

**RULES OF  
PRACTICE AND PROCEDURE  
FOR  
THE DIVISION OF MOTOR VEHICLES**

**Adopted August 2006**

**Amended June 2008**

**Amended January 2012**

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF REVENUE  
DIVISION OF MOTOR VEHICLES**

## INTRODUCTION

These Rules and Regulations are promulgated under the authority of Chapters 31-2 and 42-35 of the General Laws of Rhode Island, as amended, and are established for the purpose of describing the practices and procedures of the Division of Motor Vehicles, a division of the Rhode Island Department of Revenue.

These Rules and Regulations shall supersede any and all previous *Rules of Practice and Procedure* that were promulgated by the Rhode Island Division of Motor Vehicles and have been filed with the Secretary of State.

Pursuant to the provisions of section 42-35-3(c) of the General Laws of Rhode Island, as amended, consideration was given to: (1) alternative approaches to the regulations; and (2) duplication or overlap with other state regulations. No alternative approach, overlap or duplication nor any significant economic impact was identified; consequently these Regulations are adopted in the best interest of the health, safety and welfare of the public.

The within Rules and Regulations were adopted by me as Administrator of the Division of Motor Vehicles on the        day of March, 2012.

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Carole Dwyer, Interim Administrator  
Division of Motor Vehicles

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## **RULE 1. PURPOSE, SCOPE AND AUTHORITY**

**1.1 Scope.** These Rules and Regulations describe the administrative practices and procedures of the Division of Motor Vehicles, a division of the Rhode Island Department of Revenue. Based on Article 38 of Chapter 246 of the 2006 Public Laws, a Department of Revenue has been authorized. This Department shall consist of several divisions currently within the Department of Administration, including the Division of Motor Vehicles.

**1.2 Background.** Since 1994, the Rhode Island Department of Administration has been authorized by Rhode Island General Laws of 1956, as amended, R.I.G.L. Section 42-11-2 (ee), to operate a Division of Motor Vehicles. The Division is responsible for activities assigned to it by law, including the activities set forth in Title 31 of the Rhode Island General Laws of 1956, as amended. The Division of Motor Vehicles is responsible for motor vehicle registration, testing and licensing of motor vehicle operators, inspection of motor vehicles, and enforcement of laws relating to the issuance, suspension and revocation of motor vehicle registrations and drivers' licenses. In addition, the Division is responsible to administer the financial responsibility law. The chief of the Division uses the title and designation "Administrator" on all licenses, registrations, orders of suspensions, financial responsibility notices or orders, or any other official documents issued or promulgated by the Division.

**1.3 Authority.** The Rules and Regulations herein contained are promulgated pursuant to R.I.G.L. Section 42-35-2 and R.I.G.L. Section 31-2-4, as amended.

## **RULE 2. DEFINITIONS**

**2.1** The term "Department" refers to the Department of Revenue, a department in the executive branch of state government that is located at One Capitol Hill, Providence, Rhode Island 02908, or any successor Department.

**2.2** The term "Division of Motor Vehicles" refers to the division that exists within the Department of Revenue, pursuant to the requirements of R.I.G.L. Section 42-142-2 (b), or any successor Department.

**2.3** The term "Director" wherever used in these Regulations, shall be deemed to refer to the Director of the Department of Revenue, or any successor Department.

**2.4** The term "Division" refers to the Division of Motor Vehicles.

**2.5** The term "Administrator" refers to the Administrator or Chief of the Division of Motor Vehicles.

**2.6** The term "Hearing" wherever used in these Regulations, shall be deemed to refer to any contested case that is brought before the Administrator of the Division of Motor Vehicles.

**2.7** The term “Act” whenever used in these Regulations, shall be deemed to refer to the Administrative Procedures Act (R.I.G.L. Section 42-35-1 *et seq.*)

**2.8** “Contested case” means an adjudicatory proceeding before a hearing officer of the Division of Motor Vehicles, wherein the legal rights, duties or privileges of a party are determined.

**2.9** “Hearing Officer” means the person authorized by law or duly designated by the Director to hear and conduct hearings and to recommend decisions, or render final determinations in contested cases.

