

2022 -- S 2369

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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 -- STATE  
IDENTIFICATION CARDS

Introduced By: Senators Cano, Ciccone, Quezada, Lawson, DiPalma, Burke, Murray,  
Acosta, Euer, and Kallman

Date Introduced: February 15, 2022

Referred To: Senate 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)(i) 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, or a resident unable to establish lawful  
12 presence in the United States with proof of residency in this state who has a tax identification  
13 number doing business in this state, together with a document bearing the applicant's signature.

14 (ii) All filings, applications, information, evidence, and any other document filed pursuant  
15 to this section or the information contained on the identification card shall be deemed confidential  
16 documents and shall not be available for public inspection or disclosure absent a court order. This  
17 section shall not prohibit the entry of information into the state's systems of records or for  
18 administrative purposes to verify the authenticity of an identification card when presented or used  
19 by the individual issued the identification card.

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 issued by this state or any other state shall  
25 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 [or a resident unable to establish lawful presence in the United States and who has a tax](#)  
11 [identification number doing business in this state](#) shall not confer the right to vote in the state of  
12 Rhode Island.

### 13 **3-8-6.1. Identification cards for persons under the age of 21.**

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

26 [\(ii\) All filings, applications, information, evidence, and any other document filed pursuant](#)  
27 [to this section or the information contained on the identification card shall be deemed confidential](#)  
28 [documents and shall not be available for public inspection or disclosure absent a court order. This](#)  
29 [section shall not prohibit the entry of information into the state's systems of records or for](#)  
30 [administrative purposes to verify the authenticity of an identification card when presented or used](#)  
31 [by the individual issued the identification card.](#)

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

34 (3) The identification card shall be signed by the administrator of the division of motor

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

4 IDENTIFICATION CARD

5 Date Issued ..... No.....  
6 First Name Middle Name Last Name  
7 .....  
8 Address  
9 .....

10 BIRTH RECORD

11 Month.....Day.....Year .....

12 Secure Photo by Pasting here	Color of hair	Color of eyes	Sex	Ht	Wt.
13	.....	.....	.....	.....	.....
14	Issued by				
15	Administrator of the Division of Motor Vehicles				
16	.....				
17	.....				
18	.....				
19	Administrator				

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

24 (5) The identification cards shall be clearly distinguishable from those issued pursuant to  
25 § 3-8-6 and operators' and chauffeurs' licenses issued pursuant to title 31.

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

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

34 (d) 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 or a resident unable to establish lawful presence in the United States who has a tax  
3 identification number doing business in this state shall not confer the right to vote in the state of  
4 Rhode Island.

5 SECTION 2. This act shall take effect on January 1, 2023.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES -- STATE  
IDENTIFICATION CARDS

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1           This act would allow the division of motor vehicles to issue a state identification card to  
2 residents unable to establish lawful presence in the United States upon proof of residence in this  
3 state and a tax identification number doing business in this state. The state identification card would  
4 not be valid for voting purposes.

5           This act would take effect on on January 1, 2023.

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