

2015 -- H 6174

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- OPERATORS' LICENSES

Introduced By: Representatives Williams, Slater, Blazejewski, Regunberg, and  
Maldonado

Date Introduced: May 06, 2015

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.** -- (a) Licenses – Valid form of identification. The division  
4 of motor vehicles shall, upon payment of the required fee, issue to every qualifying applicant an  
5 operator's or chauffeur's license. The license shall be approximately two and one-half inches (2  
6 1/2") wide and three and one-half inches (3 1/2") long and shall bear on it a distinguishing  
7 number assigned to the licensee, the full name, date of birth, residence address, brief description  
8 of the licensee, a photograph of the licensee, whether the licensee has indicated a desire to donate  
9 tissue or organs pursuant to the provisions of chapter ~~18.6~~ 18.6.1 of title 23, and either a space  
10 upon which the licensee shall write his or her usual signature with pen and ink or a facsimile of  
11 the signature of the licensee. No license shall be valid until it has been so signed by the licensee  
12 designated on it. ~~A negative~~ An electronic file of all photographs of licensees shall be maintained  
13 by the division of motor vehicles for a period of five (5) years. Any applicant for a license under  
14 this subsection shall be required by the division to provide a valid social security number unless  
15 the applicant provides satisfactory proof that his or her presence in the United States is authorized  
16 under federal law but he or she is ineligible for a social security number. A license issued under  
17 this subsection shall be a valid form of identification for federal or state purposes.

18 (b) Driving privilege license – Not valid form of identification. Subject to the  
19 requirements and limitations of § 31-10-49, the division of motor vehicles shall, upon payment of

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

22 ~~(b)~~(c) The division of motor vehicles shall issue special licenses to those licensees who  
23 have indicated that they desire to donate tissue or organs, which conform to the provisions of the  
24 ~~Rhode Island~~ Revised Uniform Anatomical Gift Act, chapter ~~18.6~~ 18.6.1 of title 23.

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

34 ~~(d)~~(e) The license issued hereunder to a person applying for the first time shall be

1 designated as a "first license". A first license shall be issued for a one year period after which  
2 time a permanent driver's license shall be issued according to this section.

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

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

18 ~~(g)~~(h) The division of motor vehicles shall issue special licenses upon the request of a  
19 licensee which conform to the provisions of the ~~Rhode Island~~ [Revised Uniform](#) Anatomical Gift  
20 Act, chapter ~~18.6~~ [18.6.1](#) of title 23.

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

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

29 ~~(j)~~(k) Except to the extent an entity is authorized to renew drivers' licenses, or except for  
30 financial institutions engaged in the verification of information for financial transactions,  
31 nongovernmental entities shall not have access to any digitized information contained in an  
32 operator or chauffeur's license other than the licensee's name, age, date of birth, signature, and  
33 photographic image, and the license's expiration date; nor shall they store, record or retain any  
34 such information obtained through a digital reading device. Access to digitized information by

1 such entities shall be solely for the purpose of determining the age of an individual for a  
2 transaction, right or privilege available by law only to persons of a certain age.

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

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

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

13 **31-10-49. Driving privilege licenses and driving privilege permits.** – (a) In order to  
14 ensure that all drivers are knowledgeable of traffic safety laws and the safe operation of a motor  
15 vehicle, the division of motor vehicles is authorized to issue driving privilege licenses and driving  
16 privilege permits to any applicant who meets the licensure requirements of this chapter but is  
17 unable to establish legal presence in the United States; provided, however, such applicant shall  
18 submit the following documentation:

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

21 (i) A foreign birth certificate;

22 (ii) A valid unexpired foreign passport including a certified translation if the document is  
23 not in English;

24 (iii) A valid unexpired consular identification document as authorized by the  
25 administrator; or

26 (iv) Any other documentation deemed by the administrator to be reliable proof of the  
27 applicant's name, date of birth, and place of birth; and

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

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

31 (ii) A valid driver's license or state identification card issued by another state or U.S.  
32 Territory;