**2.10** “Person” means any individual, partnership, corporation, limited liability company, association, governmental subdivision, public or private organization or any other entity however formed.

**2.11** “Regular business hours” means the regular business hours of the Division of Motor Vehicles.

**2.12** The term “Registry” whenever used in these Regulations, shall be deemed to refer to the Registry of Motor Vehicles or to the Division of Motor Vehicles.

**2.13** The term “Registrar” whenever used in these Regulations, shall be deemed to refer to the Registrar of Motor Vehicles or his deputy or deputies or to the Administrator of the Division of Motor Vehicles, when the context so permits.

**2.14** The term “Registrar’s Office” refers to the Office of the Registrar of Motor Vehicles or the Administrator of the Division of Motor Vehicles, when the context so permits.

### **RULE 3. RULES OF PRACTICE – GENERALLY**

This section governs procedures and practices regarding contested matters before the Division of Motor Vehicles except those specifically listed in Rule 4.

#### **3.1 APPEARANCES**

**3.1.1** No person may appear in a representative capacity before the Division of Motor Vehicles other than attorneys at law duly qualified and entitled to practice before the Supreme Court of the State of Rhode Island and attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the State of Rhode Island are permitted to appear in a representative capacity before administrative agencies of such other state, and such other persons as by law are expressly authorized to appear in representative capacities, and if not otherwise prohibited by our state law. The Administrator may, in circumstances he deems appropriate, permit a bona fide officer, partner, or full time employee of an individual firm, association, partnership, or corporation to appear for such individual firm, association, partnership, or corporation.

**3.1.2** All persons appearing in proceedings before the Division of Motor Vehicles in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Rhode Island. If any such person does not conform to these standards, that person may not be allowed to appear in a representative capacity in any proceeding before the Division.

## **3.2 NOTICE**

**3.2.1** Whenever notice of any person, firm or corporation is or may be required, the notice shall consist of personal delivery to the person, firm, or corporation involved, or by mailing of a letter by regular or certified mail. The person who provides the notice has the burden to show that notice was personally delivered or was mailed.

## **3.3 REQUEST FOR HEARING**

**3.3.1** The procedure for a Request for Hearing consists of the following:

(a) A clear and concise statement of the nature of the matter which is disputed, objected to, or otherwise sought to be contested and of the facts on which the appellant relies;

(b) A clear and concise statement of the objection to the action of the Division of Motor Vehicles with which he or she is aggrieved, and contention of law, if any, which the appellant desires to raise, including the application of any agency rule or regulation which may be involved;

(c) A prayer setting forth the relief sought; and

(d) The name and address of the appellant, as well as the name and address of his or her attorney, if any.

**3.3.2** Filing of Request for Hearing – The request for hearing shall be filed with the Administrator and be signed by the appellant or by his or her attorney. Such filing shall be made within the statutory time limit, either by hand delivery or by regular mail, postage prepaid, addressed to the Division of Motor Vehicles, 100 Main Street, Pawtucket, Rhode Island 02860.

**3.3.3** Failure to Comply – Failure to conform to the requirements of this rule or of the preceding rule(s) may constitute grounds for the dismissal of the request for hearing.

### **3.4 HEARINGS**

**3.4.1** General - All hearings required by law or by the Administrator shall be conducted in accordance with these Rules and Regulations.<sup>1</sup> Where no hearing is required by law, the Administrator may nevertheless in his/her discretion conduct informal hearings or investigations in such manner and according to such procedures as established by the Act and Title 31 of the Rhode Island General Laws.

#### **3.4.2** Contested Cases

In any contested case, all parties shall be afforded an opportunity for hearing after reasonable notice. The notice, except as otherwise provided in section 3A shall include:

- (a) a statement of the time, place, and nature of the hearing;
- (b) a statement of legal authority and jurisdiction under which the hearing is to be held;
- (c) a reference to the particular sections of the statutes and rules involved;
- (d) a short and plain statement of the matters to be heard.
- (e) opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved.
- (f) unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.
- (g) the record in a contested case shall include:
  - (1) all pleading, motions, intermediate rulings;
  - (2) evidence received or considered;
  - (3) a statement of matters officially noticed;
  - (4) questions and offers of proof and ruling thereon;
  - (5) proposed findings and exceptions;
  - (6) any decision, opinion, or report by the officer presiding at the hearing.

