

2017 -- H 5102

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

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

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

Date Introduced: January 12, 2017

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.**

4 (a) The division of motor vehicles shall not 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8 that suspension, nor to any person whose license has been revoked, except as provided in § 31-  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.**

23 (a) Every application for an instruction permit or 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~~ 18.6.1 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.**

5 (a) The division of motor vehicles shall, upon payment of the required fee, issue to every  
6 qualifying applicant an operator's or chauffeur's license. The license shall be approximately two  
7 and one-half inches (2 1/2") wide and three and one-half inches (3 1/2") long and shall bear on it  
8 a 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~~ [18.6.1](#) of title 23, and  
11 either a space upon which the licensee shall write his or her usual signature with pen and ink or a  
12 facsimile of the signature of the licensee. No license shall be valid until it has been so signed by  
13 the licensee designated on it. A negative file of all photographs of licensees shall be maintained  
14 by the division of motor vehicles for a period of five (5) years.

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

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

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

30 (e) If an applicant has been adjudicated for committing one moving motor vehicle  
31 violation, has been involved in one reportable motor vehicle accident, or both, he or she shall be  
32 summoned for a hearing before a judge of the traffic tribunal at which time the driving record will  
33 be reviewed. The traffic tribunal judge shall determine if the person should be granted an  
34 operator's license, be reissued a first license, or be denied a license to operate a motor vehicle in

1 the state of Rhode Island.

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

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

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

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

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

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

34 (l) The division of motor vehicles shall collect from applicants and licensees their social

1 security numbers and tax identification numbers only to the extent required by federal law. Such  
2 numbers shall not be included, either digitally or visually, on the operator's or chauffeur's license.

3 SECTION 2. This act shall take effect upon passage and apply to any issuance or renewal  
4 of any existing license on or after July 1, 2017.

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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

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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.

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6 existing license on or after July 1, 2017.

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