

2010 -- S 2468

LC00817

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO ALCOHOLIC BEVERAGES -- REGULATION OF SALES

Introduced By: Senators Metts, C Levesque, and Pichardo

Date Introduced: February 11, 2010

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 fifteen dollars (\$15.00), and, upon presentation of ~~a certified birth or~~
5 ~~baptismal certificate, or U.S. or foreign passport, or U.S. naturalization certificate or a valid~~
6 ~~immigrant or refugee document issued by the United States immigration and naturalization~~
7 ~~service, including, but not limited to, any one of the following: Form I 551, Form I 94, Form I~~
8 ~~688A, and Form I 688, together with a document bearing the applicant's signature.~~ the
9 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 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 Secure Color Color Sex Ht. Wt.
28 Photo of hair of eyes
29 by Pasting here

30 Issued by
31 Administrator of the Division of Motor Vehicles
32 Administrator

33 (6) The identification cards shall be produced at the adult correctional institutions if they
34 have facilities to do so; if the adult correctional institutions have no facilities to do so, then all

1 cards shall be manufactured by the lowest responsible bidder following advertisement for the
2 solicitation of bids.

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

5 (8) Any person who has been designated as permanently and totally disabled by the social
6 security administration or who upon certification by an optometrist, ophthalmologist or physician
7 that a holder of a valid and current motor vehicle operator's license is no longer able to operate a
8 motor vehicle, the administrator of the division of motor vehicles shall issue to such person, upon
9 request, a Rhode Island identification card for the unexpired term of such person's motor vehicle
10 operator's license at no additional cost. Thereafter, a renewal of such card shall be subject to the
11 standard renewal charge of fifteen dollars (\$15.00) until such person shall reach his or her fifty-
12 ninth (59th) birthday.

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

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

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

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

31 (d) (1) Any person who violates this section shall be punished for the first offense by a
32 mandatory fine of not less than one hundred dollars (\$100) nor more than five hundred dollars
33 (\$500) and may be further punished by thirty (30) hours of community service and may be further
34 punished by a suspension of his or her motor vehicle operator's license or driving privileges for a

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

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

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

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

26 **3-8-6.1. Identification cards for persons under the age of 21.** -- (a) (1) The
27 administrator of the division of motor vehicles shall issue to any person upon request, who is
28 under twenty-one (21) years of age, an identification card upon payment of a fee of fifteen dollars
29 (\$15.00), and, upon presentation of ~~a certified birth or baptismal certificate, or U.S. or foreign~~
30 ~~passport, or U.S. naturalization certificate, or a valid immigrant or refugee document issued by~~
31 ~~the United States immigration and naturalization service including, but not limited to, any one of~~
32 ~~the following: Form I-551, Form I-94, Form I-688A, and Form I-688, together with a document~~
33 ~~bearing the applicant's signature.~~ [the documentation required by section 31-10-12.1.](#) No person
34 who holds an operator's license, issued by this state or any other state, shall be issued an

1 identification card.

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

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

8 IDENTIFICATION CARD

9	Date Issued	No.	
10	First Name	Middle Name	Last Name
11		
12	Address		

13 BIRTH RECORD

14	Month	Day	Year			
15	Secure	Color	Color	Sex	Ht.	Wt.
16	Photo	of hair	of eyes			
17	by Pasting					
18	here					

19 Issued by
20 Administrator of the Division of Motor Vehicles
21

22 Administrator

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

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

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

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

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

4 (b) "Resident" means a person:

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

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

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

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

10 or

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

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

15 **31-10-12.1. Identification and residency documents for license.** – (a) An applicant for
16 an operator's or chauffeur's license shall be required to present an identity document, a document
17 with the applicant's signature, and two (2) documents providing proof of residency in Rhode
18 Island. Nothing contained herein shall prohibit the use of one document, such as a passport, for
19 more than one purpose.

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

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

31 (d) Proof of residency in Rhode Island shall be established by presentation of any two (2)
32 of the following documents: a valid Rhode Island operator's license or learner's permit; a valid
33 Rhode Island identification card; a valid Rhode Island registration certificate; a valid Rhode
34 Island voter registration certificate; a utility bill in the last name of the applicant or in the name of

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

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

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

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

26 (f) In addition to the requirements contained herein, an applicant for an operator's or
27 chauffeur's license shall be required to submit a valid social security number that has been
28 assigned to that person. Notwithstanding any other law to the contrary, in the event that an
29 applicant does not have a valid social security number, an applicant may produce a certified copy
30 of a photo page of a foreign passport or a consular identification card issued by the consulate of
31 their country of citizenship, or any other document deemed acceptable by the division of motor
32 vehicles; provided, however, such an alternative shall not be available to applicants for a
33 commercial license as established in section 31-10.3.

34 (g) Except as provided in section 31-10-47 or otherwise required by federal law,

1 [information obtained by the division of motor vehicles regarding an applicant's social security](#)
2 [number or lack of such a number shall not be public or disclosed to any other agency.](#)

3 SECTION 4. This act shall take effect upon passage.

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LC00817
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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 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.

4 This act would take effect upon passage.

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