**3.4.3** Hearings – Open to Public – Hearings shall be open to the public unless the Administrator shall declare the hearing closed upon the request of a party and for good cause shown.

### **3.5 CONDUCT OF HEARING**

**3.5.1** The Administrator will not consider any issue of fact or contention of law not specifically set out in the request for hearing.

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<sup>1</sup> As stated in Rhode Island General Laws § 42-35-18, the provisions of Rhode Island General Laws §§ 42-35-9, 42-35-10, 42-35-11, 42-35-12 and 42-35-13 shall not apply to: “Any and all acts, decisions, findings or determinations by the Administrator of the Division of Motor Vehicles or his or her duly authorized agent and to any and all procedures or hearings before and by said Administrator or his or her said agent under the provisions of chapters 10, 11, 31 to 33, inclusive, of title 31 of the Rhode Island General Laws.” R.I.G.L. § 42-35-18(c)(4).

**3.5.2 Hearing Officers** - Hearings shall be conducted by the Administrator or a hearing officer appointed by the Administrator who shall have authority to examine witnesses, to rule on motions, and to rule upon the admissibility of evidence. The hearing officer shall have the authority to continue or recess any hearing, to keep the record open for the submission of additional evidence, and to issue a final decision.

**3.5.3 Conduct of Hearing** - The hearing shall be convened by the hearing officer, appearances shall be noted, any motions or preliminary matters shall be resolved, and each party shall have opportunity to present its case generally on an issue by issue basis, by calling and examining witnesses and introducing documentary evidence. Each party shall have opportunity to cross-examine opposing witnesses on any matter relevant to the issue. Any objection to testimony or evidentiary offers should be made, and the basis of the objection stated. The hearing officer may question any party or any witness for the purpose of clarifying his or her understanding of the issues raised or to otherwise clarify the record.

**3.5.4 Oral Evidence, Witnesses, and Penalty for False Statements** - Any party may request a hearing officer to subpoena witnesses or the hearing officer may do so on his or her own motion. A hearing officer may require the parties in a case to identify the persons they expect to call as witnesses. The testimony of witnesses shall be made under oath or affirmation and the making of false statements may subject a person to criminal prosecution under R.I.G.L. Chapter 11-33.

**3.5.5 Requests for Subpoena Duces Tecum** - Any party may request a hearing officer to issue a subpoena duces tecum or the hearing officer may do so on his or her own motion. Said request shall set forth, in detail, the information sought, the relevance thereof, and the reasonableness of the scope of the subpoena. The party requesting the issuance of said subpoena shall have the burden of showing the relevance and reasonableness of the scope of the subpoena. A subpoena duces tecum may be quashed after its issuance if it is subsequently determined that the matters sought to be adduced are not relevant or the subpoena is not reasonable in scope.

**3.5.6 Continuances** - Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the Administrator in writing, stating in detail the reasons why such continuance is necessary. The Administrator, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the Administrator may grant such a continuance and may at any time order a continuance upon his/her own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the Administrator may in his/her discretion continue the hearing and assign the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of a continued hearing.

**3.5.7** In the performance of their duties under Title 31, the Administrator, any duly authorized assistant, or hearing officer may summon witnesses on behalf of the state and may administer oaths and take testimony. (See R.I.G.L. Section 31-2-17(a)).



**3.5.8** Record of Hearings – In all administrative hearings conducted by personnel of the Division of Motor Vehicles involving the issuance, revocation, or suspension of licenses to operate vehicles or the registration of vehicles, a taped recording of that hearing may be made part of the record. In case of appeal to a court, copies of those tapes in lieu of a transcript shall be made available without charge to the operator or owner, or his or her representative. (See R.I.G.L. Section 31-2-21).

