STATE OF RHODE ISLAND
IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 2022

A N A C T

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

Introduced By: Representatives Williams, Ajello, Giraldo, Biah, Morales, Felix, Alzate, Tanzi, Batista, and Hull
Date Introduced: March 02, 2022
Referred To: House Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Title 31 of the General Laws entitled "MOTOR AND OTHER VEHICLES" 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.
(a) Upon application of any person, who otherwise meets the requirements of chapter 10 of this title, except is unable to establish legal presence in the United States, the division of motor vehicles is authorized to issue a driver privilege card and/or driver privilege permit, to any applicant, if the division of motor vehicles determines that the applicant:

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

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

31-10.4-2. Issuance of driver privilege cards and permits.
(a) Driver privilege cards and permits, shall confer the same privileges and shall be subject to the same provisions of this title as driver’s licenses and permits issued under chapter 10 of this title, unless otherwise provided, and shall be subject to the following conditions and exceptions:
(1) The front and back of a driver privilege card or permit shall be identical in appearance to a driver's license or permit, that is not a REAL ID credential.

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

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

(4) The fee for an original driver privilege card or permit shall be fifty dollars ($50.00).

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

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

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

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

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

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

(d) Applicants eighteen (18) years of age and older, who do not meet the driving experience requirement in this chapter, shall be required to comply with all testing requirements set forth in §§
(e) For purposes of this title, the term "license" shall include the "driving privilege card" and "permit" shall include "driving privilege permit", as defined by this section and all examinations, education requirements, residency requirements, penalties, fees and all other provisions for a license or permit, shall also apply to the driving privilege card and driving privilege permit.

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

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

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

Provided further, any person aggrieved by a violation of this section may seek appropriate declaratory and/or injunctive relief and may be awarded damages and costs, including attorneys' fees.

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

31-10-21 through 31-10-22.

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

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

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

(3) Applications.

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

31-10-4-3. Confidentiality of documents -- Privacy.

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

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

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

(3) Applications.

(b) Notwithstanding any other law to the contrary, any document, including photo images, provided by the applicant to the division of motor vehicles for purposes of proving the applicant's eligibility for a non-commercial driver's license or permit or for renewal of such license or permit.
under this section is not a public record and may not be disclosed by the division, except to the
person who is the subject of such records or in response to a subpoena for individual records in a
criminal proceeding or pursuant to a lawful court order.

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

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

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

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

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

31-10.4-4. Rules and regulations.
The administrator of the division of motor vehicles shall promulgate rules and regulations
to implement the provisions of this chapter.

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

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

(a) It is unlawful for:

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

(2) A person who has not reached his or her twenty-first (21st) birthday to consume any
alcoholic beverage on premises licensed for the retail sale of alcoholic beverages or to purchase,
attempt to purchase, or have another purchase for him or her any alcoholic beverage; or
(3) A person to misrepresent or misstate his or her age, or the age of any other persons, or to misrepresent his or her age through the presentation of any of the following documents:

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

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

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

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

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

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

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

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

RHODE ISLAND IDENTIFICATION CARD

Date Issued .................................................................................................................... No.......

First Name ............................................. Middle Name ............................................ Last Name

........................................................................................................................................

Address
<table>
<thead>
<tr>
<th>Month</th>
<th>Day</th>
<th>Year</th>
</tr>
</thead>
</table>

Secure Photo by Pasting here

<table>
<thead>
<tr>
<th>Color of hair</th>
<th>Color of eyes</th>
<th>Sex</th>
<th>Ht</th>
<th>Wt.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

Issued by

Administrator of the Division of Motor Vehicles

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

IDENTIFICATION CARD

Date Issued ........................................................................................................ No.......

First Name ......................................................... Middle Name ...................................... Last Name

................................................................................................................................................

Address

................................................................................................................................................

BIRTH RECORD
(4) The identification cards shall be produced at the adult correctional institution 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.

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

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

(c) 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.

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

SECTION 3. This act shall take effect on July 1, 2023.

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LC003753
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This act would allow the division of motor vehicles to issue driving privilege cards and driving privilege permits, to applicants unable to establish their lawful presence in the United States. The driving privilege cards and driving privilege permits would not be valid for identification purposes.

This act would take effect on July 1, 2023.