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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - OPERATORS' AND CHAUFFEURS'
LICENSES

Introduced By: Representatives Corvese, Malik, Ucci, Winfield, and O'Brien

Date Introduced: March 04, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 31-10-3, 31-10-12 and 31-10-26 of the General Laws in Chapter
2 31-10 entitled "Operators' and Chauffeurs' Licenses" are hereby amended to read as follows:

3 **31-10-3. Persons ineligible for licenses.** -- (a) The division of motor vehicles shall not
4 issue any license under this chapter:

5 (1) To any person, as an operator, who is under the age of sixteen (16) years;

6 (2) To any person, as a chauffeur, who is under the age of eighteen (18) years;

7 (3) To any person, as an operator or chauffeur, whose license has been suspended, during
8 that suspension, nor to any person whose license has been revoked, except as provided in § 31-
9 11-10;

10 (4) To any person, as an operator or chauffeur, who is a habitual drunkard or habitual
11 user of drugs to such an extent that he or she is incapable of safely driving a motor vehicle;

12 (5) To any person, as an operator or chauffeur, who is required by this chapter to take an
13 examination unless that person shall have successfully passed that examination;

14 (6) To any person who is required under the laws of this state to deposit proof of
15 financial responsibility and who has not deposited that proof;

16 (7) To any person when the administrator of the division of motor vehicles has good
17 cause based on clear and convincing evidence to believe that that person does not meet a standard
18 of physical or mental fitness for motor vehicle licensure established pursuant to § 31-10-44(b)

1 and that the person's physical or mental condition prevents him or her from being able to operate
2 a motor vehicle with safety upon the highway;

3 (8) To any person when the administrator of the division of motor vehicles has good
4 cause to believe that the operation of a motor vehicle on the highways by that person would pose
5 an imminent safety risk to the general public as determined by objectively ascertainable
6 standards;

7 (9) To any person who is subject to an order issued pursuant to § 14-1-67; or

8 (10) To any person who fails to provide a valid social security number unless the
9 applicant provides satisfactory proof that their presence in the United States is authorized under
10 federal law as a legal permanent resident.

11 (b) The division of motor vehicles shall notify in writing any person whose application
12 for a license has been denied pursuant to subsection (a) of this section. The notice shall contain
13 the factual and legal basis for the denial, the procedure for requesting a hearing, and the rights
14 afforded the individual pursuant to the provisions of § 31-11-7(d) -- (f). When physical or mental
15 fitness is the basis for the denial, the notice shall reference the specific functional standard
16 promulgated pursuant to § 31-10-44(b), which was relied upon by the division of motor vehicles.
17 Upon his or her request the division of motor vehicles shall afford the license applicant an
18 opportunity for a hearing as early as practical and no later than twenty (20) days after receipt of
19 the request.

20 (c) The hearing procedures afforded the applicant shall conform to the provisions of §
21 31-11-7(d) -- (f).

22 **31-10-12. Contents of application.** -- (a) Every application for an instruction permit or
23 for a license shall:

24 (1) State the full name, date of birth, sex, and residence address of the applicant;

25 (2) Briefly describe the applicant;

26 (3) State whether the applicant has previously been licensed as an operator or chauffeur,
27 and, if so, when and by what state or country, and whether any such license has ever been
28 suspended or revoked;

29 (4) State whether an application has ever been refused, and, if so, the date of and reason
30 for the suspension, revocation, or refusal; and

31 (5) Provide any further information bearing on the applicant's character or ability to
32 drive that may be required by the administrator of the division of motor vehicles.

33 (b) Every application shall state whether the applicant desires to donate tissue or organs
34 pursuant to the provisions of chapter 18.6 of title 23.

1 [\(c\) Every applicant for a license under this subsection shall be required by the division to](#)
2 [provide a valid social security number unless the applicant provides satisfactory proof that their](#)
3 [presence in the United States is authorized under federal law as a legal permanent resident.](#)

4 **31-10-26. Issuance of license. --** (a)(1) The division of motor vehicles shall, upon
5 payment of the required fee, issue to every qualifying applicant an operator's or chauffeur's
6 license. The license shall be approximately two and one-half inches (2 1/2") wide and three and
7 one-half inches (3 1/2") long and shall bear on it a distinguishing number assigned to the licensee,
8 the full name, date of birth, residence address, brief description of the licensee, a photograph of
9 the licensee, whether the licensee has indicated a desire to donate tissue or organs pursuant to the
10 provisions of chapter 18.6 of title 23, and either a space upon which the licensee shall write his or
11 her usual signature with pen and ink or a facsimile of the signature of the licensee. No license
12 shall be valid until it has been so signed by the licensee designated on it. A negative file of all
13 photographs of licensees shall be maintained by the division of motor vehicles for a period of five
14 (5) years.