### **3.6 DECISIONS AND ORDERS**

**3.6.1** Any final order adverse to a party in a contested case shall be in writing or stated on the record. Any final order shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If a party, in accordance with agency rules, submitted proposed findings of fact, the order shall include a ruling upon each proposed finding. (See R.I.G.L. Section 42-35-12).

**3.6.2** Parties shall be notified either personally or by mail of any order. Included with the final order shall be a separate notice advising the parties of the availability of judicial review, the appeal period and the procedure for filing an appeal, and providing a reference to the statutory authority. If the agency fails to provide such notice, the time for taking an appeal shall be extended for an additional thirty (30) days beyond the time otherwise authorized by law. Upon request, a copy of any final order stated in the record shall be delivered or mailed forthwith to each party and to his or her attorney of record. (See R.I.G.L. Section 42-35-12).

### **3.7 APPEALS**

**3.7.1** Appeal from the Administrator – Any person aggrieved by any order of the Administrator of the Division of Motor Vehicles may appeal the order to the sixth division district court by filing, within ten (10) days from the date of the notice to such person of the issuance of the order appealed from, a petition in the sixth division district court stating the grounds upon which the appeal is taken. (See R.I.G.L. Section 31-2-19).

**3.7.2** The taking of such appeal shall not operate as a stay of the order of the Administrator from which an appeal has been taken. The order of the Administrator shall remain in full force and effect during the pendency of the appeal, unless specifically stayed by the court. At the request of a petitioner, the court shall determine whether or not the filing of the petition shall operate as a stay of the order or act of the Administrator.

**3.7.3** A party aggrieved by a final order of the court may seek further appellate review pursuant to the procedures set forth in R.I.G.L. Section 42-35-15.

**RULE 4. RULES OF PRACTICE – DENIAL, SUSPENSION, OR REVOCATION OF OPERATOR’S OR CHAUFFEUR’S LICENSE**

**4.1 GROUNDS FOR DENIAL**

**4.1.1** Pursuant to R.I.G.L. Section 31-10-3, the Division of Motor Vehicles shall not issue an operator’s or chauffeur’s license:

- (1) To any person, as an operator, who is under the age of sixteen (16) years;
- (2) To any person, as a chauffeur, who is under the age of eighteen (18) years;
- 3) To any person, as an operator or chauffeur, whose license has been suspended, during that suspension, nor to any person whose license has been revoked, except to those whose license has been reinstated pursuant to R.I.G.L. Section 31-11-10;
- (4) To any person, as an operator or chauffeur, who is a habitual drunkard or habitual user of drugs to such an extent that he or she is incapable of safely driving a motor vehicle;
- (5) To any person, as an operator or chauffeur, who is required by title 31, chapter 10 to take an examination unless that person has successfully passed the required examination;
- (6) To any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited that proof;
- (7) To any person when the Administrator of the Division of Motor Vehicles has good cause based on clear and convincing evidence to believe that that person does not meet a standard of physical or mental fitness for motor vehicle licensure established pursuant to the laws and regulations regarding the Medical Advisory Board (R.I.G.L. Section 31-10-44) and that the person's physical or mental condition prevents him or her from being able to operate a motor vehicle with safety upon the highway;
- (8) To any person when the Administrator of the Division of Motor Vehicles has good cause to believe that the operation of a motor vehicle on the highways by that person would pose an imminent safety risk to the general public as determined by objectively ascertainable standards;
- (9) To any person who is subject to an order issued by the Family Court finding a person delinquent or wayward pursuant to R.I.G.L. Section 14-1-67.

**4.1.2** Identification required upon application or renewal of operator’s license. An applicant for an operator’s license or a renewal license shall present appropriate

identification documents, as listed in Appendix A, at the time of application or renewal as required by the Division of Motor Vehicles. A list of acceptable forms of identification is available at registry offices, by mail and on the Division of Motor Vehicle's website, <http://www.dmv.ri.gov>. A list of the currently acceptable identifying documents that are presently required is attached as Appendix A.

