

2021 -- S 0190 SUBSTITUTE A AS AMENDED

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LC000849/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

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

Introduced By: Senators Ciccone, Cano, Acosta, Valverde, Anderson, Calkin, Goodwin,
Mendes, Murray, and Bell

Date Introduced: February 05, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 31 of the General Laws entitled "MOTOR AND OTHER VEHICLES"
2 is hereby amended by adding thereto the following chapter:

CHAPTER 10.4

DRIVER PRIVILEGE CARDS AND PERMITS

31-10.4-1. Driver privilege cards and permits.

6 (a) Upon application of any person who otherwise meets the requirements of chapter 10 of
7 this title except is unable to establish legal presence in the United States, the division of motor
8 vehicles is authorized to issue a driver privilege card and/or driver privilege permit to any applicant
9 if the division of motor vehicles determines that the applicant:

10 (1) Has reported income and deductions from Rhode Island sources or been claimed as a
11 dependent on an individual income tax return filed with the state in the preceding twelve (12)
12 months; and

13 (2) Is not in violation of the insurance requirements set forth in chapters 31 and 32 of this
14 title.

31-10.4-2. Issuance of driver privilege cards and permits.

16 (a) Driver privilege cards and permits shall confer the same privileges and shall be subject
17 to the same provisions of this title as driver's licenses and permits issued under chapter 10 of this
18 title, unless otherwise provided, and shall be subject to the following conditions and exceptions:

1 (1) The front and back of a driver privilege card or permit shall be identical in appearance
2 to a driver's license or permit that is not a REAL ID credential;

3 (2) An applicant for a driver privilege card or permit shall not be required to present proof
4 of legal presence in the United States or proof of a social security number if the individual does not
5 have one;

6 (3) A driver privilege card or permit shall expire on the applicant's second birthday
7 following the date of issuance;

8 (4) The fee for an original driver privilege card or permit shall be fifty dollars (\$50.00).
9 The division of motor vehicles may issue, upon application by the holder of a valid, unexpired card
10 or permit issued under this section, and upon payment of a fee of fifty dollars (\$50.00), another
11 driver privilege card or permit that shall be valid for a period of two (2) years from the date of
12 issuance. No applicant shall be required to provide proof of compliance with § 31-10.4-1 for a
13 reissued, renewed, or duplicate card or permit; and

14 (5) Any information collected pursuant to this section that is not otherwise collected by the
15 division of motor vehicles or required for the issuance of any other driving credential issued
16 pursuant to the provisions of this chapter and any information regarding restrictions in the division
17 of motor vehicles' records related to the issuance of a credential issued pursuant to this section shall
18 not be considered a public record. The information shall not be released except upon request by the
19 subject of the information, the parent of a minor who is the subject of the information, the guardian
20 of the subject of the information, or the authorized representative of the subject of the information,
21 or pursuant to a court order.

22 (b) Applicants for a driving privilege card will not be required to comply with successful
23 completion of the written exam required by § 31-10-21 and the road test required by § 31-10-22 if
24 they can provide one of the following:

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

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

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

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

1 §§ 31-10-21 through 31-10-22.

2 (e) For purposes of this title, the term "license" shall include the "driving privilege card"
3 and "permit" shall include "driving privilege permit" as defined by this section and all
4 examinations, education requirements, residency requirements, penalties, fees and all other
5 provisions for a license or permit shall also apply to the driving privilege card and driving privilege
6 permit.

7 (f) The driving privilege card and the driving privilege permit shall not be a valid form of
8 identification for federal purposes or state voting purposes.

9 (g) The applicant for a driving privilege card and the driving privilege permit shall be
10 required to comply with all other applicable Rhode Island laws and applicable rules and regulations.

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

18 (i) It shall be a violation of chapter 112 of title 42 to discriminate against an individual
19 solely on the ground that they hold or present a driving privilege card or driving privilege permit
20 issued under this section.

21 **31-10.4-3. Confidentiality of documents -- Privacy.**

22 (a) The division of motor vehicles shall not release the following information relating to
23 the issuance of a driver privilege card or permit, except upon request by the subject of the
24 information, the parent of a minor who is the subject of the information, the guardian of the subject
25 of the information, or the authorized representative of the subject of the information, or pursuant to
26 a court order:

27 (1) Proof documents submitted for the purpose of obtaining a driver privilege card or
28 permit;

29 (2) The information in the division of motor vehicles' records indicating the type of proof
30 documentation that was provided; or

31 (3) Applications.

