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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - OPERATORS' AND CHAUFFERS'
LICENSES

Introduced By: Senators Felag, Pichardo, Lanzi, P Fogarty, and Metts

Date Introduced: January 18, 2012

Referred To: Senate Special Legislation and Veterans Affairs

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 31-10-12 and 31-10-26 of the General Laws in Chapter 31-10
2 entitled "Operators' and Chauffeurs' Licenses" are hereby amended to read as follows:

3 **31-10-12. Contents of application.** -- (a) Every application for an instruction permit or
4 for a license shall:

5 (1) State the full name, date of birth, sex, and residence address of the applicant;

6 (2) Briefly describe the applicant;

7 (3) State whether the applicant has previously been licensed as an operator or chauffeur,
8 and, if so, when and by what state or country, and whether any such license has ever been
9 suspended or revoked;

10 (4) State whether an application has ever been refused, and, if so, the date of and reason
11 for the suspension, revocation, or refusal; and

12 (5) Provide any further information bearing on the applicant's character or ability to
13 drive that may be required by the administrator of the division of motor vehicles.

14 (b) Every application shall state whether the applicant desires to donate tissue or organs
15 pursuant to the provisions of chapter 18.6 of title 23.

16 (c) Every applicant shall state his or her veteran's status, issued to that person by the
17 United States department of defense.

18 **31-10-26. Issuance of license.** -- (a) The division of motor vehicles shall, upon payment

1 of the required fee, issue to every qualifying applicant an operator's or chauffeur's license. The
2 license shall be approximately two and one-half inches (2 1/2") wide and three and one-half
3 inches (3 1/2") long and shall bear on it a distinguishing number assigned to the licensee, the full
4 name, date of birth, residence address, brief description of the licensee, a photograph of the
5 licensee, whether the licensee has indicated a desire to donate tissue or organs pursuant to the
6 provisions of chapter 18.6 of title 23, [and whether the licensee has verified identification of his or](#)
7 [her veteran's status through a department of defense form 214 issued to that person by the United](#)
8 [States department of defense;](#) and either a space upon which the licensee shall write his or her
9 usual signature with pen and ink or a facsimile of the signature of the licensee. No license shall be
10 valid until it has been so signed by the licensee designated on it. A negative file of all
11 photographs of licensees shall be maintained by the division of motor vehicles for a period of five
12 (5) years.

13 (b) The division of motor vehicles shall issue special licenses to those licensees who
14 have indicated that they desire to donate tissue or organs, which conform to the provisions of the
15 Rhode Island Anatomical Gift Act, chapter 18.6 of title 23.

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

25 (d) The license issued to a person applying for the first time shall be designated as a
26 "first license". A first license shall be issued for a one year period after which time a permanent
27 driver's license shall be issued according to this section.

28 (e) If an applicant has been adjudicated for committing one moving motor vehicle
29 violation, has been involved in one reportable motor vehicle accident, or both, he or she shall be
30 summoned for a hearing before a judge of the traffic tribunal at which time the driving record will
31 be reviewed. The traffic tribunal judge shall determine if the person should be granted an
32 operator's license, be reissued a first license, or be denied a license to operate a motor vehicle in
33 the state of Rhode Island.

34 (f) Any person who is under the age of twenty-one (21) years shall, upon payment of the

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

9 (g) The division of motor vehicles shall issue special licenses upon the request of a
10 licensee which conform to the provisions of the Rhode Island Anatomical Gift Act, chapter 18.6
11 of title 23.

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

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

20 (j) Except to the extent an entity is authorized to renew drivers' licenses, or except for
21 financial institutions engaged in the verification of information for financial transactions,
22 nongovernmental entities shall not have access to any digitized information contained in an
23 operator or chauffeur's license other than the licensee's name, age, date of birth, signature, and
24 photographic image, and the license's expiration date; nor shall they store, record or retain any
25 such information obtained through a digital reading device. Access to digitized information by
26 such entities shall be solely for the purpose of determining the age of an individual for a
27 transaction, right or privilege available by law only to persons of a certain age.

28 (k) To the extent that nongovernmental entities shall have access to the digitized
29 information stored on an operator's or chauffeur's license, the entity shall be civilly liable for the
30 unauthorized access to, or retention or use of, such information by its agents or persons acting in
31 the name of the entity.

32 (l) The division of motor vehicles shall collect from applicants and licensees their social
33 security numbers and tax identification numbers only to the extent required by federal law. Such
34 numbers shall not be included, either digitally or visually, on the operator's or chauffeur's license.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would require every applicant for instruction permit or license to state his or her
2 veteran's status issued to that applicant by the United States department of defense and it would
3 also require that upon payment of the fee there shall be a license issued and the license shall bear
4 certain information including whether the licensee has verified identification of his or her
5 veteran's status through a department of defense form 214 issued to that person by the United
6 States department of defense.

7 This act would take effect upon passage.

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