

2012 -- S 2161 SUBSTITUTE A AS AMENDED

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LC00035/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO MOTOR VEHICLES OPERATOR LICENSES - VETERANS

Introduced By: Senators Felag, Pichardo, Lanzi, P Fogarty, and Metts

Date Introduced: January 18, 2012

Referred To: Senate Special Legislation and Veterans Affairs

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 3-8-6 and 3-8-6.1 of the General Laws in Chapter 3-8 entitled
2 "Regulation of Sales" are hereby amended to read as follows:

3 **3-8-6. Unlawful drinking and misrepresentation by underage persons --**
4 **Identification cards for persons twenty-one and older. --** (a) It is unlawful for:

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

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

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

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

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

18 (iii) A Rhode Island identification card as defined in subsection (b) for the purpose of
19 inducing any licensee or any employee of any licensee, to sell, serve or deliver any alcoholic

1 beverage to a minor.

2 (b) (1) The administrator of the division of motor vehicles shall issue to any person who
3 has reached his or her twenty-first (21st) birthday a Rhode Island identification card upon
4 payment of a fee of twenty-five dollars (\$25), and, upon presentation of a certified birth or
5 baptismal certificate, or U.S. or foreign passport, or U.S. naturalization certificate or a valid
6 immigrant or refugee document issued by the United States immigration and naturalization
7 service, including, but not limited to, any one of the following: Form I-551, Form I-94, Form I-
8 688A, and Form I-688, together with a document bearing the applicant's signature.

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

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

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

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

19 RHODE ISLAND IDENTIFICATION CARD

20 Date IssuedNo.....

21 First Name Middle Name Last Name

22

23 Address

24 BIRTH RECORD

25 Month Day Year

26 Secure Color Color Sex Ht. Wt.

27 Photo of hair of eyes

28 by Pasting

29 here

30 Issued by

31 Administrator of the Division of Motor Vehicles

32

33

34 Administrator

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

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

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

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

19 (c) (1) Every retail Class A, B, C, and D licensee shall cause to be kept a book or
20 photographic reproduction equipment which provides the same information as required by the
21 book. That licensee and/or the licensee's employee shall require any person who has shown a
22 document as set forth in this section substantiating his or her age to sign that book or to permit the
23 taking of his or her photograph and indicate what document was presented. Use of the
24 photographic reproduction equipment is voluntary for every Class A, B, C and D licensee.

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

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

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

3 (d) (1) Any person who violates this section shall be punished for the first offense by a
4 mandatory fine of not less than one hundred dollars (\$100) nor more than five hundred dollars
5 (\$500) and shall be further punished by thirty (30) hours of community service and shall be
6 further punished by a suspension of his or her motor vehicle operator's license or driving
7 privileges for a period of thirty (30) days; for the second offense by a mandatory fine of not less
8 than five hundred dollars (\$500) nor more than seven hundred fifty dollars (\$750) and shall be
9 further punished by forty (40) hours of community service and will be further punished by a
10 suspension of his or her motor vehicle operator's license or driving privileges for a period of three
11 (3) months; and for the third and subsequent offenses by a mandatory fine for each offense of not
12 less than seven hundred fifty dollars (\$750) nor more than one thousand dollars (\$1,000) and shall
13 be further punished by fifty (50) hours of community service and will be further punished by a
14 suspension of his or her motor vehicle operator's license or driving privileges for a period of one
15 year.

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

20 (e) Within thirty (30) days after this incident the police chief of the city or town where
21 the incident took place is directed to inform, in writing, the department of business regulation
22 whether or not charges in accordance with this section have been preferred against a person who
23 has not reached his or her twenty-first (21st) birthday and has violated this section. If no charge is
24 brought against any person who has not reached his or her twenty-first (21st) birthday and has
25 violated the provisions of this section, then the police chief of the city or town where the incident
26 took place will state the reason for his or her failure to charge the person who has not reached his
27 or her twenty-first (21st) birthday.