15 [\(2\) Every applicant for a license under this subsection shall be required by the division to](#)
16 [provide a valid social security number unless the applicant provides satisfactory proof that their](#)
17 [presence in the United States is authorized under federal law as a legal permanent resident before](#)
18 [the issuance of any license described in this section.](#)

19 (b) The division of motor vehicles shall issue special licenses to those licensees who
20 have indicated that they desire to donate tissue or organs, which conform to the provisions of the
21 Rhode Island Anatomical Gift Act, chapter 18.6 of title 23.

22 (c) Any person who is a law enforcement officer, meaning any permanently employed
23 member of the state, city, or town police departments, sheriffs and deputy sheriffs, members of
24 the marshal's unit, capitol police, and the state fire marshal and deputy fire marshals of the
25 division of fire safety or a member of the department of attorney general, any permanently
26 employed federal law enforcement officer assigned in Rhode Island, or any member of the United
27 States Attorney's Office in Rhode Island or any employee of the R.I. department of corrections, as
28 recommended by the director of the department of corrections, upon request of the applicant,
29 shall be issued a license which contains the applicant's official business address in lieu of a
30 residence address as required under the general provisions of this section.

31 (d) The license issued to a person applying for the first time shall be designated as a
32 "first license". A first license shall be issued for a one year period after which time a permanent
33 driver's license shall be issued according to this section.

34 (e) If an applicant has been adjudicated for committing one moving motor vehicle

1 violation, has been involved in one reportable motor vehicle accident, or both, he or she shall be
2 summoned for a hearing before a judge of the traffic tribunal at which time the driving record will
3 be reviewed. The traffic tribunal judge shall determine if the person should be granted an
4 operator's license, be reissued a first license, or be denied a license to operate a motor vehicle in
5 the state of Rhode Island.

6 (f) Any person who is under the age of twenty-one (21) years shall, upon payment of the
7 required fee and upon meeting the qualifications for the receipt of an operator's or chauffeur's
8 license, be issued a license which shall be readily distinguishable in color from those licenses
9 issued to persons who are twenty-one (21) years of age or older. When a person under the age of
10 twenty-one (21) years to whom a license has been issued and whose license is in full force and
11 effect, attains his or her twenty-first birthday, he or she shall be entitled to receive a new license
12 of the type issued to persons who are older than the age of twenty-one (21) years from the
13 administrator of the division of motor vehicles upon demand at no expense. Every person shall
14 supply to the division of motor vehicles satisfactory proof of his or her date of birth.

15 (g) The division of motor vehicles shall issue special licenses upon the request of a
16 licensee which conform to the provisions of the Rhode Island Anatomical Gift Act, chapter 18.6
17 of title 23.

18 (h) The division of motor vehicles shall note in an appropriate manner a restriction on
19 any person's license who is prohibited from operating a motor vehicle that is not equipped with an
20 ignition interlock system as provided in chapter 27 of this title.

21 (i) Any personal digitized information contained within an operator's or chauffeur's
22 license shall be limited to: (a) the licensee's name, age, date of birth, address, gender, physical
23 description such as weight, height, hair color and eye color, signature and organ donor status; and
24 (b) the license number, commercial endorsements, expiration date, issue date, restriction and
25 class.

26 (j) Except to the extent an entity is authorized to renew drivers' licenses, or except for
27 financial institutions engaged in the verification of information for financial transactions,
28 nongovernmental entities shall not have access to any digitized information contained in an
29 operator or chauffeur's license other than the licensee's name, age, date of birth, signature, and
30 photographic image, and the license's expiration date; nor shall they store, record or retain any
31 such information obtained through a digital reading device. Access to digitized information by
32 such entities shall be solely for the purpose of determining the age of an individual for a
33 transaction, right or privilege available by law only to persons of a certain age.

34 (k) To the extent that nongovernmental entities shall have access to the digitized

1 information stored on an operator's or chauffeur's license, the entity shall be civilly liable for the
2 unauthorized access to, or retention or use of, such information by its agents or persons acting in
3 the name of the entity.

4 (l) The division of motor vehicles shall collect from applicants and licensees their social
5 security numbers and tax identification numbers only to the extent required by federal law [and](#)
6 [pursuant to §31-10-26\(a\)\(2\)](#). Such numbers shall not be included, either digitally or visually, on
7 the operator's or chauffeur's license.

8 SECTION 2. This act shall take effect upon passage and apply to any issuance or renewal
9 of any existing license on or after July 1, 2016.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - OPERATORS' AND CHAUFFEURS'
LICENSES

1 This act would prohibit the issuance of Rhode Island operator's license to any applicant
2 who fails to provide the division of motor vehicles with a valid social security number unless the
3 applicant provides satisfactory proof that their presence in the United States is authorized under
4 federal law as a legal permanent resident.

5 This act would take effect upon passage and apply to any issuance or renewal of any
6 existing license on or after July 1, 2016.

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