

2014 -- H 7262

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

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

Introduced By: Representatives Williams, Valencia, Slater, and Diaz

Date Introduced: January 30, 2014

Referred To: House Judiciary

(Governor)

It is enacted by the General Assembly as follows:

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

3 **31-10-26. Issuance of license.** -- (a) Licenses – Valid form of identification - The
4 division of motor vehicles shall, upon payment of the required fee, issue to every qualifying
5 applicant an operator's or chauffeur's license. The license shall be approximately two and one-half
6 inches (2 1/2") wide and three and one-half inches (3 1/2") long and shall bear on it a
7 distinguishing number assigned to the licensee, the full name, date of birth, residence address,
8 brief description of the licensee, a photograph of the licensee, whether the licensee has indicated a
9 desire to donate tissue or organs pursuant to the provisions of chapter 23-18.6.1 ~~18.6 of title 23,~~
10 and either a space upon which the licensee shall write his or her usual signature with pen and ink
11 or a facsimile of the signature of the licensee. No license shall be valid until it has been so signed
12 by the licensee designated on it. A negative file of all photographs of licensees shall be
13 maintained by the division of motor vehicles for a period of five (5) years. A license issued
14 pursuant to this subsection (a) shall be a valid form of identification for federal or state purposes.

15 (b) Driving privilege license – Not valid form of identification. Subject to the
16 requirements and limitations of § 31-10-49, the division of motor vehicles shall, upon payment of
17 the required fee, issue to every qualifying applicant a driving privilege permit or driving privilege
18 license. The license shall be approximately two and one-half (2 ½") wide and three and one-half

1 inches (3 ½") long and shall bear on it a distinguishing number assigned to the licensee, the full
2 name, date of birth, residence address, brief description of the licensee, a photograph of the
3 licensee, whether the licensee has indicated a desire to donate tissue or organs pursuant to the
4 provisions of § 23-18.6.1 and either a space upon which the licensee shall write his or her usual
5 signature with pen and ink or a facsimile of the signature of the licensee. No driving privilege
6 license shall be valid until it has been so signed by the licensee designated on it. The driving
7 privilege license shall include a clear written indication on such license that it shall not be a valid
8 form of identification for federal or state purposes. The driving privilege license shall be a
9 different color than the license issued in § 31-10-26(a). The driving privilege permit shall be of a
10 different design or color from the driving permit issued under §§ 31-10-6 and 31-10-26. A
11 negative file of all photographs of licensees shall be maintained by the division of motor vehicles
12 for a period of five (5) years. A driving privilege license holder shall not be eligible for a
13 chauffeur endorsement pursuant to § 31-10-5. A driving privilege license or permit holder shall
14 not be eligible for a first license or permanent license when renewing a driving privilege license
15 or permit unless the applicant meets all of the requirements for a first license or permanent license
16 including documentation to verify legal presence in the United States.

17 ~~(b)~~ (c) The division of motor vehicles shall issue special licenses to those licensees who
18 have indicated that they desire to donate tissue or organs, which conform to the provisions of the
19 Rhode Island Anatomical Gift Act, chapter 23-18.6.1 ~~18.6 of title 23~~.

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

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

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

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

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

13 ~~(g)~~ (h) The division of motor vehicles shall issue special licenses upon the request of a
14 licensee which conform to the provisions of the Rhode Island Anatomical Gift Act, chapter 23-
15 18.6.1 ~~18.6 of title 23~~.

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

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

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

32 ~~(k)~~ (l) To the extent that nongovernmental entities shall have access to the digitized
33 information stored on an operator's or chauffeur's license, the entity shall be civilly liable for the
34 unauthorized access to, or retention or use of, such information by its agents or persons acting in

1 the name of the entity.

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

6 SECTION 2. Chapter 31-10 of the general laws entitled, "Operators' and Chauffeurs'
7 Licenses" is hereby amended by adding the following section thereto:

8 **31-10-49. Driving Privilege Licenses and driving privilege permits.** - (a) In order to
9 ensure that drivers are knowledgeable of traffic safety laws and the safe operation of a motor
10 vehicle, the division of motor vehicles is authorized to issue driving privilege licenses and driving
11 privilege permits to any applicant who meets the licensure requirements of this chapter, but
12 cannot establish that he or she is legally present in the United States or does not have a Social
13 Security number; provided, however, such applicant shall submit the following forms of
14 identification:

15 (1) Any one of the following:

16 (i) A foreign birth certificate;

17 (ii) A valid foreign passport that is unexpired or expired for less than three (3) years
18 before the application for a license including a certified translation if the document is not in
19 English; or

20 (iii) A valid, unexpired consular identification document issued by an applicant's country
21 of citizenship; and

22 (2) Any one of the following additional forms of identity:

23 (i) A certified court record;

24 (ii) A valid driver's license or state ID issued by another state or US Territory;

25 (iii) An employee ID;

26 (iv) A certified school record; or

27 (v) An INS Form 1-94; and

28 (3) Proof of residency as set forth in the rules and regulations to be promulgated by
29 division of motor vehicles; and

30 (4) An individual tax payer identification number in order to comply with §§ 31-2-23 and
31 31-3-6.1.

32 (b) For purposes of this title the term "license" shall include the "driving privilege
33 license," and "permit" shall include "driving privilege permit" as defined by this section, and all
34 examinations, education requirements, residency requirements, penalties and all other provisions

1 for a license shall also apply to the driving privilege license.

2 (c) The division of motor vehicles shall not issue or renew a driving privilege license to
3 any applicant who has been convicted of any felony in Rhode Island, with determination to be
4 made pursuant to rules and regulations to be promulgated by the division of motor vehicles.

5 (d) The driving privilege permit and the driving privilege license shall not be a valid form
6 of federal or state identification and shall not be used as identification for voting purposes.

7 (e) The applicant for a driving privilege permit and the driving privilege license shall be
8 required to comply with all other Rhode Island laws and applicable rules and regulations.

9 (f) The division of motor vehicles may adopt rules and regulations to implement the
10 provisions of this section.

11 SECTION 3. This act shall take effect on July 1, 2015.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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

- 1 This act would authorize the division of motor vehicles to issue a special driver's license
- 2 to foreign nationals.
- 3 This act would take effect on July 1, 2015.

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