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

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

1           (v) A valid foreign driver's license with the "International Driving Permit";  
2           (vi) A certified school record including a certified translation if the document is not in  
3 English;  
4           (vii) An INS Form I-688 (Temporary Resident ID Card);  
5           (viii) INS Forms I-688B and I-766 (Employment Authorization);  
6           (ix) An INS Form I-94; or  
7           (x) Homeland Security Form I-589; and  
8           (3) Two (2) forms of proof of Rhode Island residential address that would include:  
9           (i) A utility bill (gas, electric, telephone, cable or oil) in the applicant's name or in the  
10 name of an immediate family member with the same last name dated within the last sixty (60)  
11 days; or  
12           (ii) A personal check or bank statement with the applicant's name and address dated  
13 within the last sixty (60) days, provided, a post office box will not be accepted as a sufficient  
14 address; or  
15           (iii) A homeowner's or rental insurance policy for the applicant's residence with the  
16 applicant's name and address; or  
17           (iv) A current property tax bill for the applicant's residence; or  
18           (v) A letter from a Rhode Island shelter or halfway house indicating where the applicant  
19 resides. Such letter shall be on letterhead , shall be dated within thirty (30) days of presentation,  
20 and must include the name and contact information of an administrator of the shelter or halfway  
21 house; and  
22           (vi) Any additional form of proof set forth in rules and regulations to be promulgated by  
23 the division of motor vehicles.  
24           (4) In order to comply with §§ 31-2-23 and 31-3-6.1, a valid unexpired individual tax  
25 payer identification number or a social security card issued to the applicant by the U.S.  
26 government;  
27           (5) Certification from the tax administrator that the applicant has filed tax returns with  
28 this state for the two (2) years preceding applying for a driving privilege license or driving  
29 privilege permit or the applicant has resided in Rhode Island and has been claimed as a dependent  
30 by an individual who has filed tax returns with this state for the two (2) years preceding applying  
31 for a driving privilege licenses or driving privilege permit; and  
32           (b) Applicants for a driving privilege license will not be required to comply with  
33 successful completion of the written exam required by § 31-10-21 and the road test required by §  
34 31-10-22 if they can provide one of the following:

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

3           (ii) In the event the driver's license issued by another state or U.S. territory has expired by  
4 less than one year, a certified driving record issued less than thirty (30) days prior to application  
5 will be accepted.

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

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

12           (e) For purposes of this title the term "license" shall include the "driving privilege  
13 license" and "permit" shall include "driving privilege permit" as defined by this section and all  
14 examinations, education requirements, residency requirements, penalties, fees and all other  
15 provisions for a license or permit shall also apply to the driving privilege license and driving  
16 privilege permit.

17           (f) Holders of a driving privilege license or driving privilege permit will be required to  
18 conduct all renewals in person and comply with all documentation requirements in § 31-10-49  
19 (a).

20           (g) The driving privilege permit and the driving privilege license shall not be a valid form  
21 of identification for federal purposes or state voting purposes.

22           (h) The applicant for a driving privilege license and the driving privilege permit shall be  
23 required to comply with all other applicable Rhode Island laws and applicable rules and  
24 regulations.

25           (i) The division of motor vehicles shall adopt rules and regulations to implement the  
26 provisions of this section.

27           (j) A driving privilege permit or a driving privilege license shall not be used as evidence  
28 of the holder's citizenship or immigration status, and shall not be used as a basis for a criminal  
29 investigation, arrest or detention in circumstances where a person with a regular driver's license  
30 that was not issued under this section would be criminally investigated, arrested or detained.

31           (k) It shall be a violation of law to discriminate against an individual because he or she  
32 holds or presents a driving privilege permit or driving privilege license issued under this  
33 subsection.

34           (l) If the United States Department of Homeland Security determines a permit or license

1 [issued pursuant to this section does not satisfy the requirements of Title 6 C.F.R. §37.71 adopted](#)  
2 [pursuant to section 202\(d\)\(11\) of the Real ID Act of 2005 \(Pub. L. 109-13\) the division of motor](#)  
3 [vehicles shall modify the permit or license to comply with the Real ID Act of 2005 and any](#)  
4 [revisions made thereafter.](#)

5 SECTION 3. This act shall take effect on 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' LICENSES

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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 are not valid for identification  
4 purposes.

5           This act would take effect on July 1, 2016.

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