

2018 -- H 7891

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- OPERATORS' LICENSE - SAFE
ROADS AND MANDATORY INSURANCE

Introduced By: Representatives Williams, Barros, Knight, Vella-Wilkinson, and
Regunberg

Date Introduced: February 28, 2018

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
5 "division") shall, upon payment of the required fee, issue to every qualifying applicant an
6 operator's or chauffeur's license. The license shall be approximately two and one-half inches (2
7 1/2") wide and three and one-half inches (3 1/2") long and shall bear on it a distinguishing
8 number assigned to the licensee, the full name, date of birth, residence address, brief description
9 of the licensee, a photograph of the licensee, whether the licensee has indicated a desire to donate
10 tissue or organs pursuant to the provisions of chapter ~~18.6~~ 18.6.1 of title 23, and either a space
11 upon which the licensee shall write his or her usual signature with pen and ink or a facsimile of
12 the signature of the licensee. No license shall be valid until it has been so signed by the licensee
13 designated on it. ~~A negative~~ An electronic file of all photographs of licensees shall be maintained
14 by the division of 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.

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

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

28 ~~(e)~~(d) Any person who is a law enforcement officer, meaning any permanently employed
29 member of the state, city, or town police departments, sheriffs and deputy sheriffs, members of
30 the marshal's unit, capitol police, and the state fire marshal and deputy fire marshals of the
31 division of fire safety or a member of the department of attorney general, any permanently
32 employed federal law enforcement officer assigned in Rhode Island, or any member of the United
33 States Attorney's Office in Rhode Island or any employee of the R.I. department of corrections, as
34 recommended by the director of the department of corrections, upon request of the applicant,

1 shall be issued a license which contains the applicant's official business address in lieu of a
2 residence address as required under the general provisions of this section.

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

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

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

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

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

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

32 ~~(k)~~(k) Except to the extent an entity is authorized to renew drivers' licenses, or except for
33 financial institutions engaged in the verification of information for financial transactions,
34 nongovernmental entities shall not have access to any digitized information contained in an

1 operator or chauffeur's license other than the licensee's name, age, date of birth, signature, and
2 photographic image, and the license's expiration date; nor shall they store, record or retain any
3 such information obtained through a digital reading device. Access to digitized information by
4 such entities shall be solely for the purpose of determining the age of an individual for a
5 transaction, right or privilege available by law only to persons of a certain age.

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

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

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

16 **31-10-49. Driving privilege licenses and driving privilege permits.**

17 (a) In order to ensure that all drivers are knowledgeable of traffic safety laws and the safe
18 operation of a motor vehicle, the division of motor vehicles is authorized to issue driving
19 privilege licenses and driving privilege permits to any applicant who meets the licensure
20 requirements of this chapter but is unable to establish legal presence in the United States;
21 provided, however, such applicant shall submit the following documentation:

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

24 (i) A foreign birth certificate;

25 (ii) A valid foreign passport that is unexpired or expired for less than three (3) years,
26 before the application for a driving privilege license or driving privilege permit is filed; or

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

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

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

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

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

- 1 (iv) A U.S. military dependent identification card;
- 2 (v) A valid foreign driver's license with the "International Driving Permit";
- 3 (vi) A certified school record including a certified translation if the document is not in
- 4 English;
- 5 (vii) An INS Form I-688 (Temporary Resident ID Card);
- 6 (viii) INS Forms I-688B and I-765 (Employment Authorization);
- 7 (ix) An INS Form I-94; or
- 8 (x) The first page of a completed Homeland Security Form I-589 and a receipt of its
- 9 filing;
- 10 (3) Two (2) forms of proof of a Rhode Island residential address that would include:
- 11 (i) A utility bill (gas, electric, telephone, cable or oil) in the applicant's name or in the
- 12 name of an immediate family member with the same last name dated within the last sixty (60)
- 13 days; or
- 14 (ii) A personal check or bank statement with the applicant's name and address dated
- 15 within the last sixty (60) days, provided, a post office box will not be accepted as a sufficient
- 16 address; or
- 17 (iii) A homeowner's or rental insurance policy for the applicant's residence with the
- 18 applicant's name and address; or
- 19 (iv) A current property tax bill for the applicant's residence; or
- 20 (v) A letter from a Rhode Island shelter or halfway house indicating where the applicant
- 21 resides. Such letter shall be on letterhead, shall be dated within thirty (30) days of presentation,
- 22 and must include the name and contact information of an administrator of the shelter or halfway
- 23 house; or
- 24 (vi) Any additional form of proof set forth in rules and regulations to be promulgated by
- 25 the division of motor vehicles;
- 26 (4) Certification from the tax administrator that the applicant has filed tax returns with
- 27 this state for the two (2) years preceding applying for a driving privilege license or driving
- 28 privilege permit or the applicant has resided in Rhode Island and has been claimed as a dependent
- 29 by an individual who has filed tax returns with this state for the two (2) years preceding applying
- 30 for a driving privilege license or driving privilege permit; and
- 31 (5) Files an affidavit with the division of motor vehicles attesting that such applicant has
- 32 filed an application to legalize their immigration status or will file such an application as soon as
- 33 they are eligible to do so.
- 34 (b) Applicants for a driving privilege license will not be required to comply with

1 successful completion of the written exam required by § 31-10-21 and the road test required by §
2 31-10-22 if they can provide one of the following:

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

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

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

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

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

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

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

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

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

28 (j) A driving privilege license or a driving privilege permit shall not be used as evidence
29 of the holder's citizenship or immigration status, and shall not be used as a basis for a criminal
30 investigation, arrest or detention in circumstances where a person with a regular driver's license
31 that was not issued under this section would be criminally investigated, arrested or detained.
32 Provided further, any person aggrieved by a violation of this section may seek appropriate
33 declaratory and/or injunctive relief and may be awarded damages and costs, including attorneys'
34 fees.

1 (k) It shall be a violation of chapter 112 of title 42 to discriminate against an individual
2 because they hold or present a driving privilege license or driving privilege permit issued under
3 this subsection.

4 (l) If the United States Department of Homeland Security determines that the licensing or
5 permit program established pursuant to this section does not satisfy the requirements of 6 C.F.R.
6 § 37.71 adopted pursuant to section 202(d)(11) of the Real ID Act of 2005 (Pub. L. 109-13), the
7 division of motor vehicles shall modify the license or permit to comply with the Real ID Act of
8 2005 and any revisions made thereafter.

9 SECTION 3. This act shall take effect on July 1, 2018.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- OPERATORS' LICENSE - SAFE
ROADS AND MANDATORY INSURANCE

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 July 1, 2018.

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