**4.1.3** The Division of Motor Vehicles is required by law to record and maintain social security numbers of all applicants for a Driver's License or Identification Card.<sup>2</sup>

All applicants must provide documentary proof of a social security number, as provided in Appendix A, or must provide verification that the individual is not eligible for a social security account number.<sup>3</sup> If an applicant does not have a valid social security number, the applicant must present a foreign passport and appropriate visa, or other appropriate documentation issued by the federal government, in order to validate the applicant's ineligibility for a social security account number.

In the event an individual's social security number is not already on file with the division of motor vehicles, documentary proof of social security number, as provided in Appendix A, shall be provided at the time of renewal.

All social security numbers will be verified electronically with the Social Security Administration.

**4.1.4** Application for permanent license at expiration of "first license" – special jurisdiction. The Rhode Island Traffic Tribunal has jurisdiction to determine if a person should be granted an operator's license, be reissued a first license, or be denied a license to operate a motor vehicle, if that applicant has been adjudicated for committing one moving motor vehicle violation, has been involved in one reportable motor vehicle accident, or both during the period of time the person held a "first license." The person shall be summoned for a hearing before a judge of the Traffic Tribunal at which time the person's driving record will be reviewed. (See R.I.G.L. Section 31-10-26(e)).

**4.1.5** Denial of license for nonpayment of delinquent child support. No individual who has an unpaid child support order arrearage in excess of five hundred dollars (\$500) as shown by the Rhode Island Family Court, Department of Human Services, or Child Support Enforcement computer system ("CSE system") may obtain an original license or renewal of a license to operate a motor vehicle, until all child support order arrearages have been paid in full or a satisfactory arrangement for payment has been made with the Family Court, and payment has been certified to the Division of Motor Vehicles by the Department of Human Services. (See R.I.G.L. Section 31-2-23).

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<sup>2</sup> R.I.G.L. Section 31-3-6.1 and Section 31-3-6.2. *See also* R.I.G.L. Section 31-10-26(l) and 42 U.S.C. § 405(C).

<sup>3</sup> In accordance with the implementation of the Real I.D. Act, 2005 P.L. 109-13, § 202 (c), proof of an individual's social security account number or verification that the individual is not eligible for a social security account number is a minimum requirement for issuance of driver's license or identification card.

**4.1.6** A refusal by the Division of Motor Vehicles to register or renew a registration of any motor vehicle and/or issue an original license or renew a license to operate a motor vehicle is a final determination for purposes of chapter 35 of title 42. (See R.I.G.L. Section 31-2-23(d)).

**4.1.7** Non-renewal of operator's license for failure to pay delinquent taxes. The Division of Motor Vehicles shall not renew any operator's license upon expiration thereof until all state taxes, interest and attendant penalties have been paid in full or the licensee or registrant has entered into a time payment agreement satisfactory to the Tax Administrator. (See R.I.G.L. Section 31-3-6.1).

**4.1.8** In the event that an operator's license has been expired for a period of more than five years, the Division of Motor Vehicles requires the applicant to successfully complete both the written examination and road test as required of a new license applicant. If the expired operator's license is from a state other than Rhode Island and has been expired for more than one year, the Division of Motor Vehicles requires the applicant to successfully complete both the written examination and road test as required of a new license applicant.

## **4.2 GROUNDS FOR SUSPENSION**

**4.2.1** Pursuant to R.I.G.L. Section 31-11-7, the Division of Motor Vehicles is authorized to suspend the license of an operator or chauffeur without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

(1) Has been adjudicated by a court of competent jurisdiction to have:

(A) Committed an offense for which mandatory revocation or suspension of license is required upon conviction or adjudication pursuant to R.I.G.L. Section 31-11-6;

(B) Committed with such frequency of offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(C) Been a reckless or negligent driver of a motor vehicle;

(D) Permitted an unlawful or fraudulent use of a license;

(E) Committed an offense in another state which, if committed in this state, would be grounds for suspension or revocation;

(F) Committed any offense enumerated in R.I.G.L. Section 31-9-1;

(2) Is the subject of an order issued by the Family Court finding that person delinquent or wayward pursuant to R.I.G.L. Section 14-1-67; or

(3) Poses an imminent safety risk to the general public as determined by the application of objectively ascertainable standards. (See R.I.G.L. Section 31-11-7(a)(1)).

