

2023 -- H 6521

LC003219

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- DRIVER PRIVILEGE CARDS AND PERMITS

Introduced By: Representatives Giraldo, Alzate, Stewart, Voas, Potter, Cruz, Morales, Diaz, Henries, and Batista

Date Introduced: June 13, 2023

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. The title of Chapter 31-10.4 of the General Laws entitled "Driver Privilege
2 Cards and Permits [Effective July 1, 2023.]" is hereby amended to read as follows:

3 ~~CHAPTER 31-10.4~~

4 ~~Driver Privilege Cards and Permits [Effective July 1, 2023.]~~

5 CHAPTER 31-10.4

6 Driver Privilege Cards and Permits [Effective July 1, 2023.]; State Identification Cards [Effective
7 July 1, 2024.]

8 SECTION 2. Section 31-10.4-1 of the General Laws in Chapter 31-10.4 entitled "Driver
9 Privilege Cards and Permits [Effective July 1, 2023.]" is hereby amended to read as follows:

10 ~~31-10.4-1. Driver privilege cards and permits. [Effective July 1, 2023.] Driver~~
11 ~~privilege cards and permits [Effective July 1, 2023]; State identification cards [Effective July~~
12 ~~1, 2024]~~

13 (a) Upon application of any person; who ~~otherwise meets the requirements of chapter 10~~
14 ~~of this title, except~~ is unable to establish legal presence in the United States, the division of motor
15 vehicles is authorized to issue a driver privilege card and/or driver privilege permit if the applicant
16 otherwise meets the requirements of chapter 10 of this title or a Rhode Island state identification
17 card, to any applicant, if the division of motor vehicles determines that the applicant:

18 (1) Has verification from the tax administrator that the applicant either has filed a personal

1 income tax return as a resident with this state for the tax year preceding the date of application or
2 has been claimed as a dependent on a personal income tax return by an individual who has filed a
3 personal income tax return as a resident with this state for the tax year preceding the date of
4 application;

5 (2) Presents two (2) primary proof of identity documents, as defined in § 31-10.4-5, or one
6 primary proof of identity document and one secondary proof of identity document, as defined in §
7 31-10.4-5;

8 (3) Presents two (2) proof of residency documents, which shall mean, for purposes of this
9 subsection, the proof of residency documents set forth in 280-RICR-30-00-1.4.1(D), as may be
10 amended from time to time; and

11 (4) Is not in violation of the insurance requirements, set forth in chapters 31 and 32 of this
12 title, provided that this subsection (4) shall not apply to applicants for a Rhode Island state
13 identification card.

14 (b) Notwithstanding any other provision of law to the contrary, the administrator of the
15 division of motor vehicles may provide information submitted by the applicant to the tax
16 administrator for the sole purpose of implementing subsection (a)(1) of this section, and such
17 information shall be kept confidential by the tax administrator.

18 (c) Rhode Island state identification cards issued under this section shall be in the formats
19 required by the division of motor vehicles pursuant to §§ 3-8-6 and 3-8-6.1, respectively. The
20 division of motor vehicles may prescribe additional formatting requirements as it deems necessary
21 to further the provisions of this subsection.

22 SECTION 3. Section 31-10.4-3 of the General Laws in Chapter 31-10.4 entitled "Driver
23 Privilege Cards and Permits [Effective July 1, 2023.]" is hereby amended to read as follows:

24 ~~31-10.4-3. Confidentiality of documents — Privacy. [Effective July 1, 2023.]~~
25 Confidentiality of documents -- Privacy [Effective July 1, 2023.]; State identification cards
26 [Effective July 1, 2024.]

27 (a) The division of motor vehicles shall not release the following information, relating to
28 the issuance of a driver privilege card or permit, or a Rhode Island state identification card issued
29 pursuant to § 31-10.4-1, except upon request by the subject of the information, the parent of a minor
30 who is the subject of the information, the guardian of the subject of the information, or the
31 authorized representative of the subject of the information, or pursuant to a court order:

32 (1) Proof documents submitted for the purpose of obtaining a driver privilege card or
33 permit or a Rhode Island state identification card issued pursuant to § 31-10.4-1;

34 (2) The information in the division of motor vehicles' records indicating the type of proof

1 documentation that was provided; or

2 (3) Applications.

