

2022 -- H 7836

LC004858

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES

Introduced By: Representatives Shallcross Smith, Tanzi, Donovan, Ranglin-Vassell,
Hull, McGaw, Kazarian, and Casimiro

Date Introduced: March 04, 2022

Referred To: House State Government & Elections

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;

19 (iii) A Rhode Island identification card, as defined in subsection (b), for the purpose of

1 inducing any licensee, or any employee of any licensee, to sell, serve, or deliver any alcoholic
2 beverage to a minor.

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

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

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

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

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

22 RHODE ISLAND IDENTIFICATION CARD

23 Date Issued No.....

24 First Name Middle Name Last Name
25

26 Address
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28 BIRTH RECORD

29 Month.....Day.....Year.....

30 Secure Photo by Pasting here Color of hair Color of eyes Sex Ht Wt.
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32 Issued by
33 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.

(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 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

1 evidence that the licensee and/or the licensee's agent or servant acted in good faith in selling any
2 alcoholic beverage to the person producing the document as set forth in this section misrepresenting
3 his or her age.

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

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

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

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

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

34 (g) Issuance of a Rhode Island identification card under this section to a current or past

1 recipient of a grant of deferred action under the Deferred Action for Childhood Arrivals (DACA)
2 program shall not confer the right to vote in the state of Rhode Island.

3 (h) For any identification card issued under subsection (b) of this section, the division of
4 motor vehicles may, in its discretion, issue a digital identification card. A digital identification card
5 is a secure electronic representation of a physical identification card that is stored on the person's
6 portable electronic device and may be viewed or verified by a person to whom access is allowed.
7 A digital identification card is optional to purchase, supplemental to a physical identification card,
8 and may be accepted in lieu of a physical identification card at the option of the person requesting
9 or requiring proof of identification. No digital identification card shall be issued unless the applicant
10 holds the corresponding physical identification card or unless the corresponding physical
11 identification card is issued simultaneously. The issuance of a digital identification card shall not
12 relieve the holder of the identification card from any obligation to carry and, if required, display a
13 physical identification card. Nothing in this section shall be construed to require any person or
14 entity to accept a digital identification card or otherwise require the purchase of equipment to verify
15 the accuracy of a digital identification card. The division of motor vehicles may digitally cancel,
16 withdraw or reinstate a digital identification card on the occasions that a physical identification
17 card would be taken possession of, cancelled, suspended, returned or reinstated, as appropriate. A
18 digital identification card shall be designed:

19 (1) To protect to the maximum extent practicable the digital identification card holder's
20 privacy, including the use of privacy enhancing technologies or other security methods as deemed
21 appropriate by the division of motor vehicles;

22 (2) So that it is not necessary for the digital identification card holder to relinquish
23 possession of the portable electronic device in which the digital identification card is stored to
24 present the digital identification card.

25 (3) So that it is clearly distinguishable from those issued pursuant to § 3-8-6.1 and
26 operators' and chauffeurs' licenses issued pursuant to chapter 10 of title 31.

27 **3-8-6.1. Identification cards for persons under the age of 21.**

28 (a)(1) The administrator of the division of motor vehicles shall issue to any person upon
29 request, who is under twenty-one (21) years of age, an identification card upon payment of a fee of
30 twenty-five dollars (\$25.00), and, upon presentation of a certified birth or baptismal certificate, or
31 U.S. or foreign passport, or U.S. naturalization certificate, or a valid immigrant or refugee
32 document issued by the United States Citizenship and Immigration Services including, but not
33 limited to, any one of the following: Form I-551, Form I-94, Form I-688A, Form I-688, and a form
34 evidencing that the applicant is a current or past recipient of a grant of deferred action under the

1 Deferred Action for Childhood Arrivals program, together with a document bearing the applicant's
2 signature. No person who holds an operator's license, issued by this state or any other state, shall
3 be issued an identification card.

