

2018 -- S 2678 SUBSTITUTE A

LC005299/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

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

Introduced By: Senators McCaffrey, Ciccone, Quezada, Metts, and Goodwin

Date Introduced: March 20, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

3 **31-10-26. Issuance of license.**

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

14 (b) The division of motor vehicles shall issue an operator's or chauffeur's license pursuant
15 to this chapter to every qualifying applicant, including, but not limited to, any current or past
16 recipient of a grant of deferred action under the Deferred Action for Childhood Arrivals (DACA)
17 program, provided any applicant subject to the DACA program shall provide evidence of having
18 received said grant from the United States Citizen and Immigration Services.

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

4 ~~(e)~~(d) Any person who is a law enforcement officer, meaning any permanently employed
5 member of the state, city, or town police departments, sheriffs and deputy sheriffs, members of
6 the marshal's unit, capitol police, and the state fire marshal and deputy fire marshals of the
7 division of fire safety or a member of the department of attorney general, any permanently
8 employed federal law enforcement officer assigned in Rhode Island, or any member of the United
9 States Attorney's Office in Rhode Island or any employee of the R.I. department of corrections, as
10 recommended by the director of the department of corrections, upon request of the applicant,
11 shall be issued a license which contains the applicant's official business address in lieu of a
12 residence address as required under the general provisions of this section.

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

16 ~~(e)~~(f) If an applicant has been adjudicated for committing one moving motor vehicle
17 violation, has been involved in one reportable motor vehicle accident, or both, he or she shall be
18 summoned for a hearing before a judge of the traffic tribunal at which time the driving record will
19 be reviewed. The traffic tribunal judge shall determine if the person should be granted an
20 operator's license, be reissued a first license, or be denied a license to operate a motor vehicle in
21 the state of Rhode Island.

22 ~~(d)~~(g) Any person who is under the age of twenty-one (21) years shall, upon payment of
23 the required fee and upon meeting the qualifications for the receipt of an operator's or chauffeur's
24 license, be issued a license which shall be readily distinguishable in color from those licenses
25 issued to persons who are twenty-one (21) years of age or older. When a person under the age of
26 twenty-one (21) years to whom a license has been issued and whose license is in full force and
27 effect, attains his or her twenty-first birthday, he or she shall be entitled to receive a new license
28 of the type issued to persons who are older than the age of twenty-one (21) years from the
29 administrator of the division of motor vehicles upon demand at no expense. Every person shall
30 supply to the division of motor vehicles satisfactory proof of his or her date of birth.

31 ~~(e)~~(h) The division of motor vehicles shall issue special licenses upon the request of a
32 licensee which conform to the provisions of the Rhode Island Anatomical Gift Act, chapter 18.6
33 of title 23.

34 ~~(d)~~(i) The division of motor vehicles shall note in an appropriate manner a restriction on

1 any person's license who is prohibited from operating a motor vehicle that is not equipped with an
2 ignition interlock system as provided in chapter 27 of this title.

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

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

16 ~~(l)~~ To the extent that nongovernmental entities shall have access to the digitized
17 information stored on an operator's or chauffeur's license, the entity shall be civilly liable for the
18 unauthorized access to, or retention or use of, such information by its agents or persons acting in
19 the name of the entity.

20 ~~(m)~~ The division of motor vehicles shall collect from applicants and licensees their
21 social security numbers and tax identification numbers only to the extent required by federal law.
22 Such numbers shall not be included, either digitally or visually, on the operator's or chauffeur's
23 license.

24 (n) Issuance of a Rhode Island operator's license under this chapter to a current or past
25 recipient of a grant of deferred action under the Deferred Action for Childhood Arrivals, (DACA)
26 program shall not confer the right to vote in the state of Rhode Island.

27 SECTION 2. Sections 3-8-6 and 3-8-6.1 of the General Laws in Chapter 3-8 entitled
28 "Regulation of Sales" are hereby amended to read as follows:

29 **3-8-6. Unlawful drinking and misrepresentation by underage persons --**
30 **Identification cards for persons twenty-one and older.**

31 (a) It is unlawful for:

32 (1) A person who has not reached his or her twenty-first (21st) birthday to enter any
33 premises licensed for the retail sale of alcoholic beverages for the purpose of purchasing or
34 having served or delivered to him or her alcoholic beverages; or

1 (2) A person who has not reached his or her twenty-first (21st) birthday to consume any
2 alcoholic beverage on premises licensed for the retail sale of alcoholic beverages or to purchase,
3 attempt to purchase, or have another purchase for him or her any alcoholic beverage; or

4 (3) A person to misrepresent or misstate his or her age, or the age of any other persons, or
5 to misrepresent his or her age through the presentation of any of the following documents:

6 (i) An armed service identification card, valid passport, the identification card license, or
7 any other documentation used for identification purposes that may belong to any other person
8 who is twenty-one (21) years or older;

9 (ii) A motor vehicle operator's license which bears the date of birth of the licensee, and
10 which is issued by this state or any other state;

11 (iii) A Rhode Island identification card as defined in subsection (b) for the purpose of
12 inducing any licensee or any employee of any licensee, to sell, serve or deliver any alcoholic
13 beverage to a minor.