#### **4.3 GROUNDS FOR REVOCATION**

**4.3.1** Pursuant to R.I.G.L. Section 31-11-1, the Division of Motor Vehicles is authorized to cancel any operator's or chauffeur's license upon determining:

(1) The licensee was not entitled to issuance pursuant to Title 31 of the Rhode Island General Laws;

(2) The licensee failed to give the required correct information in his or her application; or

(3) The licensee committed fraud in making the application.  
(See R.I.G.L. Section 31-11-1).

#### **4.4 NOTICE OF DENIAL, SUSPENSION OR REVOCATION**

**4.4.1** The Division of Motor Vehicle shall notify in writing any individual whose application for an operator's or chauffeur's license has been denied, or license has been suspended or revoked. The notice shall contain the legal and factual basis for the denial, suspension, or revocation, the procedure for requesting a hearing and a description of the individual's rights during the appeals process. (See R.I.G.L. Sections 31-10-3(b), 31-11-7(b)). A draft Notice of Denial is attached as Appendix B and a draft Notice of Suspension and Revocation is attached as Appendix C.

**4.4.2** If the denial, suspension, or revocation is based on mental or physical fitness, the notice must reference the specific functional standard used by the division as promulgated pursuant to R.I.G.L. Section 31-10-44(b).

#### **4.5 NOTICE OF PROPOSED SUSPENSION**

**4.5.1** When the Division of Motor Vehicles proposes to suspend an operator's license for reasons other than those authorized in section 4.2, prior to suspension the Division shall inform the individual of his or her right to request a hearing. The notice shall contain the legal and factual basis for the proposed suspension, the procedure for requesting a hearing and a description of the individual's rights during the appeals process. (See R.I.G.L. Section 31-11-7(c)).

**4.5.2** If the individual requests a hearing, no action to suspend or revoke his or her license shall be taken by the Department until after a hearing has been held in accordance with

section 4.6 and a decision has been rendered by the hearing officer. (See R.I.G.L. Section 31-11-7(c)).

## **4.6 HEARING**

**4.6.1** Upon receiving a hearing request from an individual whose license has been denied, suspended or revoked, the Division shall afford a hearing as early as practical, but no later than twenty (20) days after receiving the request. (See R.I.G.L. Section 31-11-7(b)).

**4.6.2** Conduct of hearing. An individual whose license has been denied, suspended or revoked, will be afforded the following rights at the hearing: (1) an in person hearing before an impartial decision-maker; (2) the opportunity to compel the production of documents and witnesses, including members of the Division of Motor Vehicles' Medical Advisory Board; (3) the opportunity to confront and cross-examine witnesses; (4) access to all of the evidence upon which the Division of Motor Vehicles relied in making its determination to suspend; and (5) the right to present any and all relevant evidence including the right to obtain and present the results of a recently administered road test. (See R.I.G.L. Section 31-11-7(d)).

**4.6.3** Burden of Proof. The Division of Motor Vehicles has the burden to prove the existence of the grounds for the denial. If the grounds for denial are lack of mental or physical fitness, the burden is on the Division of Motor Vehicles to prove such lack of fitness by clear and convincing evidence. (See R.I.G.L. Section 31-11-7(d)).

**4.6.4** Subpoenas and Oaths. For the purpose of the hearing procedures described in section 4.6.2, the Administrator of the Division of Motor Vehicles or his or her duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee. (See R.I.G.L. Section 31-11-7(e)).

**4.6.5** Decision. After the hearing conducted pursuant to section 4.6.2, the Division of Motor Vehicles shall issue a written decision based solely on the evidence adduced at the hearing and containing the legal and factual basis for the determination. The Division of Motor Vehicles may rescind its order of denial, suspension, or revocation; determine that denial, suspension, or revocation is not warranted; or may continue, modify, or extend the suspension of the license, may revoke the license, or may deny the license application. (See R.I.G.L. Section 31-11-7(f)).