32 (b) Notwithstanding any other law to the contrary, any document, including photo images,
33 provided by the applicant to the division of motor vehicles for purposes of proving the applicant's
34 eligibility for a non-commercial driver's license or permit or for renewal of such license or permit

1 under this section is not a public record and may not be disclosed by the division except to the
2 person who is the subject of such records or in response to a subpoena for individual records in a
3 criminal proceeding or pursuant to a lawful court order.

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

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

14 (d) The division shall require any agency or entity that receives or has access to records or
15 information from the division, including photo images, to certify, before such receipt or access, that
16 such person or entity shall not:

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

18 (2) Disclose such records or information to any other agency or entity, or to any employee
19 or agent of any such agency or entity, unless that other agency or entity also certifies that the
20 information will not be used for purposes of enforcing immigration law.

21 **31-10.4-4. Rules and regulations.**

22 The administrator of the division of motor vehicles shall promulgate rules and regulations
23 to implement the provisions of this chapter.

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

26 **3-8-6. Unlawful drinking and misrepresentation by underage persons -- Identification**
27 **cards for persons twenty-one and older.**

28 (a) It is unlawful for:

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

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

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

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

6 (ii) A motor vehicle operator's license [or a driver privilege card issued pursuant to § 31-](#)
7 [10.4-2](#) that bears the date of birth of the licensee and that is issued by this state or any other state;

8 (iii) A Rhode Island identification card, as defined in subsection (b), for the purpose of
9 inducing any licensee, or any employee of any licensee, to sell, serve, or deliver any alcoholic
10 beverage to a minor.

11 (b)(1) The administrator of the division of motor vehicles shall issue to any person who
12 has reached his or her twenty-first (21st) birthday a Rhode Island identification card upon payment
13 of a fee of twenty-five dollars (\$25), and, upon presentation of a certified birth or baptismal
14 certificate, or U.S. or foreign passport, or U.S. naturalization certificate or a valid immigrant or
15 refugee document issued by the United States Citizenship and Immigration Services, including, but
16 not limited to, any one of the following: Form I-551, Form I-94, Form I-688A, Form I-688, and a
17 form evidencing that the applicant is a current or past recipient of a grant of deferred action under
18 the Deferred Action for Childhood Arrivals program, together with a document bearing the
19 applicant's signature.

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

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

24 (4) No person who holds an operator's license [or a driver privilege card](#) issued by this state
25 or any other state shall be issued a Rhode Island identification card.

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

30 **RHODE ISLAND IDENTIFICATION CARD**

31 Date Issued No.....

32 First Name Middle Name Last Name

33

34 Address

1

2 BIRTH RECORD

3 Month.....Day..... Year

4 Secure Photo by Pasting here Color of hair Color of eyes Sex Ht Wt.

5

6 Issued by

7 Administrator of the Division of Motor Vehicles

8

9

10

11 Administrator

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

16 (7) The identification cards shall be clearly distinguishable from those issued pursuant to
17 § 3-8-6.1 and operators' and chauffeurs' licenses issued pursuant to title 31.

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

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

30 (c)(1) Every retail Class A, B, C, and D licensee shall cause to be kept a book or
31 photographic reproduction equipment that provides the same information as required by the book.
32 That licensee or the licensee's employee shall require any person who has shown a document as set
33 forth in this section substantiating his or her age to sign that book or to permit the taking of his or
34 her photograph and indicate what document was presented. Use of the photographic reproduction

1 equipment is voluntary for every Class A, B, C and D licensee.