14 (b) (1) The administrator of the division of motor vehicles shall issue to any person who
15 has reached his or her twenty-first (21st) birthday a Rhode Island identification card upon
16 payment of a fee of twenty-five dollars (\$25), and, upon presentation of a certified birth or
17 baptismal certificate, or U.S. or foreign passport, or U.S. naturalization certificate or a valid
18 immigrant or refugee document issued by the United States immigration and naturalization
19 service, including, but not limited to, any one of the following: Form I-551, Form I-94, Form I-
20 688A, ~~and~~ Form I-688, and a form evidencing that the applicant is a current or past recipient of a
21 grant of deferred action under the Deferred Action for Childhood Arrivals program, together with
22 a document bearing the applicant's signature.

23 (2) A person who has reached his or her fifty ninth (59th) birthday is not required to pay
24 the fee.

25 (3) Each registration card shall be subject to renewal every five (5) years upon payment
26 of a fee of twenty-five dollars (\$25).

27 (4) No person who holds an operator's license issued by this state or any other state shall
28 be issued a Rhode Island identification card.

29 (5) The identification card shall be signed by the administrator of the division of motor
30 vehicles and by the applicant and his or her picture shall appear on the card along with the
31 required information and the card shall be encased in laminated plastic. The card shall be two
32 inches (2") in height and four inches (4") in length and shall be printed in the following form:

33 RHODE ISLAND IDENTIFICATION CARD
34 Date Issued No.....

1 First Name Middle Name Last Name
 2
 3 Address
 4

5 BIRTH RECORD

6 Month.....Day.....Year.....

7 Secure Photo by Pasting here Color of hair Color of eyes Sex Ht Wt.
 8

9 Issued by
 10 Administrator of the Division of Motor Vehicles

11
 12
 13
 14 Administrator

15 (6) The identification cards shall be produced at the adult correctional institutions if they
 16 have facilities to do so; if the adult correctional institutions have no facilities to do so, then all
 17 cards shall be manufactured by the lowest responsible bidder following advertisement for the
 18 solicitation of bids.

19 (7) The identification cards shall be clearly distinguishable from those issued pursuant to
 20 § 3-8-6.1 and operators' and chauffeurs' licenses issued pursuant to title 31.

21 (8) Any person who has been designated as permanently and totally disabled by the social
 22 security administration or who upon certification by an optometrist, ophthalmologist or physician
 23 that a holder of a valid and current motor vehicle operator's license is no longer able to operate a
 24 motor vehicle, the administrator of the division of motor vehicles shall issue to such person, upon
 25 request, a Rhode Island identification card for the unexpired term of such person's motor vehicle
 26 operator's license at no additional cost. Thereafter, a renewal of such card shall be subject to the
 27 standard renewal charge of twenty-five dollars (\$25) until such person shall reach his or her fifty-
 28 ninth (59th) birthday.

29 (9) The administrator of the division of motor vehicles shall, upon presentation of a
 30 United States Department of Defense (DD) FORM 214 or other acceptable documentation of
 31 military service and verification of an honorable discharge, issue an identification card to the
 32 presenter which is clearly marked "veteran", at no additional cost.

33 (c) (1) Every retail Class A, B, C, and D licensee shall cause to be kept a book or
 34 photographic reproduction equipment which provides the same information as required by the

1 book. That licensee and/or the licensee's employee shall require any person who has shown a
2 document as set forth in this section substantiating his or her age to sign that book or to permit the
3 taking of his or her photograph and indicate what document was presented. Use of the
4 photographic reproduction equipment is voluntary for every Class A, B, C and D licensee.

5 (2) The sign-in as minor book and photographic reproduction equipment shall be
6 prescribed, published, and approved at the direction and control of the division. The book shall
7 contain at least four hundred (400) pages, shall be uniform throughout the state, and shall be
8 distributed at a cost not to exceed seven dollars (\$7.00).

9 (3) If a person whose age is in question signs the sign-in as minor book or has a
10 photograph taken before he or she is sold any alcoholic beverage and it is later determined that
11 the person had not reached his or her twenty-first (21st) birthday at the time of sale, it is
12 considered prima facie evidence that the licensee and/or the licensee's agent or servant acted in
13 good faith in selling any alcoholic beverage to the person producing the document as set forth in
14 this section misrepresenting his or her age.

15 (4) Proof of good faith reliance on any misrepresentation is a defense to the prosecution
16 of the licensee and/or the licensee's agent or servant for an alleged violation of this section.

17 (d) (1) Any person who violates this section shall be punished for the first offense by a
18 mandatory fine of not less than one hundred dollars (\$100) nor more than five hundred dollars
19 (\$500) and shall be further punished by thirty (30) hours of community service and shall be
20 further punished by a suspension of his or her motor vehicle operator's license or driving
21 privileges for a period of thirty (30) days; for the second offense by a mandatory fine of not less
22 than five hundred dollars (\$500) nor more than seven hundred fifty dollars (\$750) and shall be
23 further punished by forty (40) hours of community service and will be further punished by a
24 suspension of his or her motor vehicle operator's license or driving privileges for a period of three
25 (3) months; and for the third and subsequent offenses by a mandatory fine for each offense of not
26 less than seven hundred fifty dollars (\$750) nor more than one thousand dollars (\$1,000) and shall
27 be further punished by fifty (50) hours of community service and will be further punished by a
28 suspension of his or her motor vehicle operator's license or driving privileges for a period of one
29 year.