## **4.7 APPEALS**

**4.7.1** Appeal from the Administrator – Any person aggrieved by any order of the Administrator of the Division of Motor Vehicles regarding license suspension, revocation, or denial may appeal the order to the Sixth Division District Court by filing, within ten (10) days from the date of the notice to such person of the issuance of the order appealed from, a petition in the Sixth Division District Court stating the grounds upon which the appeal is taken. (See R.I.G.L. Section 31-11-15).

**4.7.2** A party aggrieved by a final order of the court may seek further appellate review pursuant to the procedures set forth in R.I.G.L. Section 42-35-15.

## **RULE 5. PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL**

**5.1** Any interested person may petition the Administrator requesting the promulgation, amendment, or repeal of any rule.

**5.2** Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition should also include the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amendment, if any. The petition must include all reasons for the requested amendment or repeal of the rule.

**5.3** Form. Any interested person petitioning the Administrator requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following.

At the top of the page shall appear the wording "Before the Division of Motor Vehicles". On the left side of the page below the foregoing caption shall be set out: "In the Matter of the Petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of Rule (or Rules)". Opposite the foregoing caption shall appear the word "Petition".

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of a new rule or rules, or amendment or repeal of an existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by Registry rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and four copies of the petition shall be filed with the Administrator.

**5.4** All petitions shall be considered by the Administrator. The Administrator may, in his or her discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

**5.5** Prior to the adoption, amendment, or repeal of any rule and pursuant to R.I.G.L. Section 42-35-3, as amended, the Administrator shall:

(a) Give at least thirty (30) days' notice of his/her intended action. The notice shall include a statement of either the terms or substance of the intended action or description of the subject and issues involved, and of the time when, the place where, and the manner in which interested persons may present their views thereon. The notice shall be mailed to all persons who made timely request of the Administrator for advance notice of its rule-making proceedings, and published in a newspaper or newspapers having aggregate general circulation throughout the State, provided, however, that if said action is limited in its applicability to a particular area, then said publication may be in a newspaper having general circulation in said area.

(b) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing must be granted if requested by twenty-five (25) persons, or by a governmental subdivision or agency, or by an association having not less than twenty-five (25) members. The Administrator shall consider fully any written and oral submissions requesting the proposed rule. Upon adoption of a rule, the Administrator, if requested to do so by an interested person, either prior to adoption or within thirty (30) days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

(c) If the Administrator finds that an imminent peril to the public health, safety or welfare requires adoption of a rule upon less than thirty (30) days' notice, and states in writing its reasons for that finding, it may proceed without prior notice or hearing, or upon any abbreviated notice and hearing that it finds practicable, to adopt any emergency rule. The rule so adopted may be effective for a period of not longer than one hundred twenty (120) days renewable once for a period not exceeding ninety (90) days.

## **RULE 6. DECLARATORY RULINGS**

**6.1** Declaratory Rulings. As prescribed by R.I.G.L. Section 42-35-8, any interested person may petition the Division of Motor Vehicles for a declaratory ruling. The Administrator shall consider the petition and within a reasonable time the Administrator shall:

- (a) issue a non-binding declaratory ruling; or
- (b) notify the person that no declaratory ruling is to be issued; or
- (c) set a reasonable time and place for hearing argument upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.

**6.2** If a hearing as provided in subsection 6.1 (c) is conducted, the Administrator shall within a reasonable time:

- (a) issue a binding declaratory rule; or



- (b) issue a non-binding declaratory ruling; or
- (c) notify the person that no declaratory ruling is to be issued.

**6.3 Form.** Any interested person petitioning the Registry for a declaratory ruling pursuant to R.I.G.L. Section 42-35-8 shall generally adhere to the following.

At the top of the page shall appear the wording "Before the Division of Motor Vehicles". On the left side of the page below the foregoing the following caption shall be set out: "In the Matter of the Petition of (name of petitioning party) for a Declaratory Ruling". Opposite the foregoing caption shall appear the word "Petition".

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the courts of this State. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the Superior Court.

The original and four copies shall be filed with the Division of Motor Vehicles.

