

2018 -- H 7216

LC003281

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO ALCOHOLIC BEVERAGES - REGULATION OF SALES

Introduced By: Representatives Canario, Fellela, Azzinaro, Maldonado, and Edwards

Date Introduced: January 18, 2018

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 3-8-6 of the General Laws in Chapter 3-8 entitled "Regulation of
2 Sales" is 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 which bears the date of birth of the licensee, and
18 which 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), and, upon presentation of a certified birth or
6 baptismal certificate, or U.S. or foreign passport, or U.S. naturalization certificate or a valid
7 immigrant or refugee document issued by the United States immigration and naturalization
8 service, including, but not limited to, any one of the following: Form I-551, Form I-94, Form I-
9 688A, and Form I-688, together with a document bearing the applicant's signature.

10 (2) A person who has reached his or her fifty ninth (59th) birthday and/or a person who
11 has a disability which prevents the person from operating a motor vehicle is not required to pay
12 the fee.

13 (3) Each registration card shall be subject to renewal every five (5) years upon payment
14 of a fee of twenty-five dollars (\$25); provided, a person who has reached their fifty-ninth birthday
15 and/or a person who has a disability which prevents the person from operating a motor vehicle
16 shall be issued an identification card that does not need to be renewed.

17 (4) No person who holds an operator's license issued by this state or any other state shall
18 be issued a Rhode Island identification card, unless the license is being surrendered due to an
19 inability to drive.

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

24 RHODE ISLAND IDENTIFICATION CARD

25 Date Issued No.....
26 First Name Middle Name Last Name
27
28 Address
29

30 BIRTH RECORD

31 Month.....Day Year.....
32 Secure Photo by Pasting here Color of hair Color of eyes Sex Ht Wt.
33
34 Issued by

1 Administrator of the Division of Motor Vehicles

2
3
4

5 Administrator

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

10 (7) The identification cards shall be clearly distinguishable from those issued pursuant to
11 § 3-8-6.1 and operators' and chauffeurs' licenses issued pursuant to title 31.

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

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

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

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

34 (3) If a person whose age is in question signs the sign-in as minor book or has a

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

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

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

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

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

33 (f) The Rhode Island identification card may be withdrawn at any time for just cause, at
34 the discretion of the administrator of the division of motor vehicles. The administrator of the

1 division of motor vehicles shall keep a record of the cards issued and each card shall contain an
2 identification number specifically assigned to the person to whom the card was issued.

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

5 **31-10-31. Fees.**

6 The following fees shall be paid to the division of motor vehicles:

7 (1) For every operator's first license to operate a motor vehicle, twenty-five dollars
8 (\$25.00);

9 (2) For every chauffeur's first license, twenty-five dollars (\$25.00); provided, that when a
10 Rhode Island licensed operator transfers to a chauffeur's license, the fee for the transfer shall be
11 two dollars (\$2.00);

12 (3) For every learner's permit to operate a motorcycle, twenty-five dollars (\$25.00);

13 (4) For every operator's first license to operate a motorcycle, twenty-five dollars
14 (\$25.00);

15 (5) For every renewal of an operator's or chauffeur's license, thirty dollars (\$30.00); with
16 the exception of any person seventy-five (75) years of age or older for whom the renewal fee will
17 be eight dollars (\$8.00);

18 (6) For every duplicate operator's or chauffeur's license, twenty-five dollars (\$25.00);

19 (7) For every certified copy of any license, permit, or application issued under this
20 chapter, ten dollars (\$10.00);

21 (8) For every duplicate instruction permit, ten dollars (\$10.00);

22 (9) For every first license examination, five dollars (\$5.00);

23 (10) For every routine information update, i.e., name change or address change, five
24 dollars (\$5.00);

25 (11) For surrender of an out-of-state license, in addition to the above fees, five dollars
26 (\$5.00).

27 (12) For a state ID card, no fee shall be charged to persons over fifty-nine (59) years of
28 age or to persons who have a disability which prevents them from operating a motor vehicle,
29 when such persons have no valid driver's license or are surrendering a driver's license due to an
30 inability to drive.

31 SECTION 3. 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

1 This act would exempt persons over fifty-nine (59) years of age who cannot operate a
2 motor vehicle because of a disability from being charged a fee for an identification card from the
3 department of motor vehicles provided they have no valid operator's license or are surrendering
4 one due to an inability to drive.

5 This act would take effect upon passage.

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