30 (2) Any suspension of an operator's license or driving privilege pursuant to this section
31 shall not operate to affect the insurance rating of the offender and any operator's license or
32 driving privilege suspended pursuant to this section shall be reinstated without further expense
33 upon application.

34 (e) Within thirty (30) days after this incident the police chief of the city or town where

1 the incident took place is directed to inform, in writing, the department of business regulation
2 whether or not charges in accordance with this section have been preferred against a person who
3 has not reached his or her twenty-first (21st) birthday and has violated this section. If no charge is
4 brought against any person who has not reached his or her twenty-first (21st) birthday and has
5 violated the provisions of this section, then the police chief of the city or town where the incident
6 took place will state the reason for his or her failure to charge the person who has not reached his
7 or her twenty-first (21st) birthday.

8 (f) The Rhode Island identification card may be withdrawn at any time for just cause, at
9 the discretion of the administrator of the division of motor vehicles. The administrator of the
10 division of motor vehicles shall keep a record of the cards issued and each card shall contain an
11 identification number specifically assigned to the person to whom the card was issued.

12 (g) Issuance of a Rhode Island identification card under this section to a current or past
13 recipient of a grant of deferred action under the Deferred Action for Childhood Arrivals, (DACA)
14 program shall not confer the right to vote in the state of Rhode Island.

15 **3-8-6.1. Identification cards for persons under the age of 21.**

16 (a) (1) The administrator of the division of motor vehicles shall issue to any person upon
17 request, who is under twenty-one (21) years of age, an identification card upon payment of a fee
18 of twenty-five dollars (\$25.00), and, upon presentation of a certified birth or baptismal certificate,
19 or U.S. or foreign passport, or U.S. naturalization certificate, or a valid immigrant or refugee
20 document issued by the United States immigration and naturalization service including, but not
21 limited to, any one of the following: Form I-551, Form I-94, Form I-688A, ~~and~~ Form I-688, and a
22 form evidencing that the applicant is a current or past recipient of a grant of deferred action under
23 the Deferred Action for Childhood Arrivals program, together with a document bearing the
24 applicant's signature. No person who holds an operator's license, issued by this state or any other
25 state, shall be issued an identification card.

26 (2) The identification card shall be subject to renewal every five (5) years upon the
27 payment of a fee of twenty-five dollars (\$25.00).

28 (3) The identification card shall be signed by the administrator of the division of motor
29 vehicles and also by the applicant, and his or her picture shall appear on the card along with the
30 required information and the card shall be encased in laminated plastic. The card shall be two
31 inches (2") in height and four inches (4") in length and shall be printed in the following form:

32 IDENTIFICATION CARD
33 Date Issued No.....
34 First Name Middle Name Last Name

1
2 Address
3

4 BIRTH RECORD

5 Month.....Day Year.....

6 Secure Photo by Pasting here Color of hair Color of eyes Sex Ht Wt.
7

8 Issued by
9 Administrator of the Division of Motor Vehicles
10
11
12

13 Administrator

14 (4) The identification cards shall be produced at the adult correctional institution if they
15 have facilities to do so; if the adult correctional institutions have no facilities to do so, then all
16 cards shall be manufactured by the lowest responsible bidder following advertisement for the
17 solicitation of bids.

18 (5) The identification cards shall be clearly distinguishable from those issued pursuant to
19 § 3-8-6 and operators' and chauffeurs' licenses issued pursuant to title 31.

20 (b) The identification card may be withdrawn at any time for just cause, at the discretion
21 of the administrator of the division of motor vehicles. The administrator of the division of motor
22 vehicles shall keep a record of the cards issued and each card shall contain an identification
23 number specifically assigned to the person to whom the card was issued.

24 (c) The administrator of the division of motor vehicles shall, upon presentation of a
25 United States Department of Defense (DD) FORM 214 or other acceptable documentation of
26 military service and verification of an honorable discharge, issue an identification card to the
27 presenter which is clearly marked "veteran", at no additional cost.

28 (d) Issuance of a Rhode Island identification card under this section to a current or past
29 recipient of a grant of deferred action under the Deferred Action for Childhood Arrivals, (DACA)
30 program shall not confer the right to vote in the state of Rhode Island.

31 SECTION 3. This act shall take effect on December 3, 2018.

=====
LC005299/SUB A
=====

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 continue the status quo relating to operator's and chauffeur's licenses to
2 approved recipients under the Deferred Action of Childhood Arrivals (DACA) program. This act
3 would also provide that the issuance of a Rhode Island operator's license shall not confer the right
4 to vote in the state of Rhode Island.

5 This act would take effect on December 3, 2018.

=====
LC005299/SUB A
=====