3 (b) Notwithstanding any other law to the contrary, any document, including photo images,
4 provided by the applicant to the division of motor vehicles for purposes of proving the applicant's
5 eligibility for a non-commercial driver's license or permit or a Rhode Island state identification
6 card issued pursuant to § 31-10.4-1, or for renewal of such license ~~or~~ permit or Rhode Island state
7 identification card, under this section is not a public record and may not be disclosed by the
8 division, except to the person who is the subject of such records or in response to a subpoena for
9 individual records in a criminal proceeding or pursuant to a lawful court order.

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

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

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

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

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

27 SECTION 4. Chapter 31-10.4 of the General Laws entitled "Driver Privilege Cards and
28 Permits [Effective July 1, 2023.]" is hereby amended by adding thereto the following section:

29 **31-10.4-2.1. Issuance of state identification cards to individuals unable to establish**
30 **legal presence [Effective July 1, 2024.]**

31 (a) Rhode Island state identification cards issued pursuant to § 31-10.4-1, shall confer the
32 same privileges and shall be subject to the same provisions as those issued under chapter 8 of title
33 3, unless otherwise provided, and shall be subject to the following conditions and exceptions:

34 (1) The front and back of a Rhode Island state identification card issued pursuant to § 31-

1 10.4-1 shall be identical in appearance to an identification card issued pursuant to §§ 3-8-6 and 3-
2 8-6.1, respectively, that is not a REAL ID credential;

3 (2) An applicant for a Rhode Island state identification card issued pursuant to § 31-10.4-
4 1 shall not be required to present proof of legal presence in the United States or proof of a social
5 security number, if the individual does not have one;

6 (3) No applicant shall be required to provide proof of compliance with § 31-10.4-1(a)(1)
7 through (a)(3) for a reissued, renewed, or duplicate Rhode Island state identification card issued
8 pursuant to § 31-10.4-1; and

9 (4) Any information collected pursuant to this section, that is not otherwise collected by
10 the division of motor vehicles or required for the issuance an identification card issued under
11 chapter 8 of title 3 and any information regarding restrictions in the division of motor vehicles'
12 records, related to the issuance of a credential issued pursuant to this section, shall not be considered
13 a public record. The information shall not be released, except upon request by the subject of the
14 information, the parent of a minor who is the subject of the information, the guardian of the subject
15 of the information, or the authorized representative of the subject of the information, or pursuant to
16 a court order.

17 (b) A Rhode Island state identification card issued to any person who is unable to establish
18 legal presence in the United States shall not be a valid form of identification for official federal
19 purposes or state voting purposes.

20 (c) The applicant for a Rhode Island state identification card issued pursuant to § 31-10.4-
21 1, shall be required to comply with all other applicable Rhode Island laws, rules, and regulations.

22 (d) A Rhode Island state identification card issued pursuant to § 31-10.4-1 shall not be used
23 as evidence of the holder's citizenship or immigration status, and shall not be used as a basis for a
24 criminal investigation, arrest, or detention in circumstances where a person with a regular Rhode
25 Island state identification card would not be criminally investigated, arrested, or detained. Any
26 person aggrieved by a violation of this subsection may seek appropriate declaratory and/or
27 injunctive relief and may be awarded damages and costs, including attorneys' fees.

28 (e) It shall be a violation of chapter 112 of title 42 to discriminate against an individual
29 solely on the ground that they hold or present a Rhode Island state identification card, issued under
30 this section.

31 (f) No person who holds an operator's license or a driver privilege card or permit issued
32 by this state under this chapter or any other state shall be issued a Rhode Island state identification
33 card pursuant to § 31-10.4-1.

1 SECTION 5. This act shall take effect on July 1, 2024.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO MOTOR AND OTHER VEHICLES -- DRIVER PRIVILEGE CARDS AND
PERMITS

1 This act would allow the division of motor vehicles to issue a Rhode Island state
2 identification card to residents unable to establish lawful presence in the United States upon proof
3 of proper documentation as required with respect to driver privilege cards and permits.

4 This act would further provide that a state identification card so issued would not be valid
5 for voting purposes.

6 This act would take effect on July 1, 2024.

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