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LC005297/SUB A
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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.

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 ~~(d)~~(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 ~~(e)~~(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 ~~(f)~~(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 ~~(g)~~(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 ~~(h)~~(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 ~~(i)~~(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. Sections 3-8-6 and 3-8-6.1 of the General Laws in Chapter 3-8 entitled
23 "Regulation of Sales" are hereby amended to read as follows:

24 **3-8-6. Unlawful drinking and misrepresentation by underage persons --**
25 **Identification cards for persons twenty-one and older.**

26 (a) It is unlawful for:

27 (1) A person who has not reached his or her twenty-first (21st) birthday to enter any
28 premises licensed for the retail sale of alcoholic beverages for the purpose of purchasing or
29 having served or delivered to him or her alcoholic beverages; or

30 (2) A person who has not reached his or her twenty-first (21st) birthday to consume any
31 alcoholic beverage on premises licensed for the retail sale of alcoholic beverages or to purchase,
32 attempt to purchase, or have another purchase for him or her any alcoholic beverage; or

33 (3) A person to misrepresent or misstate his or her age, or the age of any other persons, or
34 to misrepresent his or her age through the presentation of any of the following documents:

1 (i) An armed service identification card, valid passport, the identification card license, or
2 any other documentation used for identification purposes that may belong to any other person
3 who is twenty-one (21) years or older;

4 (ii) A motor vehicle operator's license which bears the date of birth of the licensee, and
5 which is issued by this state or any other state;

6 (iii) A Rhode Island identification card as defined in subsection (b) for the purpose of
7 inducing any licensee or any employee of any licensee, to sell, serve or deliver any alcoholic
8 beverage to a minor.

9 (b) (1) The administrator of the division of motor vehicles shall issue to any person who
10 has reached his or her twenty-first (21st) birthday a Rhode Island identification card upon
11 payment of a fee of twenty-five dollars (\$25), and, upon presentation of a certified birth or
12 baptismal certificate, or U.S. or foreign passport, or U.S. naturalization certificate or a valid
13 immigrant or refugee document issued by the United States immigration and naturalization
14 service, including, but not limited to, any one of the following: Form I-551, Form I-94, Form I-
15 688A, ~~and~~ Form I-688, and a form evidencing that the applicant is a current or past recipient of a
16 grant of deferred action under the Deferred Action for Childhood Arrivals program, together with
17 a document bearing the applicant's signature.

18 (2) A person who has reached his or her fifty ninth (59th) birthday is not required to pay
19 the fee.

20 (3) Each registration card shall be subject to renewal every five (5) years upon payment
21 of a fee of twenty-five dollars (\$25).

22 (4) No person who holds an operator's license issued by this state or any other state shall
23 be issued a Rhode Island identification card.

24 (5) The identification card shall be signed by the administrator of the division of motor
25 vehicles and by the applicant and his or her picture shall appear on the card along with the
26 required information and the card shall be encased in laminated plastic. The card shall be two
27 inches (2") in height and four inches (4") in length and shall be printed in the following form:

28 RHODE ISLAND IDENTIFICATION CARD

29 Date Issued No.....
30 First Name Middle Name Last Name
31
32 Address
33

34 BIRTH RECORD

1 prescribed, published, and approved at the direction and control of the division. The book shall
2 contain at least four hundred (400) pages, shall be uniform throughout the state, and shall be
3 distributed at a cost not to exceed seven dollars (\$7.00).

4 (3) If a person whose age is in question signs the sign-in as minor book or has a
5 photograph taken before he or she is sold any alcoholic beverage and it is later determined that
6 the person had not reached his or her twenty-first (21st) birthday at the time of sale, it is
7 considered prima facie evidence that the licensee and/or the licensee's agent or servant acted in
8 good faith in selling any alcoholic beverage to the person producing the document as set forth in
9 this section misrepresenting his or her age.

10 (4) Proof of good faith reliance on any misrepresentation is a defense to the prosecution
11 of the licensee and/or the licensee's agent or servant for an alleged violation of this section.