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

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

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

14 (d)(1) Any person who violates this section shall be punished for the first offense by a
15 mandatory fine of not less than one hundred dollars (\$100) nor more than five hundred dollars
16 (\$500) and shall be further punished by thirty (30) hours of community service and shall be further
17 punished by a suspension of his or her motor vehicle operator's license or driving privileges for a
18 period of thirty (30) days; for the second offense by a mandatory fine of not less than five hundred
19 dollars (\$500) nor more than seven hundred fifty dollars (\$750) and shall be further punished by
20 forty (40) hours of community service and will be further punished by a suspension of his or her
21 motor vehicle operator's license or driving privileges for a period of three (3) months; and for the
22 third and subsequent offenses by a mandatory fine for each offense of not less than seven hundred
23 fifty dollars (\$750) nor more than one thousand dollars (\$1,000) and shall be further punished by
24 fifty (50) hours of community service and will be further punished by a suspension of his or her
25 motor vehicle operator's license or driving privileges for a period of one year.

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

30 (e) Within thirty (30) days after this incident the police chief of the city or town where the
31 incident took place is directed to inform, in writing, the department of business regulation whether
32 or not charges in accordance with this section have been preferred against a person who has not
33 reached his or her twenty-first (21st) birthday and has violated this section. If no charge is brought
34 against any person who has not reached his or her twenty-first (21st) birthday and has violated the

1 provisions of this section, then the police chief of the city or town where the incident took place
2 will state the reason for his or her failure to charge the person who has not reached his or her twenty-
3 first (21st) birthday.

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

8 (g) Issuance of a Rhode Island identification card under this section to a current or past
9 recipient of a grant of deferred action under the Deferred Action for Childhood Arrivals (DACA)
10 program shall not confer the right to vote in the state of Rhode Island.

11 **3-8-6.1. Identification cards for persons under the age of 21.**

12 (a)(1) The administrator of the division of motor vehicles shall issue to any person upon
13 request, who is under twenty-one (21) years of age, an identification card upon payment of a fee of
14 twenty-five dollars (\$25.00), and, upon presentation of a certified birth or baptismal certificate, or
15 U.S. or foreign passport, or U.S. naturalization certificate, or a valid immigrant or refugee
16 document issued by the United States Citizenship and Immigration Services including, but not
17 limited to, any one of the following: Form I-551, Form I-94, Form I-688A, Form I-688, and a form
18 evidencing that the applicant is a current or past recipient of a grant of deferred action under the
19 Deferred Action for Childhood Arrivals program, together with a document bearing the applicant's
20 signature. No person who holds an operator's license [or a driving privilege card](#), issued by this state
21 or any other state, shall be issued an identification card.

22 (2) The identification card shall be subject to renewal every five (5) years upon the payment
23 of a fee of twenty-five dollars (\$25.00).

24 (3) The identification card shall be signed by the administrator of the division of motor
25 vehicles and also by the applicant, and his or her picture shall appear on the card along with the
26 required information and the card shall be encased in laminated plastic. The card shall be two inches
27 (2") in height and four inches (4") in length and shall be printed in the following form:

28 IDENTIFICATION CARD

29 Date Issued No.....
30 First Name Middle Name Last Name
31
32 Address
33

34 BIRTH RECORD

1 Month.....Day.....Year

2	Secure Photo by Pasting here	Color of hair	Color of eyes	Sex	Ht	Wt.
3	
4		Issued by				
5		Administrator of the Division of Motor Vehicles				
6					
7					
8					
9		Administrator				

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

14 (5) The identification cards shall be clearly distinguishable from those issued pursuant to
 15 § 3-8-6 and operators' and chauffeurs' licenses issued pursuant to title 31.

16 (b) The identification card may be withdrawn at any time for just cause, at the discretion
 17 of the administrator of the division of motor vehicles. The administrator of the division of motor
 18 vehicles shall keep a record of the cards issued and each card shall contain an identification number
 19 specifically assigned to the person to whom the card was issued.

20 (c) The administrator of the division of motor vehicles shall, upon presentation of a United
 21 States Department of Defense (DD) FORM 214 or other acceptable documentation of military
 22 service and verification of an honorable discharge, issue an identification card to the presenter that
 23 is clearly marked "veteran," at no additional cost.

24 (d) Issuance of a Rhode Island identification card under this section to a current or past
 25 recipient of a grant of deferred action under the Deferred Action for Childhood Arrivals (DACA)
 26 program shall not confer the right to vote in the state of Rhode Island.

27 SECTION 3. This act shall take effect on July 1, 2022.

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

4 This act would take effect on July 1, 2022.

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