

2014 -- S 2623

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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 - LICENSING OF MINORS -  
ELIGIBILITY REQUIREMENTS

Introduced By: Senators Cool Rumsey, Pearson, and Crowley

Date Introduced: March 04, 2014

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-10-14 of the General Laws in Chapter 31-10 entitled "Operators'  
2 and Chauffeurs' Licenses" is hereby amended to read as follows:

3 **31-10-14. ~~Applications of minors~~ Application of minors – Eligibility requirements. –**

4 (a) The application of any person under the age of eighteen (18) years for a limited instruction  
5 permit, a limited provisional license, or a full operator's license shall be signed and verified,  
6 before a person authorized to administer oaths, by one or more of the following individuals: the  
7 father, mother, guardian, adult husband or wife, or licensed foster parent, who is a resident of this  
8 state and qualified to be a supervising driver pursuant to section 31-10-6.1. In the event there is  
9 no parent, guardian, or licensed foster parent, who meets these requirements, then by another  
10 responsible adult who is willing to assume the obligation imposed under sections 31-10-1 -- 31-  
11 10-33 upon a person signing the application of a minor.

12 (b) A minor is not eligible for driving privileges unless that minor:

13 (1) Is enrolled in a public school, nonpublic school, or home education program and  
14 satisfies relevant academic and attendance requirements;

15 (2) Has received a high school diploma, a high school equivalency diploma, a special  
16 diploma, or a certificate of high school completion;

17 (3) Is enrolled in a study course in preparation for the test of general educational  
18 development and satisfies relevant academic and attendance requirements;

1 (4) Is enrolled in other educational activities approved by the district school committee  
2 and satisfies relevant academic and attendance requirements; or

3 (5) Has received a hardship waiver under this section.

4 The division may not issue a driver's license or learner's driver's license to, or shall  
5 suspend the driver's license or learner's driver's license of, any minor concerning whom the  
6 division receives notification of noncompliance with the requirements of this section.

7 (c) The division shall notify each minor for whom the division has received notification  
8 of noncompliance with the requirements of this section, and the minor's parent or guardian, of the  
9 division's intent to suspend the minor's driving privileges.

10 (d) The minor, or the parent or guardian of the minor, has fifteen (15) calendar days after  
11 the date of receipt of this notice to provide proof of compliance with the requirements of this  
12 section or to request a hardship waiver hearing under § 31-10-14(h) of this section.

13 (e) Twenty (20) days after the date of issuance of this notice, the division shall suspend  
14 the minor's operator's license or learner's driver's license or record the legal name, sex, date of  
15 birth, and social security number of each minor who does not possess a driver's license or  
16 learner's driver's license, unless the minor has provided the division with verification of  
17 compliance with the requirements of § 31-10-14(b) of this section or the appropriate school  
18 official has provided the division with verification of a request for a waiver hearing.

19 (f) Upon notification of the outcome of a hardship waiver hearing, the division shall  
20 suspend the driver's license or learner's driver's license of a minor who was denied a hardship  
21 waiver, or record the legal name, sex, date of birth, and social security number of a minor who  
22 does not possess a driver's license or learner's driver's license and who was denied a hardship  
23 waiver.

24 (g) The division may not issue a driver's license or learner's driver's license to any minor  
25 for whom it has a record of noncompliance with the requirements of §31-10-14(b) of this section  
26 unless the minor submits verification of compliance pursuant to § 31-10-14(i) of this section .

27 (h) Hardship waiver and appeal. -- (1) A minor, or the parent or guardian of a minor, has  
28 fifteen (15) calendar days after the date of receipt of the notice of intent to suspend to request a  
29 hardship waiver hearing before the public school principal, the principal's designee, or the  
30 designee of the governing body of a private school for the purpose of reviewing the pending  
31 suspension of driving privileges. The school official receiving the request shall notify the division  
32 of the request for a waiver hearing within twenty-four (24) hours after receiving the request.  
33 Public school officials shall also notify the district school committee of the request for a waiver  
34 hearing. The hearing must be conducted within thirty (30) calendar days after the public school

1 principal, the principal's designee, or the designee of the governing body of a private school  
2 receives the request.

3 (2) The public school principal, the principal's designee, or the designee of the governing  
4 body of a private school shall waive the requirements of §31-10-14(b) of this section for any  
5 minor under the school's jurisdiction for whom a personal or family hardship requires that the  
6 minor have a driver's license for his or her own, or his or her family's, employment or medical  
7 care. The minor or the minor's parent or guardian may present other evidence that indicates  
8 compliance with the requirements of § 31-10-14(b) of this section at the waiver hearing. The  
9 public school principal, the principal's designee, or the designee of the governing body of a  
10 private school shall take into consideration the recommendations of teachers, other school  
11 officials, guidance counselors, or academic advisers before waiving the requirements of §31-10-  
12 14(h)(1) of this section.

13 (3) The public school principal, the principal's designee, or the designee of the governing  
14 body of a private school shall notify the division of the outcome of a minor's hardship waiver  
15 hearing within twenty- four (24) hours after conducting the hearing. Public school officials shall  
16 also notify the district school board of the outcome of the hearing.

17 (4) Any person denied a hardship waiver by a public school principal, the principal's  
18 designee, or the designee of the governing body of a private school may appeal the decision to the  
19 district school committee or the governing body of the private school. The district school  
20 committee or the governing body of the private school shall notify the division if the hardship  
21 waiver is subsequently granted.

22 (i) Verification of compliance and reinstatement. -- A district school committee shall  
23 provide a minor with written verification that he or she is in compliance with the requirements of  
24 § 31-10-14(b) of this section if the district determines that he or she has been in compliance for  
25 thirty (30) days prior to the request for verification of compliance. Upon receiving written  
26 verification that the minor is again in compliance with the requirements of § 31-10-14(b) of this  
27 section, the division shall reinstate the minor's driving privilege. Thereafter, if the school district  
28 determines that the minor is not in compliance with the requirements of § 31-10-14(b) of this  
29 section, the division shall suspend the minor's driving privilege until the minor is eighteen (18)  
30 years of age or otherwise satisfies the requirements of § 31-10-14(b) of this section, whichever  
31 occurs first.

32 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 a diploma or its equivalent or enrollment, and satisfaction of  
2 academic and attendance requirements, in school, to obtain a permit or license. A license  
3 suspension would occur for failure to comply with these provisions. The act would also provide  
4 for a hearing process for those minors found in non-compliance and a hardship waiver under  
5 certain circumstances.

6           This act would take effect upon passage.

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