

2022 -- H 7309

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES--
IDENTIFICATION CARDS--ANATOMICAL GIFTS

Introduced By: Representatives Potter, Giraldo, Craven, McEntee, Felix, Casimiro, and
Kazarian

Date Introduced: February 02, 2022

Referred To: House Judiciary

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 -- Identification**
4 **cards for persons twenty-one and older.**

5 (a) It is unlawful for:

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

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

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

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

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

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

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

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

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

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

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

23 RHODE ISLAND IDENTIFICATION CARD

24 Date Issued No.....

25 First Name Middle Name Last Name

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27 Address

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29 BIRTH RECORD

30 Month.....Day.....Year

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

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33 Issued by

34 Administrator of the Division of Motor Vehicles

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Administrator

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

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

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

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

(10) The division of motor vehicles shall cause to be produced application forms and renewal forms for identification cards that clearly offer Rhode Island residents the option to consent to organ and tissue donation in accordance with § 31-10.1-8. The form shall require a response, and the two (2) response options shall be "yes" or "skip this question." A "yes" response is legally binding and not subject to a family member overriding that decision. Information held by the division of motor vehicles regarding a person's consent to donate shall constitute the "Rhode Island donor registry." This information shall be made available to all federally designated organ procurement organizations and law enforcement organizations twenty-four (24) hours a day via a password protected Internet connection and shall only be used to facilitate anatomical gifts in accordance with chapter 18.6.1 of title 23 ("revised uniform anatomical gift act"). Once a resident selects the response "yes," a response on a subsequent future application of "skip this question" shall not remove the resident from the Rhode Island donor registry. A resident shall be removed

1 [when written notice is provided to the division of motor vehicles or in a manner which the division](#)
2 [of motor vehicles deems sufficient.](#)

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

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

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

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

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

33 (2) Any suspension of an operator's license or driving privilege pursuant to this section
34 shall not operate to affect the insurance rating of the offender and any operator's license or driving

1 privilege suspended pursuant to this section shall be reinstated without further expense upon
2 application.

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

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

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

18 **3-8-6.1. Identification cards for persons under the age of 21.**

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

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

31 (3) The identification card shall be signed by the administrator of the division of motor
32 vehicles and also by the applicant, and his or her picture shall appear on the card along with the
33 required information and the card shall be encased in laminated plastic. The card shall be two inches
34 (2") in height and four inches (4") in length and shall be printed in the following form:

1 IDENTIFICATION CARD

2 Date Issued No.....

3 First Name Middle Name Last Name

4

5 Address

6

7 BIRTH RECORD

8 Month.....Day.....Year

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

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11 Issued by

12 Administrator of the Division of Motor Vehicles

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16 Administrator

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

21 (5) The identification cards shall be clearly distinguishable from those issued pursuant to
22 § 3-8-6 and operators' and chauffeurs' licenses issued pursuant to title 31.

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

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

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

34 [\(e\) The division of motor vehicles shall cause to be produced application forms and renewal](#)

1 forms for any person eighteen (18) years or older who obtains an identification card, issued
2 pursuant to this section, the option to consent to organ and tissue donation in accordance with § 31-
3 10.1-8. The form shall require a response, and the two (2) response options shall be "yes" or "skip
4 this question." A "yes" response is legally binding and not subject to a family member overriding
5 that decision. Information held by the division of motor vehicles regarding a person's consent to
6 donate shall constitute the "Rhode Island donor registry." This information shall be made available
7 to all federally designated organ procurement organizations and law enforcement organizations
8 twenty-four (24) hours a day via a password protected Internet connection and will only be used to
9 facilitate anatomical gifts in accordance with chapter 18.6.1 of title 23 ("revised uniform
10 anatomical gift act"). Once a resident selects the response "yes," a response on a subsequent future
11 application of "skip this question" shall not remove the resident from the Rhode Island donor
12 registry. A resident shall be removed when written notice is provided to the division of motor
13 vehicles or in a manner which the division of motor vehicles deems sufficient.