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

6 (3) The identification card shall be signed by the administrator of the division of motor
7 vehicles and also by the applicant, and his or her picture shall appear on the card along with the
8 required information and the card shall be encased in laminated plastic. The card shall be two inches
9 (2") in height and four inches (4") in length and shall be printed in the following form:

10 IDENTIFICATION CARD

11 Date Issued No.....
12 First Name Middle Name Last Name
13
14 Address
15

16 BIRTH RECORD

17 Month.....Day Year.....
18 Secure Photo by Pasting here Color of hair Color of eyes Sex Ht Wt.
19
20 Issued by
21 Administrator of the Division of Motor Vehicles
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26 (4) The identification cards shall be produced at the adult correctional institution if they
27 have facilities to do so; if the adult correctional institutions have no facilities to do so, then all cards
28 shall be manufactured by the lowest responsible bidder following advertisement for the solicitation
29 of bids.

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

32 (b) The identification card may be withdrawn at any time for just cause, at the discretion
33 of the administrator of the division of motor vehicles. The administrator of the division of motor
34 vehicles shall keep a record of the cards issued and each card shall contain an identification number

1 specifically assigned to the person to whom the card was issued.

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

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

9 (e) For any identification card issued under subsection (a) of this section, the division of
10 motor vehicles may, in its discretion, issue a digital identification card. A digital identification card
11 is a secure electronic representation of a physical identification card that is stored on the person's
12 portable electronic device and may be viewed or verified by a person to whom access is allowed.
13 A digital identification card is optional to purchase, supplemental to a physical identification card,
14 and may be accepted in lieu of a physical identification card at the option of the person requesting
15 or requiring proof of identification. No digital identification card shall be issued unless the applicant
16 holds the corresponding physical identification card or unless the corresponding physical
17 identification card is issued simultaneously. The issuance of a digital identification card shall not
18 relieve the holder of the identification card from any obligation to carry and, if required, display a
19 physical identification card. Nothing in this section shall be construed to require any person or
20 entity to accept a digital identification card or otherwise require the purchase of equipment to verify
21 the accuracy of a digital identification card. The division of motor vehicles may digitally cancel,
22 withdraw or reinstate a digital identification card on the occasions that a physical identification
23 card would be taken possession of, cancelled, suspended, returned or reinstated, as appropriate. A
24 digital identification card shall be designed:

25 (1) To protect to the maximum extent practicable the digital identification card holder's
26 privacy, including the use of privacy enhancing technologies or other security methods as deemed
27 appropriate by the division of motor vehicles;

28 (2) So that it is not necessary for the digital identification card holder to relinquish
29 possession of the portable electronic device in which the digital identification card is stored to
30 present the digital identification card.

31 (3) So that it is clearly distinguishable from those issued pursuant to § 3-8-6 and operators'
32 and chauffeurs' licenses issued pursuant to chapter 10 of title 31.

33 SECTION 2. Section 31-10-26 of the General Laws in Chapter 31-10 entitled "Operators'
34 and Chauffeurs' Licenses" is hereby amended to read as follows:

1 **31-10-26. Issuance of license.**

2 (a) The division of motor vehicles shall, upon payment of the required fee, issue to every
3 qualifying applicant an operator's or chauffeur's license. The license shall be approximately two
4 and one-half inches (2½") wide and three and one-half inches (3½") long and shall bear on it a
5 distinguishing number assigned to the licensee; the full name; date of birth; residence address; brief
6 description of the licensee; a photograph of the licensee; whether the licensee has indicated a desire
7 to donate tissue or organs pursuant to the provisions of chapter 18.6.1 of title 23; and either a space
8 upon which the licensee shall write his or her usual signature with pen and ink or a facsimile of the
9 signature of the licensee. No license shall be valid until it has been so signed by the licensee
10 designated on it. A negative file of all photographs of licensees shall be maintained by the division
11 of motor vehicles for a period of five (5) years.

