

2020 -- H 7712

=====
LC003259
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

—————
A N A C T

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

Introduced By: Representatives Williams, Knight, Alzate, Slater, and Craven

Date Introduced: February 26, 2020

Referred To: House 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) Licenses - Valid form of identification. The division of motor vehicles (the "division")
5 shall, upon payment of the required fee, issue to every qualifying applicant an operator's or
6 chauffeur's license. The license shall be approximately two and one-half inches (2 1/2") wide and
7 three and one-half inches (3 1/2") long and shall bear on it a distinguishing number assigned to
8 the licensee; the full name; date of birth; residence address; brief description of the licensee; a
9 photograph of the licensee; whether the licensee has indicated a desire to donate tissue or organs
10 pursuant to the provisions of chapter 18.6.1 of title 23; and either a space upon which the licensee
11 shall write his or her usual signature with pen and ink or a facsimile of the signature of the
12 licensee. No license shall be valid until it has been so signed by the licensee designated on it. ~~A~~
13 ~~negative~~ An electronic file of all photographs of licensees shall be maintained by the division of
14 motor vehicles for a period of five (5) years.

15 Any 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, but they are ineligible for a social
18 security number. A license issued under this subsection shall be a valid form of identification for

1 federal or state purposes. Persons eligible for a license under this subsection shall be authorized,
2 if they choose, to obtain an alternative ID driving license in the alternative.

3 (b) Alternative ID driving license – Not valid form of identification for voting or
4 official federal purposes. Subject to the requirements and limitations of § 31-10-49, the division
5 of motor vehicles shall, upon payment of the required fee, issue to every qualifying applicant an
6 alternative ID driving permit or license. The license shall be approximately two and one-half
7 inches (2 1/2") wide and three and one-half inches (3 1/2") long and shall bear on it a
8 distinguishing number assigned to the licensee, the full name, date of birth, residence address,
9 brief description of the licensee, a photograph of the licensee, whether the licensee has indicated a
10 desire to donate tissue or organs pursuant to the provisions of chapter 18.6.1 of title 23, and either
11 a space upon which the licensee shall write their usual signature with pen and ink or a facsimile
12 of the signature of the licensee. No alternative ID driving license or permit shall be valid until it
13 has been so signed by the licensee designated on it. All alternative ID driving licenses and
14 permits shall include a clear written indication on such license or permit that it shall not
15 be a valid form of identification for official federal purposes or state voting purposes. The
16 alternative ID driving license shall be similar to a regular license with a different color in the
17 license number field as in the license issued pursuant to § 31-10-26(a). The alternate ID driving
18 permit shall be similar to a regular permit with a different color in the permit number field as in
19 the driving permit issued pursuant to §§ 31-10-6 and 31-10-7. An electronic file of all
20 photographs of licensees and permittees shall be maintained by the division of motor vehicles for
21 a period of five (5) years. An alternative ID driving license holder shall not be eligible for a
22 chauffeur endorsement under § 31-10-5. An alternative ID driving license or permit holder shall
23 not be eligible for a license issued under § 31-10-26(a) when renewing an alternative ID driving
24 license or permit unless the applicant meets all of the requirements for a license issued
25 under § 31-10-26(a) including documentation to verify legal presence in the United States.

26 ~~(b)~~(c) The division of motor vehicles shall issue an operator's or chauffeur's license
27 pursuant to this chapter to every qualifying applicant, including, but not limited to, any current or
28 past recipient of a grant of deferred action under the Deferred Action for Childhood Arrivals
29 (DACA) program, provided any applicant subject to the DACA program shall provide evidence
30 of having received the grant from the United States Citizenship and Immigration Services.

31 ~~(c)~~(d) The division of motor vehicles shall issue special licenses to those licensees who
32 have indicated that they desire to donate tissue or organs, which conform to the provisions of the
33 Revised Uniform Anatomical Gift Act, chapter 18.6.1 of title 23.

34 ~~(d)~~(e) Any person who is a law enforcement officer, meaning any permanently employed

1 member of the state, city, or town police departments, sheriffs and deputy sheriffs, members of
2 the marshal's unit, capitol police, and the state fire marshal and deputy fire marshals of the
3 division of building, design and fire professionals or a member of the department of attorney
4 general, any permanently employed federal law enforcement officer assigned in Rhode Island, or
5 any member of the United States Attorney's Office in Rhode Island or any employee of the R.I.
6 department of corrections, as recommended by the director of the department of corrections, upon
7 request of the applicant, shall be issued a license that contains the applicant's official business
8 address in lieu of a residence address as required under the general provisions of this section.