14 SECTION 2. Section 31-10-26.1 of the General Laws in Chapter 31-10 entitled "Operators'
15 and Chauffeurs' Licenses" is hereby amended to read as follows:

16 **31-10-26.1. Anatomical gifts by drivers.**

17 (a) The division of motor vehicles shall cause to be sent to each person applying for or
18 renewing a license, as provided for in § 31-10-26, a document containing a summary description
19 and explanation of the Revised Uniform Anatomical Gift Act, chapter 18.6.1 of title 23.

20 (b) The division of motor vehicles may, on behalf of the state accept and deposit with the
21 general treasurer any grant, gift, or contribution made to assist in meeting the cost of carrying out
22 the purposes of this section and to expend the grant, gift, or contribution for those purposes.

23 (c) The division of motor vehicles may make and sign any agreements and may do and
24 perform any and all acts which may be necessary or desirable to carry out the purposes of this
25 section.

26 (d) The division of motor vehicles shall issue special licenses upon request of a licensee
27 which conform to the provisions of the Revised Uniform Anatomical Gift Act, chapter 18.6.1 of
28 title 23.

29 (e) Neither the administrator of the division of motor vehicles nor any employee of the
30 state shall be liable in any suit for damages as a result of his or her acts or omissions or for any
31 action under the provisions of this section.

32 (f) The division of motor vehicles shall cause to be posted in all of its customer service
33 locations a sign or other material encouraging persons to make anatomical gifts during the process
34 of issuing and renewing licenses provided for in § 31-10.1-1 and in accordance with the Revised

1 Uniform Anatomical Gift Act, chapter 18.6.1 of title 23.

2 (g) The division of motor vehicles shall cause to be produced application forms and
3 renewal forms for driver's licenses and nonoperator identification cards that clearly offer Rhode
4 Island residents the option to consent to organ and tissue donation in accordance with § 31-10.1-8.
5 The form shall require a response, and the two (2) response options shall be "yes" or "skip this
6 question." A "yes" response is legally binding and not subject to a family member overriding that
7 decision. ~~Only a "yes" or affirmative response will be noted.~~ Information held by the division of
8 motor vehicles regarding a person's consent to donate shall constitute the "Rhode Island Donor
9 Registry." This information will be made available to all federally designated organ procurement
10 organizations and law enforcement organizations twenty-four (24) hours a day via a password
11 protected Internet connection and will only be used to facilitate anatomical gifts in accordance with
12 the Revised Uniform Anatomical Gift Act, chapter 23-18.6.1. Once a resident selects the response
13 "yes" a response on a future application of "skip this question" shall not remove the resident from
14 the Rhode Island donor registry. A resident shall be removed when written notice is provided to
15 the division of motor vehicles or in a manner which the division of motor vehicles deems sufficient.

16 (h) The division of motor vehicles shall develop by January 1, 2008 a method that requires
17 written consent and confirmation to allow residents of Rhode Island to have their names accurately
18 added to or deleted from the division's Rhode Island Donor Registry in the periods between
19 mandated driver's license renewals. Persons added to the Donor Registry in this manner shall be
20 considered as having made a document of gift.

21 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES--
IDENTIFICATION CARDS--ANATOMICAL GIFTS

1 This act would require all applicants for driver's licenses and registry issued identification
2 cards to complete the form provided by the division of motor vehicles on consent to organ and
3 tissue donation. This act would require a response of "yes" or "skip this question." A "yes" response
4 would be legally binding and not subject to a family member overriding that decision. This act
5 would also provide once a resident responds "yes" a subsequent response on a future application of
6 "skip this question" would not remove the resident from the Rhode Island donor registry. A resident
7 would be removed when written notice is provided to the division of motor vehicles or in a manner
8 which to the division of motor vehicles deems sufficient.

9 This act would take effect upon passage.

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