and date of birth.

Sec. 14-137-68. Testing of applicant

(a) In addition to any other requirements for obtaining an operator's license or commercial driver's license in this state imposed by law, in order to ensure that an applicant who does not hold a license issued by another state, as described in subsection (a) of Section 14-137-67 of the Regulations of Connecticut State Agencies, can safely operate motor vehicles of the class for which the applicant has applied, has sufficient knowledge of motor vehicles to ensure safe operation and

has satisfactory knowledge of the laws concerning motor vehicles, such applicant shall be required by the commissioner to take and pass a vision test, a knowledge test, and a driving skills test including an on-the-road driving test.

(b) In addition to any other requirements for obtaining an operator's license or commercial driver's license in this state imposed by law, in order to ensure that an applicant who holds a valid and unexpired license issued by another state, as described in section 14-137-65 subsection (a) of the Regulations of Connecticut State Agencies, can safely operate motor vehicles of the class for which the applicant has applied, such applicant shall be required to take and pass a vision test. In addition, the commissioner may require any such applicant to take and pass a driving skills test including an on-the-road driving test.

(c) Unless otherwise directed by the commissioner, any applicant who fails the knowledge test or the on-the-road skills test shall not be admitted for a re-examination until after thirty days from the date of such failure, and in the case of an applicant who fails for a second time, a re-examination shall not be permitted until after sixty days from the date of such second failure. The commissioner may require any applicant who has failed an examination two or more times to present evidence of the successful completion of a course of driver education, taken in a licensed commercial school or secondary school program, following the most recent failure of an examination, before such applicant is admitted for re-examination.

(d) The commissioner may accept an application for renewal of an operator's license and may waive the on-the-road driving test in the case of any applicant who presents satisfactory evidence that he or she has previously held a Connecticut operator's license that has been expired for a period of two years or less from the date of application.

(e) All applicants for a commercial driver's license shall be required to successfully complete knowledge and skills testing in accordance with the provisions of section 14-44e of the Connecticut General Statutes and the applicable provisions of Title 49, Part 383 of the Code of Federal Regulations.

Issuance of Duplicate Operator's License, Commercial Driver's License or Identity Card

Sec. 14-137-69. Issuance of duplicate license, commercial driver's license or identity card

Except in the case of a damaged original license as provided in section 14-137-74 of the Regulations of Connecticut State Agencies, a duplicate operator's license, duplicate commercial driver's license or duplicate identity card, shall be issued only to a person whose operator's license, commercial driver's license or identity card has been lost, stolen or destroyed.

Sec. 14-137-70. Submission of application. Duplicate license, commercial driver's license or identity card

Except in the case of a damaged original license, commercial driver's license or identity card as provided in section 14-137-74 of the Regulations of Connecticut State Agencies, an applicant for a duplicate license, commercial driver's license or identity card shall state the circumstances surrounding the loss or destruction of the prior operator's license, commercial driver's license or identity card, or that such circumstances are unknown, shall certify compliance with this regulation, and shall subscribe the application under penalty of false statement as provided in sections 14-110 and 53a-157b of the Connecticut General Statutes.

Sec. 14-137-71. Requirements for application for duplicate license, commercial driver's license or identity card

(a) An applicant may apply in person for a duplicate license, commercial driver's license or identity card at any branch of the Department of Motor Vehicles.

(b) The applicant must pay the fee required in sections 14-50a(2) or 1-1h of the Connecticut General Statutes, as amended.

(c) A photograph or computerized image of the applicant will be taken by the department prior to issuance of the duplicate license, commercial driver's license or identity card, unless a computerized image is already on file.

(d) An applicant, who does not have a computerized image on file, shall be required to submit satisfactory evidence of identity and date of birth as provided in sections 14-137-65 and 14-137-75 of the Regulations of Connecticut State Agencies.

Sec. 14-137-72. Operator's license or commercial driver's license under suspension

A duplicate license shall not be issued to any person whose operator's license, commercial driver's license, or privilege to operate a motor vehicle in this state, has been revoked, withdrawn, suspended, or disqualified. Any such person whose operator's license, commercial driver's license, or privilege to operate a motor vehicle in this state has been revoked, withdrawn, suspended, or disqualified, who obtains or attempts to obtain a duplicate license, shall commit an infraction, and shall be reported to the appropriate prosecuting authority.

Sec. 14-137-73. Discovery of original operator's license, commercial driver's license or identity card

If a person, having obtained a duplicate operator's license, commercial driver's license or identity card, in accordance with sections 14-137-69 through 14-137-75, inclusive, of the Regulations of Connecticut State Agencies, finds or otherwise comes into possession of the operator's license, commercial driver's license or identity card, that was alleged to be lost, stolen or destroyed, such person shall surrender such original operator's license, commercial driver's license or identity card, to the department within three (3) business days.

Sec. 14-137-74. Replacement of damaged operator's license, commercial driver's license or identity card

The commissioner shall issue a duplicate license, commercial driver's license or identity card, to an applicant whose current operator's license, commercial driver's license or identity card, has been accidentally damaged, mutilated or otherwise rendered illegible. Such applicant shall be required to submit an application, surrender the current operator's license, commercial driver's license or identity card, and comply with the requirements of section 14-137-71 of the Regulations of Connecticut State Agencies.

