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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - RESIDENT DRIVER
AUTHORIZATION

Introduced By: Senators Pichardo, Jabour, Goldin, Metts, and Nesselbush

Date Introduced: February 25, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-10-26 of the General Laws in Chapter 31-10 entitled "Operators'
2 and Chauffeurs' Licenses" is hereby amended to read as follows:

3 **31-10-26. Issuance of license.** -- (a) The division of motor vehicles shall, upon payment
4 of the required fee, issue to every qualifying applicant an operator's or chauffeur's license. The
5 license shall be approximately two and one-half inches (2 1/2") wide and three and one-half
6 inches (3 1/2") long and shall bear on it a distinguishing number assigned to the licensee, the full
7 name, date of birth, residence address, brief description of the licensee, a photograph of the
8 licensee, whether the licensee has indicated a desire to donate tissue or organs pursuant to the
9 provisions of chapter 18.6 of title 23, and either a space upon which the licensee shall write his or
10 her usual signature with pen and ink or a facsimile of the signature of the licensee. No license
11 shall be valid until it has been so signed by the licensee designated on it. A negative file of all
12 photographs of licensees shall be maintained by the division of motor vehicles for a period of five
13 (5) years.

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

17 (c) Any person who is a law enforcement officer, meaning any permanently employed
18 member of the state, city, or town police departments, sheriffs and deputy sheriffs, members of

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

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

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

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

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

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

32 (i) Any personal digitized information contained within an operator's or chauffeur's
33 license shall be limited to: (a) the licensee's name, age, date of birth, address, gender, physical
34 description such as weight, height, hair color and eye color, signature and organ donor status; and

1 (b) the license number, commercial endorsements, expiration date, issue date, restriction and
2 class.

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

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

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

18 (m)(1) Notwithstanding subsection (a) of this section, the division shall issue an original
19 driver's license to a person who is unable to submit satisfactory proof that the applicant's presence
20 in the United States is authorized under federal law if he or she meets all other qualifications for
21 licensure and provides satisfactory proof to the division of his or her identity and Rhode Island
22 residency. A social security number is not required to issue a license and/or temporary license
23 pursuant to this subsection.

24 (2) A license issued pursuant to this subsection, including a temporary license issued,
25 shall include, as a recognizable feature on the front of the card, the text "Federal Limits Apply",
26 and in the same or approximate font size as the letters in the words "DRIVER LICENSE", with
27 no other distinguishable feature.

28 (3) The license shall bear the following notice on the back of the card: "This card is not
29 acceptable for official federal purposes. This license is issued only as a license to drive a motor
30 vehicle. It does not establish eligibility for employment, voter registration, or public benefits."

31 (4) If the United States Department of Homeland Security determines a license issued
32 pursuant to this section does not satisfy the requirements of title 6 C.F.R. 37.71, adopted pursuant
33 to section 202 (d)(11) of the Real ID Act of 2005 (Pub. L. 109-13), the division shall modify the
34 license only to the extent necessary to satisfy the requirements of that section.

1 (5) The division shall adopt regulations to carry out the purposes of this subsection,
2 including, but not limited to, procedures for:

3 (i) Identifying documents acceptable for the purposes of proving identity and Rhode
4 Island residency;

5 (ii) Procedures for verifying the authenticity of the documents;

6 (iii) Issuance of a temporary license pending verification of any document's authenticity;
7 and

8 (iv) Hearings to appeal a denial of a license or temporary license.

9 (6) Regulations adopted for purposes of establishing the documents acceptable to prove
10 identity and residency pursuant to subsection (m)(5) of this section shall be implemented by the
11 division in consultation with appropriate interested parties, including law enforcement
12 representatives, immigrant rights representatives, labor representatives, and other stakeholders.