12 (d) (1) Any person who violates this section shall be punished for the first offense by a
13 mandatory fine of not less than one hundred dollars (\$100) nor more than five hundred dollars
14 (\$500) and shall be further punished by thirty (30) hours of community service and shall be
15 further punished by a suspension of his or her motor vehicle operator's license or driving
16 privileges for a period of thirty (30) days; for the second offense by a mandatory fine of not less
17 than five hundred dollars (\$500) nor more than seven hundred fifty dollars (\$750) and shall be
18 further punished by forty (40) hours of community service and will be further punished by a
19 suspension of his or her motor vehicle operator's license or driving privileges for a period of three
20 (3) months; and for the third and subsequent offenses by a mandatory fine for each offense of not
21 less than seven hundred fifty dollars (\$750) nor more than one thousand dollars (\$1,000) and shall
22 be further punished by fifty (50) hours of community service and will be further punished by a
23 suspension of his or her motor vehicle operator's license or driving privileges for a period of one
24 year.

25 (2) Any suspension of an operator's license or driving privilege pursuant to this section
26 shall not operate to affect the insurance rating of the offender and any operator's license or
27 driving privilege suspended pursuant to this section shall be reinstated without further expense
28 upon application.

29 (e) Within thirty (30) days after this incident the police chief of the city or town where
30 the incident took place is directed to inform, in writing, the department of business regulation
31 whether or not charges in accordance with this section have been preferred against a person who
32 has not reached his or her twenty-first (21st) birthday and has violated this section. If no charge is
33 brought against any person who has not reached his or her twenty-first (21st) birthday and has
34 violated the provisions of this section, then the police chief of the city or town where the incident

1 took place will state the reason for his or her failure to charge the person who has not reached his
2 or her twenty-first (21st) birthday.

3 (f) The Rhode Island identification card may be withdrawn at any time for just cause, at
4 the discretion of the administrator of the division of motor vehicles. The administrator of the
5 division of motor vehicles shall keep a record of the cards issued and each card shall contain an
6 identification number specifically assigned to the person to whom the card was issued.

7 [\(g\) Issuance of a Rhode Island identification card under this section shall not confer the](#)
8 [right to vote in the state of Rhode Island.](#)

9 **3-8-6.1. Identification cards for persons under the age of 21.**

10 (a) (1) The administrator of the division of motor vehicles shall issue to any person upon
11 request, who is under twenty-one (21) years of age, an identification card upon payment of a fee
12 of twenty-five dollars (\$25.00), and, upon presentation of a certified birth or baptismal certificate,
13 or U.S. or foreign passport, or U.S. naturalization certificate, or a valid immigrant or refugee
14 document issued by the United States immigration and naturalization service including, but not
15 limited to, any one of the following: Form I-551, Form I-94, Form I-688A, ~~and~~ Form I-688, [and a](#)
16 [form evidencing that the applicant is a current or past recipient of a grant of deferred action under](#)
17 [the Deferred Action for Childhood Arrivals program,](#) together with a document bearing the
18 applicant's signature. No person who holds an operator's license, issued by this state or any other
19 state, shall be issued an identification card.

20 (2) The identification card shall be subject to renewal every five (5) years upon the
21 payment of a fee of twenty-five dollars (\$25.00).

22 (3) The identification card shall be signed by the administrator of the division of motor
23 vehicles and also by the applicant, and his or her picture shall appear on the card along with the
24 required information and the card shall be encased in laminated plastic. The card shall be two
25 inches (2") in height and four inches (4") in length and shall be printed in the following form:

26 IDENTIFICATION CARD

27 Date Issued No.....

28 First Name Middle Name Last Name

29

30 Address

31

32 BIRTH RECORD

33 Month.....Day.....Year

34 Secure Photo by Pasting here Color of hair Color of eyes Sex Ht Wt.

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Issued by
Administrator of the Division of Motor Vehicles
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Administrator

(4) The identification cards shall be produced at the adult correctional institution if they have facilities to do so; if the adult correctional institutions have no facilities to do so, then all cards shall be manufactured by the lowest responsible bidder following advertisement for the solicitation of bids.

(5) The identification cards shall be clearly distinguishable from those issued pursuant to § 3-8-6 and operators' and chauffeurs' licenses issued pursuant to title 31.

(b) The identification card may be withdrawn at any time for just cause, at the discretion of the administrator of the division of motor vehicles. The administrator of the division of motor vehicles shall keep a record of the cards issued and each card shall contain an identification number specifically assigned to the person to whom the card was issued.

(c) The administrator of the division of motor vehicles shall, upon presentation of a United States Department of Defense (DD) FORM 214 or other acceptable documentation of military service and verification of an honorable discharge, issue an identification card to the presenter which is clearly marked "veteran", at no additional cost.

(d) Issuance of a Rhode Island identification card under this section shall not confer the right to vote in the state of Rhode Island.

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

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

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

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