

2011 -- S 0220

LC00773

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES

Introduced By: Senator Harold M. Metts

Date Introduced: February 09, 2011

Referred To: Senate 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.** -- (a) It is unlawful for: (1) A person  
5 who has not reached his or her twenty-first (21st) birthday to enter any premises licensed for the  
6 retail sale of alcoholic beverages for the purpose of purchasing or having served or delivered to  
7 him or her alcoholic beverages; or

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

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

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

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

18 (iii) A Rhode Island identification card as defined in subsection (b) for the purpose of  
19 inducing any licensee or any employee of any licensee, to sell, serve or deliver any alcoholic

1 beverage to a minor.

2 (b) (1) The administrator of the division of motor vehicles shall issue to any person who  
3 has reached his or her twenty-first (21st) birthday a Rhode Island identification card upon  
4 payment of a fee of ~~twenty-five dollars (\$25)~~ fifteen dollars (\$15.00), and, upon presentation of ~~a~~  
5 ~~certified birth or baptismal certificate, or U.S. or foreign passport, or U.S. naturalization~~  
6 ~~certificate or a valid immigrant or refugee document issued by the United States immigration and~~  
7 ~~naturalization service, including, but not limited to, any one of the following: Form I-551, Form~~  
8 ~~I-94, Form I-688A, and Form I-688, together with a document bearing the applicant's signature~~  
9 the documentation required by section 31-10-12.1.

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

12 (3) Each registration card shall be subject to renewal every five (5) years upon payment  
13 of a fee of ~~twenty-five dollars (\$25)~~ fifteen dollars (\$15.00).

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

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

20 RHODE ISLAND IDENTIFICATION CARD

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

25 BIRTH RECORD

26 Month ..... Day ..... Year .....  
27 Color Color Sex Ht. Wt.  
28 of hair of eyes  
29 Secure  
30 Photo  
31 by Pasting  
32 here .....

33 Issued by  
34 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 section 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 such 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)~~ fifteen dollars (\$15.00) until such person shall reach his or her fifty-ninth (59th) birthday.

(c) (1) Every retail Class A, B, C, and D licensee shall cause to be kept a book or photographic reproduction equipment which provides the same information as required by the book. That licensee and/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 considered prima facie evidence that the licensee and/or the licensee's agent or servant acted in good faith in selling any alcoholic beverage to the person producing the document as set forth in this section misrepresenting his or her age.

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

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

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

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

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

31 **3-8-6.1. Identification cards for persons under the age of 21.** -- (a) (1) The  
32 administrator of the division of motor vehicles shall issue to any person upon request, who is  
33 under twenty-one (21) years of age, an identification card upon payment of a fee of fifteen dollars  
34 (\$15.00), and, upon presentation of ~~a certified birth or baptismal certificate, or U.S. or foreign~~

1 ~~passport, or U.S. naturalization certificate, or a valid immigrant or refugee document issued by~~  
2 ~~the United States immigration and naturalization service including, but not limited to, any one of~~  
3 ~~the following: Form I 551, Form I 94, Form I 688A, and Form I 688, together with a document~~  
4 ~~bearing the applicant's signature.~~ the documentation required by section 31-10-12.1. No person  
5 who holds an operator's license, issued by this state or any other state, shall be issued an  
6 identification card.

7 (2) The identification card shall be subject to renewal every five (5) years upon the  
8 payment of a fee of fifteen dollars (\$15.00).

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

13 IDENTIFICATION CARD

14 Date Issued ..... No. ....  
15 First Name Middle Name Last Name  
16 .....  
17 Address .....

18 BIRTH RECORD

19 Month ..... Day ..... Year .....  
20 Color Color Sex Ht. Wt.  
21 of hair of eyes  
22 Secure  
23 Photo  
24 by Pasting  
25 here .....

26 Issued by  
27 Administrator of the Division of Motor Vehicles  
28 .....  
29 Administrator

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

34 (5) The identification cards shall be clearly distinguishable from those issued pursuant to

1 section 3-8-6 and operators' and chauffeurs' licenses issued pursuant to title 31.

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

6 SECTION 2. Section 31-1-18 of the General Laws in Chapter 31-1 entitled "Definitions  
7 and General Code Provisions" is hereby amended to read as follows:

8 **31-1-18. Resident and nonresident.** -- (a) "Nonresident" means any person who is not a  
9 resident of this state ~~or is temporarily residing in this state as a student or as a member of the~~  
10 ~~armed forces of the United States.~~

11 (b) "Resident" means a person:

12 (1) Who owns, rents, or leases real estate within the state as his or her residence and:

13 (i) Engages in a trade, business, or profession in this state; or

14 (ii) Enrolls his or her children in a school in this state for a period exceeding ninety (90)  
15 days; or

16 (2) Who is registered to vote or is eligible to register to vote under the laws of this state;  
17 or

18 (3) Who does not have, or has relinquished, a driver's license from another state and  
19 provides proof of residency in this state as required by section 31-10-12.1.