13 (7) The division shall accept various types of documentation for the purpose of proving
14 identity, including, but not limited to, the following documents:

15 (i) A valid, unexpired consular identification document issued by a consulate from the
16 applicant's country of citizenship, or a valid, unexpired passport from the applicant's country of
17 citizenship;

18 (ii) An original birth certificate, or other proof of age, as designated by the division;

19 (iii) The following documents, which, if in a language other than English, shall be
20 accompanied by a certified translation or an affidavit of translation into English:

21 (A) A marriage license or divorce certificate;

22 (B) A foreign federal electoral photo card issued on or after January 1, 1991;

23 (C) A foreign driver's license;

24 (iv) A United States Department of Homeland Security Form I-589, Application for
25 Asylum and for Withholding of Removal;

26 (v) An official school or college transcript that includes the applicant's date of birth, or a
27 foreign school record that is sealed and includes a photograph of the applicant at the age the
28 record was issued;

29 (vi) A United States Department of Homeland Security Form I-20 or Form DS-2019;

30 (8) The division shall accept various types of documentation for the purpose of proving
31 residency, including, but not limited to, the following documents:

32 (i) A home utility bill, lease or rental agreement, or other proof of Rhode Island
33 residence, as designated by the division;

34 (ii) A deed or title to real property;

1 (iii) A property tax bill or statement issued within the previous twelve (12) months; or

2 (iv) An income tax return.

3 (9) The Rhode Island division of motor vehicles may assess an additional fee to
4 applicants applying under the provisions of this section in an amount sufficient to offset the
5 reasonable costs of implementing the provisions of the section. If this additional fee is assessed, it
6 shall be assessed only until June 30, 2019.

7 (10) The inability to obtain a driver's license pursuant to this subsection shall not
8 abrogate or diminish in any respect the legal requirement of every driver in this state to obey the
9 motor vehicle laws of this state, including laws with respect to licensing, motor vehicle
10 registration, and financial responsibility.

11 (11) It shall be a violation of law, to discriminate against an individual because he or she
12 holds or presents a license issued under this subsection.

13 (12) A driver's license issued pursuant to this section shall not be used as evidence of the
14 holder's citizenship or immigration status, and shall not be used as a basis for a criminal
15 investigation, arrest, or detention in circumstances where a person with a driver's license that was
16 not issued under this section would not be criminally investigated, arrested, or detained.

17 (13)(i) The director of the division of motor vehicles shall not release any information
18 relating to legal presence or any other information relating to or describing immigration status,
19 nationality or citizenship from a file or record relating to a request for or the issuance of a license,
20 identification card or title or registration of a vehicle to any person or to any federal, state or local
21 governmental entity for any purpose relating to the enforcement of immigration laws.

22 (ii) As used in this section, "information relating to legal presence" means information
23 that may reveal whether a person is legally present in the United States, including, without
24 limitation, whether the driver's license that a person possesses is a license which has been issued
25 pursuant to this section, whether the person applied for a driver's license and the documentation
26 used to prove name, age and residence that was provided by the person with his or her application
27 for a driver's license.

28 (iii) Information collected pursuant to this subsection and/or information relating to legal
29 presence is not a public record.

30 (14) Nothing in this subsection authorizes an individual to apply for, or be issued, a
31 commercial driver's license without the submission of his or her social security account number
32 upon the application and/or compliance with any other requirements imposed by state and/or
33 federal law or regulations.

34 (15) If the director of the division of motor vehicles determines that the division is

1 [prepared to begin issuing driver's licenses pursuant to this section on a date sooner than February](#)
2 [1, 2016 the director shall execute a declaration stating that determination and date, and within](#)
3 [five \(5\) business days, provide a copy of that declaration to the appropriate fiscal and policy](#)
4 [committees of the legislature and to the governor, and shall post this information on its Internet](#)
5 [website.](#)

6 SECTION 2. This act shall take effect on February 1, 2016.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - RESIDENT DRIVER
AUTHORIZATION

1 This act would allow the Division of Motor Vehicles to issue a driver's license to a
2 person who is unable to provide a social security number and/or is unable to submit satisfactory
3 proof that the applicant's presence in the United States is authorized under federal law, provided,
4 he or she meets all other qualifications for licensure and provides satisfactory proof to the
5 division of his or her identity and Rhode Island residency.

6 This act would take effect on February 1, 2016.

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