9 ~~(e)~~(f) The license issued [hereunder](#) to a person applying for the first time shall be
10 designated as a "first license". A first license shall be issued for a one-year period after which
11 time a permanent driver's license shall be issued according to this section.

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

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

27 ~~(h)~~(i) The division of motor vehicles shall issue special licenses upon the request of a
28 licensee that conform to the provisions of the Revised Uniform Anatomical Gift Act, chapter
29 18.6.1 of title 23.

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

33 ~~(j)~~(k) Any personal digitized information contained within an operator's or chauffeur's
34 license shall be limited to: (a) the licensee's name, age, date of birth, address, gender, physical

1 description such as weight, height, hair color and eye color, signature and organ donor status; and
2 (b) the license number, commercial endorsements, expiration date, issue date, restriction, and
3 class.

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

12 ~~(m)~~(m) To the extent that nongovernmental entities shall have access to the digitized
13 information stored on an operator's or chauffeur's license, the entity shall be civilly liable for the
14 unauthorized access to, or retention or use of, the information by its agents or persons acting in
15 the name of the entity.

16 ~~(n)~~(n) The division of motor vehicles shall collect from applicants and licensees their
17 social security numbers and tax identification numbers only to the extent required by federal law.
18 The numbers shall not be included, either digitally or visually, on the operator's or chauffeur's
19 license.

20 ~~(o)~~(o) Issuance of a Rhode Island operator's license under this chapter to a current or past
21 recipient of a grant of deferred action under the Deferred Action for Childhood Arrivals (DACA)
22 program shall not confer the right to vote in the state of Rhode Island.

23 SECTION 2. Chapter 31-10 of the General Laws entitled "Operators' and Chauffeurs'
24 Licenses" is hereby amended by adding thereto the following section:

25 **31-10-49. Alternative ID driving licenses and permits.**

26 (a) In order to ensure that all drivers are knowledgeable of traffic safety laws and the safe
27 operation of a motor vehicle, the division of motor vehicles is authorized to issue alternative
28 ID driving licenses and permits to any applicant who meets the licensure requirements of this
29 chapter, regardless of whether they are able to establish legal presence in the United States;
30 provided, however, such applicant shall, except as provided in subsection (b) of this section,
31 submit the following documentation to establish their identity and Rhode Island residency:

32 (1) Any one of the following documents that reliably proves the applicant's name, date of
33 birth, and place of birth:

34 (i) A foreign birth certificate;

1 (ii) A valid foreign passport that is unexpired or expired for less than three (3) years,
2 before the application for an alternative ID driving license or permit is filed; or

3 (iii) A valid unexpired consular identification document as authorized by the
4 administrator; and

5 (2) Any one of the following additional documents to establish identity and residency:

6 (i) A certified record of the applicant's marriage, adoption, divorce, or other valid court
7 document including a certified translation if the document is not in English;

8 (ii) A valid driver's license or state identification card issued by another state or U.S.
9 territory;

10 (iii) A U.S. military identification card;

11 (iv) A U.S. military dependent identification card;

12 (v) A valid foreign driver's license with the "International Driving Permit";

13 (vi) A certified school record including a certified translation if the document is not in
14 English;

15 (vii) A USCIS Form I-688B or I-766;

16 (viii) A USCBP Form I-94;

17 (ix) The first page of a completed Homeland Security Form I-589 and a receipt of its
18 filing; or

19 (x) Any additional form of proof set forth in rules and regulations to be promulgated by
20 the division of motor vehicles; and

21 (3) Two (2) forms of proof of a Rhode Island residential address that would include:

22 (i) A utility bill (gas, electric, telephone, cable or oil) in the applicant's name or in the
23 name of an immediate family member with the same last name dated within the last sixty (60)
24 days; or

25 (ii) A personal check or bank statement with the applicant's name and address dated
26 within the last sixty (60) days, provided; a post office box will not be accepted as a sufficient
27 address; or

28 (iii) A homeowner's or rental insurance policy for the applicant's residence with the
29 applicant's name and address; or

30 (iv) A current property tax bill for the applicant's residence; or

31 (v) A letter from a Rhode Island shelter or halfway house indicating where the applicant
32 resides. Such letter shall be on letterhead, shall be dated within thirty (30) days of presentation,
33 and must include the name and contact information of an administrator of the shelter or halfway
34 house; or

1 (vi) Any additional form of proof set forth in rules and regulations to be promulgated by
2 the division of motor vehicles.

3 (b) Notwithstanding the provisions of subsections (a) or (j) of this section, a person may
4 qualify for a license under this section by presenting the documentation required to obtain a
5 license under § 31-10-26.

