

2019 -- H 5734

LC001967

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO ALCOHOLIC BEVERAGES - REGULATION OF SALES

Introduced By: Representatives Costantino, Phillips, Hawkins, Williams, and Slater

Date Introduced: February 27, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 3-8-6 and 3-8-6.1 of the General Laws in Chapter 3-8 entitled  
2 "Regulation of Sales" are hereby amended to read as follows:

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

5 (a) It is unlawful for:

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

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

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

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

17 (ii) A motor vehicle operator's license that bears the date of birth of the licensee and that  
18 is issued by this state or any other state;

19 (iii) A Rhode Island identification card, as defined in subsection (b), for the purpose of

1 inducing any licensee, or any employee of any licensee, to sell, serve, or deliver any alcoholic  
2 beverage to a minor.

3 (b)(1) The administrator of the division of motor vehicles shall issue to any person who  
4 has reached his or her twenty-first (21st) birthday a Rhode Island identification card upon  
5 payment of a fee of ~~twenty-five dollars (\$25)~~ ten dollars (\$10.00), and, upon presentation of a  
6 certified birth or baptismal certificate, or U.S. or foreign passport, or U.S. naturalization  
7 certificate or a valid immigrant or refugee document issued by the United States Citizenship and  
8 Immigration Services, including, but not limited to, any one of the following: Form I-551, Form  
9 I-94, Form I-688A, Form I-688, and a form evidencing that the applicant is a current or past  
10 recipient of a grant of deferred action under the Deferred Action for Childhood Arrivals program,  
11 together with a document bearing the applicant's signature.

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

14 (3) Each registration card shall be subject to renewal every five (5) years upon payment  
15 of a fee of ~~twenty-five dollars (\$25)~~ ten dollars (\$10.00).

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

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

22 RHODE ISLAND IDENTIFICATION CARD

23 Date Issued ..... No.....

24 First Name Middle Name Last Name

25 .....

26 Address

27 .....

28 BIRTH RECORD

29 Month.....Day.....Year.....

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

31 ..... .....

32 Issued by

33 Administrator of the Division of Motor Vehicles

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Administrator

(6) The identification cards shall be produced at the adult correctional institutions 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.

(7) The identification cards shall be clearly distinguishable from those issued pursuant to § 3-8-6.1 and operators' and chauffeurs' licenses issued pursuant to title 31.

(8) Any person who has been designated as permanently and totally disabled by the social security administration or who upon certification by an optometrist, ophthalmologist, or physician that a holder of a valid and current motor vehicle operator's license is no longer able to operate a motor vehicle, the administrator of the division of motor vehicles shall issue to such person, upon request, a Rhode Island identification card for the unexpired term of the person's motor vehicle operator's license at no additional cost. Thereafter, a renewal of such card shall be subject to the standard renewal charge of ~~twenty five dollars (\$25)~~ ten dollars (\$10.00) until the person shall reach his or her fifty-ninth (59th) birthday.

(9) 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 that is clearly marked "veteran", at no additional cost.

(c)(1) Every retail Class A, B, C, and D licensee shall cause to be kept a book or photographic reproduction equipment that provides the same information as required by the book. That licensee or the licensee's employee shall require any person who has shown a document as set forth in this section substantiating his or her age to sign that book or to permit the taking of his or her photograph and indicate what document was presented. Use of the photographic reproduction equipment is voluntary for every Class A, B, C and D licensee.

(2) The sign-in-as-minor book and photographic reproduction equipment shall be prescribed, published, and approved at the direction and control of the division. The book shall contain at least four hundred (400) pages; shall be uniform throughout the state; and shall be distributed at a cost not to exceed seven dollars (\$7.00).

(3) If a person whose age is in question signs the sign-in-as-minor book or has a photograph taken before he or she is sold any alcoholic beverage and it is later determined that the person had not reached his or her twenty-first (21st) birthday at the time of sale, it is

1 considered prima facie evidence that the licensee and/or the licensee's agent or servant acted in  
2 good faith in selling any alcoholic beverage to the person producing the document as set forth in  
3 this section misrepresenting his or her age.

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

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

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

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

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

1 (g) Issuance of a Rhode Island identification card under this section to a current or past  
2 recipient of a grant of deferred action under the Deferred Action for Childhood Arrivals (DACA)  
3 program shall not confer the right to vote in the state of Rhode Island.

4 **3-8-6.1. Identification cards for persons under the age of 21.**

5 (a)(1) The administrator of the division of motor vehicles shall issue to any person upon  
6 request, who is under twenty-one (21) years of age, an identification card upon payment of a fee  
7 of ~~twenty five dollars (\$25.00)~~ ten dollars (\$10.00), and, upon presentation of a certified birth or  
8 baptismal certificate, or U.S. or foreign passport, or U.S. naturalization certificate, or a valid  
9 immigrant or refugee document issued by the United States Citizenship and Immigration Services  
10 including, but not limited to, any one of the following: Form I-551, Form I-94, Form I-688A,  
11 Form I-688, and a form evidencing that the applicant is a current or past recipient of a grant of  
12 deferred action under the Deferred Action for Childhood Arrivals program, together with a  
13 document bearing the applicant's signature. No person who holds an operator's license, issued by  
14 this state or any other state, shall be issued an identification card.

15 (2) The identification card shall be subject to renewal every five (5) years upon the  
16 payment of a fee of ~~twenty five dollars (\$25.00)~~ ten dollars (\$10.00).

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

21 IDENTIFICATION CARD

22 Date Issued ..... No.....  
23 First Name Middle Name Last Name  
24 .....  
25 Address  
26 .....

27 BIRTH RECORD

28 Month.....Day.....Year.....  
29 Secure Photo by Pasting here Color of hair Color of eyes Sex Ht Wt.  
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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 that is clearly marked "veteran", at no additional cost.

(d) Issuance of a Rhode Island identification card under this section to a current or past recipient of a grant of deferred action under the Deferred Action for Childhood Arrivals (DACA) program shall not confer the right to vote in the state of Rhode Island.

SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
RELATING TO ALCOHOLIC BEVERAGES - REGULATION OF SALES

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- 1 This act would reduce the fee for a state issued identification card to ten dollars (\$10.00).
- 2 This act would take effect upon passage.

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