20 SECTION 3. Chapter 31-10 of the General Laws entitled "Operators' and Chauffeurs'  
21 Licenses" is hereby amended by adding thereto the following section:

22 **31-10-12.1. Identification and residency documents for license.** -- (a) An applicant for  
23 an operator's or chauffeur's license shall be required to present an identity document, a document  
24 with the applicant's signature, and two (2) documents providing proof of residency in Rhode  
25 Island. Nothing contained herein shall prohibit the use of one document, such as a passport, for  
26 more than one purpose.

27 (b) Proof of identity shall be established by presentation of any one of the following  
28 documents: an original or certified copy of a birth, baptismal or adoption certificate; U.S. or  
29 foreign passport; U.S. naturalization certificate; INS form I-551, INS form I-94, INS form I-766,  
30 INS form I-688A, INS form I-688B or any other official documentation issued by the U.S.  
31 Department of Homeland Security, a valid driver's license from another state or U.S. territory; an  
32 Indian census card; a consular identification card; or any other document deemed acceptable by  
33 the division of motor vehicles; provided, however, that photocopies shall not be accepted, and  
34 foreign birth or baptismal records must be translated and notarized.

1           (c) A signature document shall include any of the following: a passport; a social security  
2 card; a work or school identification card; a credit card; or any other valid original document  
3 signed by the applicant that can be used to verify his or her signature.

4           (d) Proof of residency in Rhode Island shall be established by presentation of any two (2)  
5 of the following documents: a valid Rhode Island operator's license or learner's permit; a valid  
6 Rhode Island identification card; a valid Rhode Island registration certificate; a valid Rhode  
7 Island voter registration certificate; a utility bill in the last name of the applicant or in the name of  
8 an immediate family member with the same last name; a personal check with applicant's name  
9 and address printed; a statement from a bank with the applicant's name and address, including a  
10 savings account passbook or a letter on the bank's letterhead stating the address they have on file  
11 for the applicant; a payroll check with the applicant's name and address printed on it; a welfare  
12 check stub or food stamp card with applicant's name and address; an insurance policy for house  
13 or apartment with applicant's name and address; a valid original lease agreement with applicant's  
14 name and address; a home mortgage with applicant's name and address; employer's records with  
15 applicant's name and address; a state-issued marriage certificate with applicant's name and  
16 address; records of state or federal governmental agencies with applicant's name and address,  
17 including state or federal income tax return forms; school records with applicant's name and  
18 address, including a letter on school's letterhead stating the address they have on file for the  
19 applicant, a property tax bill for a house or vehicle with applicant's name and address; a retail  
20 credit card statement with applicant's name and address; a verified postal service change of  
21 address form with the applicant's name and address; or any other document deemed acceptable by  
22 the division of motor vehicles. Provided, however, if an applicant claims to have no permanent  
23 address, documentation from a Rhode Island municipal, state or federal government service  
24 organization or a community-based organization providing services to the homeless, that the  
25 applicant is a state resident shall be accepted as proof of residency.

26           (1) If the applicant is a minor, any of the above listed items with the applicant parent's  
27 name and address will be accepted.

28           (2) Rent receipts, work identification, or personal mail for the applicant will not be  
29 deemed acceptable proof of residency.

30           (e) Proof of lawful presence in the United States shall not be required in order to qualify  
31 for an operator's license. An applicant shall not be denied an operator's license based solely upon  
32 his/her immigration status.

33           (f) In addition to the requirements contained herein, an applicant for an operator's or  
34 chauffeur's license shall be required to submit a valid social security number that has been

1 assigned to that person. Notwithstanding any other law to the contrary, in the event that an  
2 applicant does not have a valid social security number, an applicant may produce a certified copy  
3 of a photo page of a foreign passport or a consular identification card issued by the consulate of  
4 their country of citizenship, or any other document deemed acceptable by the division of motor  
5 vehicles; provided, however, such an alternative shall not be available to applicants for a  
6 commercial license as established in section 31-10.3.

7 (g) Except as provided in section 31-10-47 or otherwise required by federal law,  
8 information obtained by the division of motor vehicles regarding an applicant's social security  
9 number or lack of such a number shall not be public or disclosed to any other agency.

10 SECTION 4. 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 create requirements for identification and residency documents used to  
2 obtain a driver's license wherein a person must provide a document with the applicant's signature  
3 and two (2) documents providing proof of residency in Rhode Island. This act would also change  
4 the fee for the identification card issued by the administrator of the division of motor vehicles to  
5 any person who has reached his or her twenty-first (21<sup>st</sup>) birthday from twenty-five dollars  
6 (\$25.00) to fifteen dollars (\$15.00). The renewal of such would be the same.

7           This act would take effect upon passage.

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