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

32 **3-8-6.1. Identification cards for persons under the age of 21.** -- (a) (1) The
33 administrator of the division of motor vehicles shall issue to any person upon request, who is
34 under twenty-one (21) years of age, an identification card upon payment of a fee of twenty-five

1 dollars (\$25.00), and, upon presentation of a certified birth or baptismal certificate, or U.S. or
 2 foreign passport, or U.S. naturalization certificate, or a valid immigrant or refugee document
 3 issued by the United States immigration and naturalization service including, but not limited to,
 4 any one of the following: Form I-551, Form I-94, Form I-688A, and Form I-688, together with a
 5 document bearing the applicant's signature. No person who holds an operator's license, issued by
 6 this state or any other state, shall be issued an identification card. (2) The identification card shall
 7 be subject to renewal every five (5) years upon the payment of a fee of twenty-five dollars
 8 (\$25.00). (3) The identification card shall be signed by the administrator of the division of motor
 9 vehicles and also by the applicant, and his or her picture shall appear on the card along with the
 10 required information and the card shall be encased in laminated plastic. The card shall be two
 11 inches (2") in height and four inches (4") in length and shall be printed in the following form:

12 IDENTIFICATION CARD

13 Date IssuedNo.....
 14 First Name Middle Name Last Name
 15
 16 Address

17 BIRTH RECORD

18 Month Day Year
 19 Secure Color Color Sex Ht. Wt.
 20 Photo of hair of eyes
 21 by Pasting
 22 here

23 Issued by
 24 Administrator of the Division of Motor Vehicles
 25
 26
 27 Administrator

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

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

34 (b) The identification card may be withdrawn at any time for just cause, at the discretion

1 of the administrator of the division of motor vehicles. The administrator of the division of motor
2 vehicles shall keep a record of the cards issued and each card shall contain an identification
3 number specifically assigned to the person to whom the card was issued.

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

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

10 **31-10-48. Veteran designation on operator license.** – The administrator of the division
11 of motor vehicles shall, upon presentation of a United States Department of Defense (DD) FORM
12 214 or other acceptable documentation of military service and verification of an honorable
13 discharge, issue a motor vehicle operator’s license or commercial driver’s license to the presenter
14 which is clearly marked “veteran”.

15 SECTION 3. Section 31-10-31 of the General Laws in Chapter 31-10 entitled "Operators'
16 and Chauffeurs' Licenses" is hereby amended to read as follows:

17 **31-10-31. Fees.** -- The following fees shall be paid to the division of motor vehicles:

- 18 (1) For every operator's first license to operate a motor vehicle, twenty-five dollars
19 (\$25.00);
- 20 (2) For every chauffeur's first license, twenty-five dollars (\$25.00); provided, that when
21 a Rhode Island licensed operator transfers to a chauffeur's license, the fee for the transfer shall be
22 two dollars (\$2.00);
- 23 (3) For every learner's permit to operate a motorcycle, twenty-five dollars (\$25.00);
- 24 (4) For every operator's first license to operate a motorcycle, twenty-five dollars
25 (\$25.00);
- 26 (5) For every renewal of an operator's or chauffeur's license, thirty dollars (\$30.00); with
27 the exception of any person seventy-five (75) years of age or older for whom the renewal fee will
28 be eight dollars (\$8.00);
- 29 (6) For every duplicate operator's or chauffeur's license, twenty-five dollars (\$25.00);
- 30 (7) For every certified copy of any license, permit, or application issued under this
31 chapter, ten dollars (\$10.00);
- 32 (8) For every duplicate instruction permit, ten dollars (\$10.00);
- 33 (9) For every first license examination, five dollars (\$5.00);
- 34 (10) For every routine information update, i.e., name change or address change, five

1 dollars (\$5.00):

2 (11) For surrender of an out-of-state license, in addition to the above fees, five dollars
3 (\$5.00).

4 SECTION 4. This act shall take effect September 1, 2012.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MOTOR VEHICLES OPERATOR LICENSES - VETERANS

1 This act would direct the administrator of the division of motor vehicles to issue
2 operators' licenses with a designation that the holder is a veteran without charge or fee.

3 This act would take effect September 1, 2012.

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