Sec. 14-137-75. Evidence of identity and date of birth for duplicate operator's license, commercial driver's license or identity card

Satisfactory evidence of identity and date of birth for issuance of a duplicate operator's license, commercial driver's license or identity card, means that the applicant meets the standards found in section 14-137-67 of the Regulations of Connecticut State Agencies.

Sec. 14-137-76. Valid-without-photo operator's licenses

If a person who has been issued a temporary valid-without-photo operator's license in accordance with section 14-36d (c) of the Connecticut General Statutes applies for a license containing a computerized image, the applicant shall surrender the valid-without-photo operator's license and shall present proof of identity.

Sec. 14-137-77. Health standards

Nothing in this section shall be construed to limit the authority of the commissioner to deny an operator's license or commercial driver's license to any person who does not meet the health standards specified in regulations promulgated by the commissioner in accordance with sections 14-36 (i) and 14-45a of the Connecticut General Statutes or Title 49, Part 391 of the Code of Federal Regulations, as applicable.

Sec. 14-137-78. Competence of person

No provision of sections 14-137-62 through 14-137-77, inclusive, of the Regulations of Connecticut State Agencies shall be construed to limit the authority of the commissioner under Chapter 246 of the Connecticut General Statutes to ensure that before issuing a motor vehicle operator's license or commercial driver's license or duplicate operator's license or commercial driver's license to any person, such person has the ability and competence to operate a motor vehicle or commercial motor vehicle safely on the highways of this state.

Section 2. Sections 14-137-79a, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:

Sec. 14-137-79a. Request for social security number

(a) In order to assist the Department of Motor Vehicles in maintaining its driver records and providing accurate driver identification, the Department shall require each applicant for an operator's license, commercial driver's license, or identity card pursuant to section 1-1h of the Connecticut General Statutes to furnish his or her social security account number.

(b) The Department shall not disclose to a third party the social security account number of a holder of a license or identity card, except as follows:

(1) to another agency of government for use by that agency in carrying out its functions, if such agency is authorized by law to utilize social security account numbers;

(2) with the express permission of the license or identity card holder; or

(3) as may otherwise be authorized by law for a law enforcement purpose.

(c) If an applicant is not eligible to receive a social security account number, the Department shall require a letter from the Social Security Administration stating that the applicant is not eligible.

Section 3. Section 14-137-79 of the Regulations of Connecticut State Agencies is repealed.

Statement of purpose: Section 14-36 of the Connecticut General Statutes requires an applicant for a motor vehicle operator's license to furnish satisfactory evidence of such applicant's identity to the commissioner. A similar requirement exists with respect to the issuance of non-driver identification cards (section 1-1h) and commercial driver's licenses (section 14-44c), as well as replacements for these credentials.

Summary of main provisions:

The general requirements contained in the regulations are as follows:

- (1) An applicant is required to give his or her full legal name, as defined in section 14-137-63.
- (2) An applicant is required to provide his or her address of principal residence, which the commissioner may verify, in accordance with section 14-137-64.
- (3) An applicant who is not a citizen or permanent legal resident, is required to show documents that he or she is legally present in the United States, in accordance with section 14-137-64a.
- (4) An applicant who holds an out-of-state license is required to produce a birth certificate or unexpired passport, for identification purposes in accordance with section 14-137-65.
- (5) An applicant is required to certify that he or she is not currently under suspension or disqualification in another state or territory in accordance with section 14-137-66.
- (6) An applicant who does not hold an out-of-state license is required to show a birth certificate or unexpired passport and one other identification document from the list contained in section 14-137-67.
- (7) Section 14-137-68 states requirements for the testing of an applicant's vision, knowledge of the rules of the road, and driving skills.
- (8) Sections 14-137-69 to 14-137-75 provide standards for the issuance of duplicate licenses and identity cards to persons who claim that the original has been lost, stolen or destroyed.
- (9) Section 14-137-76 requires individuals who hold a valid without photo license to surrender this document and obtain a photo license.
- (10) Sections 14-137-77 and 78 adopt standards concerning the necessary health and fitness standards that must be met for an applicant to be issued a license.
- (11) Section 14-137-79a clarifies the standards with respect to the provision of social security numbers on applications.

Legal effects of the regulation:

Most if not all of the above-stated content of the regulation is contained in existing regulations. The purpose of this proposal is to bring the regulations up-to-date in accordance with statutory changes that have been made during the past decade as well as certain relevant changes in federal law.

Be it known that the foregoing regulations are amended as hereinabove stated by the aforesaid agency pursuant to Sec. 14-137 of the General Statutes, after publication in the Connecticut Law Journal on October 24, 2006, of the notice of the proposal to amend such regulations.

Wherefore, the foregoing regulations are hereby amended as hereinabove stated, effective when filed with the Secretary of the State.

In Witness Whereof: November 18, 2007, Robert M. Ward, Commissioner.

Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, Connecticut General Statutes: March 3, 2008.

Approved by the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes: April 22, 2008.

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Sec. 4-172, as amended, of the General Statutes, Secretary of the State: April 25, 2008.