12 (b) The division of motor vehicles shall issue an operator's or chauffeur's license pursuant
13 to this chapter to every qualifying applicant, including, but not limited to, any current or past
14 recipient of a grant of deferred action under the Deferred Action for Childhood Arrivals (DACA)
15 program, provided any applicant subject to the DACA program shall provide evidence of having
16 received the grant from the United States Citizenship and Immigration Services.

17 (c) The division of motor vehicles shall issue special licenses to those licensees who have
18 indicated that they desire to donate tissue or organs, which conform to the provisions of the Revised
19 Uniform Anatomical Gift Act, chapter 18.6.1 of title 23.

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

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

32 (f) If an applicant has been adjudicated for committing one moving motor vehicle violation,
33 has been involved in one reportable motor vehicle accident, or both, he or she shall be summoned
34 for a hearing before a judge of the traffic tribunal at which time the driving record will be reviewed.

1 The traffic tribunal judge shall determine if the person should be granted an operator's license, be
2 reissued a first license, or be denied a license to operate a motor vehicle in the state of Rhode Island.

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

12 (h) The division of motor vehicles shall issue special licenses upon the request of a licensee
13 that conform to the provisions of the Revised Uniform Anatomical Gift Act, chapter 18.6.1 of title
14 23.

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

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

22 (k) 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's 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 these entities shall be solely for the purpose of determining the age of an individual for a transaction,
29 right, or privilege available by law only to persons of a certain age.

30 (l) 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, the information by its agents or persons acting in the
33 name of the entity.

34 (m) 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. The
2 numbers shall not be included, either digitally or visually, on the operator's or chauffeur's license.

3 (n) Issuance of a Rhode Island operator's license under this chapter to a current or past
4 recipient of a grant of deferred action under the Deferred Action for Childhood Arrivals (DACA)
5 program shall not confer the right to vote in the state of Rhode Island.

6 (o) For any license issued under subsection (a) of this section, the division of motor vehicles
7 may, in its discretion, issue a digital driver's license. A digital driver's license is a secure electronic
8 representation of a physical driver's license that is stored on the driver's portable electronic device
9 and may be viewed or verified by a person to whom access is allowed. A digital driver's license is
10 optional to purchase, supplemental to a physical driver's license, and may be accepted in lieu of a
11 physical driver's license at the option of the person requesting or requiring proof of licensure or
12 identification. No digital driver's license shall be issued unless the applicant holds the
13 corresponding physical driver's license or unless the corresponding physical driver's license is
14 issued simultaneously. The issuance of a digital driver's license shall not relieve the licensee from
15 any obligation to carry and, if required, display a physical driver's license. Nothing in this section
16 shall be construed to require any person or entity to accept a digital driver's license or otherwise
17 require the purchase of equipment to verify the accuracy of a digital driver's license. The division
18 of motor vehicles may digitally cancel, suspend or reinstate a digital driver's license on the
19 occasions that a physical driver's license would be taken possession of, cancelled, suspended,
20 returned or reinstated, as appropriate. A digital driver's license shall be designed:

21 (1) To protect to the maximum extent practicable the digital driver's license holder's
22 privacy, including the use of privacy enhancing technologies or other security methods as deemed
23 appropriate by the division of motor vehicles;

24 (2) So that it is not necessary for the digital driver's license holder to relinquish possession
25 of the portable electronic device in which the digital driver's license is stored to present the digital
26 driver's license.

27 (3) So that it is clearly distinguishable from those issued pursuant to §§ 3-8-6 and 3-8-6.1.

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

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LC004858
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES

1 This act would permit the division of motor vehicles, in its discretion, to issue digital
2 driver's license(s) and identification card(s) to be stored on a person's portable electronic device
3 and to be viewed or verified by a person to whom access is allowed. A digital license or
4 identification card is optional to purchase, supplemental to a physical identification card, and may
5 be accepted in lieu of a physical driver's license or identification card at the option of the person
6 requesting or requiring proof of identification.

7 This act would take effect upon passage.

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