6 (c) Notwithstanding any other law to the contrary, any document, including photo
7 images, provided by the applicant to the division of motor vehicles for purposes of proving the
8 applicant's eligibility for a non-commercial driver's license or permit or for renewal of such
9 license or permit under this section is not a public record and may not be disclosed by the division
10 except to the person who is the subject of such records or in response to a subpoena for individual
11 records in a criminal proceeding or pursuant to a lawful court order.

12 (d) The division, and any agent or employee of the division, shall not disclose or make
13 accessible in any manner records or information that he or she obtains or maintains under this
14 section, including photo images, to any federal, state or municipal agency or to any employee or
15 agent of such agency for the purpose of enforcing immigration law unless the division is
16 presented with a lawful court order or judicial warrant signed by a judge appointed pursuant to
17 article III of the United States constitution.

18 (1) Upon receiving a request for such records or information, the division shall, no later
19 than three (3) days after such request, notify the individual about whom such information was
20 requested, informing the individual of the request and the identity of the agency that made the
21 request.

22 (e) The division shall require any agency that receives or has access to records or
23 information from the division, including photo images, to certify, before such receipt or access,
24 that such person or entity shall not:

25 (1) Use such records or information for immigration enforcement purposes; or

26 (2) Disclose such records or information to any other agency, or to any employee or agent
27 of any such agency, that the agency knows, or has reason to believe, will be used for purposes of
28 enforcing immigration law.

29 (f) Applicants for an alternative ID driving license will not be required to comply with
30 successful completion of the written exam required by § 31-10-21 and the road test required by §
31 31-10-22 if they can provide one of the following:

32 (1) A current valid driver's license issued by a state or U.S. territory, not to include
33 alternative ID driving licenses or similar privileges given by other states; or

34 (2) In the event the driver's license issued by another state or U.S. territory has expired by

1 less than one year, a certified driving record issued less than thirty (30) days prior to application
2 will be accepted.

3 (g) Applicants under the age of eighteen (18) shall be required to comply with all the
4 education and testing requirements set forth in §§ 31-10-19 through 31-10-22 and all of the
5 provisions of the graduated licenses statutes set forth in §§ 31-10-6 through 31-10-6.5.

6 (h) Applicants eighteen (18) years of age or older who do not meet the driving experience
7 requirement in § 31-10-49(b) shall be required to comply with all testing requirements set forth in
8 §§ 31-10-21 through 31-10-22.

9 (i) For purposes of this title the term "license" means and includes the "alternative ID
10 driving license" and "permit" shall include "alternative ID driving permit" as defined by this
11 section and all examinations, education requirements, residency requirements, penalties, fees and
12 all other provisions for a license or permit shall also apply to the alternative ID driving license
13 and permit.

14 (j) Holders of an alternative ID driving license or permit will be required to conduct all
15 renewals in person and comply with all documentation requirements in § 31-10-49(a).

16 (k) The alternative ID driving license and permit shall not be a valid form of
17 identification for federal purposes or state voting purposes.

18 (l) The applicant for an alternative ID driving license and permit shall be required to
19 comply with all other applicable Rhode Island laws and applicable rules and regulations.

20 (m) The division of motor vehicles shall adopt rules and regulations to implement the
21 provisions of this section.

22 (n) An alternative ID driving license or permit shall not be used as evidence of the
23 holder's citizenship or immigration status, and shall not be used as a basis for a criminal
24 investigation, arrest or detention in circumstances where a person with a regular driver's license
25 that was not issued under this section would be criminally investigated, arrested or detained.
26 Provided further, any person aggrieved by a violation of this section may seek appropriate
27 declaratory and/or injunctive relief and may be awarded damages and costs, including attorneys'
28 fees.

29 (o) It shall be a violation of chapter 112 of title 42 to discriminate against an individual
30 because they hold or present an alternative ID driving license or permit issued under this section.

31 (p) If the United States Department of Homeland Security determines that the licensing
32 or permit program established pursuant to this section does not satisfy the requirements of 6
33 C.F.R. § 37.71 adopted pursuant to section 202(d)(11) of the Real ID Act of 2005 (Pub. L. 109-
34 13), the division of motor vehicles shall modify the license or permit to comply with the Real ID

1 [Act of 2005 and any revisions made thereafter.](#)

2 SECTION 3. This act shall take effect on October 1, 2020.

=====
LC003259
=====

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 allow the department of motor vehicles to issue driving privilege licenses
2 and driving privilege permits to applicants unable to establish lawful presence in the United
3 States. The driving privilege licenses and driving privilege permits would not be valid for
4 identification purposes.

5 This act would take effect on October 1, 2020.

=====
LC003259
=====