

2018 -- H 7982

LC005297

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

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

Introduced By: Representatives Maldonado, Corvese, Diaz, Filippi, and McNamara

Date Introduced: March 22, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings – The general assembly hereby finds and declares as
2 follows:

3 (1) Latinx Rhode Islanders are the fastest-growing demographic in the state and currently
4 make up approximately twenty percent (20%) of Rhode Island's population.

5 (2) In 2012, President Obama implemented Deferred Action for Childhood Arrivals,
6 commonly referred to as “DACA,” which allowed young immigrants who entered the United
7 States as children, through no choice of their own, the opportunity to receive a renewable two-
8 year period of deferred action from deportation and eligibility for a work permit.

9 (3) DACA youth are important members of Rhode Island communities and call Rhode
10 Island home. They have grown up in Rhode Island and most have no meaningful connection to
11 any place but Rhode Island, as their home.

12 (4) DACA youth are a vital part of Rhode Island's schools, institutions of higher learning,
13 and workforce.

14 (5) Recent executive action by the President of the United States has endangered the
15 future of the federal Deferred Action for Childhood Arrivals (DACA) program, putting the future
16 of Rhode Island's DACA recipients at risk.

17 (6) It is in the interest of Rhode Island communities to support Rhode Island's DACA
18 recipients and provide measures to enable their continued education and engagement in the

1 workforce.

2 (7) DACA recipients make real and meaningful contributions to the nation's economy
3 and account for approximately forty-two billion dollars (\$42,000,000,000) in annual GDP. More
4 than ninety percent (90%) of DACA recipients age sixteen (16) years and above were employed
5 in 2015, earned nineteen billion nine hundred million dollars (\$19,900,000,000) in income and
6 contributed roughly three billion dollars (\$3,000,000,000) in taxes in that year alone.

7 (8) Studies show that DACA recipients form businesses at higher rates than similarly
8 aged United States born workers and almost thirty-eight thousand (38,000) DACA recipients
9 nationwide were working as self-employed entrepreneurs in 2015 alone.

10 (9) Forty-five percent (45%) of all DACA recipients are participating in education and
11 are a key part of our future. Of those who are in school seventy-two percent (72%) are pursuing a
12 bachelor's degree or higher.

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

15 **31-10-26. Issuance of license.**

16 (a) The division of motor vehicles shall, upon payment of the required fee, issue to every
17 qualifying applicant an operator's or chauffeur's license. The license shall be approximately two
18 and one-half inches (2 1/2") wide and three and one-half inches (3 1/2") long and shall bear on it
19 a distinguishing number assigned to the licensee, the full name, date of birth, residence address,
20 brief description of the licensee, a photograph of the licensee, whether the licensee has indicated a
21 desire to donate tissue or organs pursuant to the provisions of chapter 18.6 of title 23, and either a
22 space upon which the licensee shall write his or her usual signature with pen and ink or a
23 facsimile of the signature of the licensee. No license shall be valid until it has been so signed by
24 the licensee designated on it. A negative file of all photographs of licensees shall be maintained
25 by the division of motor vehicles for a period of five (5) years.

26 (b) The division of motor vehicles shall issue an operator's or chauffeur's license pursuant
27 to this chapter to every qualifying applicant, including, but not limited to, any current or past
28 recipient of a grant of deferred action under the Deferred Action for Childhood Arrivals (DACA)
29 program, provided any applicant subject to the DACA program shall provide evidence of having
30 received said grant from the United States Citizen and Immigration Services.

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

34 ~~(c)~~(d) Any person who is a law enforcement officer, meaning any permanently employed

1 member of the state, city, or town police departments, sheriffs and deputy sheriffs, members of
2 the marshal's unit, capitol police, and the state fire marshal and deputy fire marshals of the
3 division of fire safety or a member of the department of attorney general, any permanently
4 employed federal law enforcement officer assigned in Rhode Island, or any member of the United
5 States Attorney's Office in Rhode Island or any employee of the R.I. department of corrections, as
6 recommended by the director of the department of corrections, upon request of the applicant,
7 shall be issued a license which contains the applicant's official business address in lieu of a
8 residence address as required under the general provisions of this section.

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

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

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

27 ~~(h)~~(h) The division of motor vehicles shall issue special licenses upon the request of a
28 licensee which conform to the provisions of the Rhode Island Anatomical Gift Act, chapter 18.6
29 of title 23.

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

33 ~~(j)~~(j) Any personal digitized information contained within an operator's or chauffeur's
34 license shall be limited to: (a) the licensee's name, age, date of birth, address, gender, physical

1 description such as weight, height, hair color and eye color, signature and organ donor status; and
2 (b) the license number, commercial endorsements, expiration date, issue date, restriction and
3 class.

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

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

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

20 (n) Issuance of a Rhode Island operator's license under this chapter shall not confer the
21 right to vote in the state of Rhode Island.

22 SECTION 3. Chapter 28-14 of the General Laws entitled "Payment of Wages" is hereby
23 amended by adding thereto the following section:

24 **28-14-32. Limited Rhode Island work authorization.**

25 (a) The director of the department of labor and training, or a designee thereof, may issue
26 to a current or past recipient of a grant of deferred action under the Deferred Action for
27 Childhood Arrivals (DACA) program a special limited permit to work.

28 (b) To be eligible for the special limited work permit an individual must present:

29 (1) Documentation issued by the United States Citizenship and Immigration Services
30 verifying that the individual has received a grant of deferred action under the DACA program;
31 and

32 (2) Proof of Rhode Island residence.

33

1

SECTION 4. This act shall take effect on December 3, 2018.

=====
LC005297
=====

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 continue the status quo relating to operator's and chauffeur's licenses and
2 limited work authorization to approved recipients under the Deferred Action of Childhood
3 Arrivals (DACA) program. This act would also provide that the issuance of a Rhode Island
4 operator's license shall not confer the right to vote in the state of Rhode Island.

5 This act would take effect on December 3, 2018.

=====
LC005297
=====