#### **RULE 7. PUBLIC INFORMATION**

**7.1** Individuals who wish to secure records, unless exempted from disclosure pursuant R.I.G.L. Section 38-2-2, make submissions or requests, register complaints, or to conduct business in any manner whatsoever with the Division of Motor Vehicles, may do so in writing, mailed or hand delivered to the Administrator during regular business hours.

**7.2** Website – Additional information regarding the Division of Motor Vehicles is available on the Division's website at <http://www.dmv.ri.gov>.

#### **RULE 8. SEVERABILITY**

**8.1** If any provision of these Rules and Regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of the Rules and Regulations which can be given effect, and to this end the provisions of these Rules and Regulations are declared to be severable.

APPENDIX AIdentification Requirements and Acceptable Documents for  
New Driver's Licenses and Identification Cards.

All applicants must provide one document from the "Identity" section, one document from the "Signature" section, and one document from the "Residency" section, listed below. At least two separate documents must be presented. No photocopies will be accepted as proof of identification.

Additionally, all applicants must comply with the provisions of the "Social Security Card" section contained on page three.

**Proof of Identity Documents** (must show legal name and date of birth. In order to prove a name change from the name contained on a primary identity document, a government issued Marriage Certificate/License is required).

- Valid U.S., U.S. Territory or Canadian Driver's License with photograph, signature, and date of birth (must not be expired for more than one year).
- Birth certificate (must be original or certified copy, have a seal, and be issued by an authorized government agency such as the Bureau of Vital Statistics; hospital issued certificates are not acceptable).
- Baptismal certificate (must be original or certified copy, be issued by a church in the U.S., have an issue date of within one year of applicant's birth, and contain the applicant's date of birth).
- U.S. or foreign passport (B1, B2 and expired passports are not acceptable).
- Social Security Card.
- U.S. Naturalization Certificate.
- INS form I-94 (document showing entry into U.S.).
- INS form I-688 (Temporary Resident Identification Card).
- INS form I-688B, I-766 (Employment Authorization Card).
- U.S. Active Service, Retiree, or Reservist Military ID Card.
- Native American Tribal ID Card.

**Proof of Signature Documents**

- Valid U.S., U.S. Territory or Canadian Driver's License with photograph, signature, and date of birth (must not be expired for more than one year).
- U.S. or foreign passport (Note: B1, B2 and expired passports are not acceptable).
- Work or school ID.
- U.S. Active Service, Retiree, or Reservist Military ID Card.

**Proof of Residency Documents**

- Valid Voter Registration Card.
- Utility bill (gas, electric, telephone, cable, or oil) in your name or in the name of an immediate family member with the same last name.
- Personal check or bank statement with your name and address (no P.O. Box).
- Valid original lease agreement with your name and address (landlord's name, address, and telephone number also must be provided).
- Payroll check with your name and address.
- Welfare check stub, food stamp card, or RI EBT Card with your name and address.
- Insurance policy for your home or apartment with your name and address.
- Property tax bill for your residence.
- If a minor, school records which include the student's address and are for the current school year (or past year if during summer vacation). Acceptable records include a report card, diploma, transcript, or ID card, together with parent's license/ID with same address.
- Letter from Rhode Island shelter or halfway house indicating that applicant resides there. Such a letter must be on letterhead, must be dated within thirty (30) days of presentation, and must include name and contact information of an administrator of the shelter or halfway house.

**Social Security Card Requirement**

The division of motor vehicles is required by law to record and maintain social security numbers of all applicants for a Driver's License or Identification Card.<sup>4</sup>

All applicants must provide documentary proof of social security number, as described below, or must provide verification that the individual is not eligible for a social security account number.<sup>5</sup> If an applicant does not have a valid social security number, the applicant must present a foreign passport and appropriate visa, or other appropriate documentation issued by the federal government, in order to validate the applicant's ineligibility for a social security account number.

In the event an individual's social security number is not already on file with the division of motor vehicles, documentary proof of social security number, as provided in Appendix A, shall be provided at the time of renewal.

All social security numbers will be verified electronically with the Social Security Administration.

**Documentary Proof of Social Security Number**

- Official Social Security Card (Laminated or metal cards are acceptable.)
- Letter from Social Security Administration containing applicant's name and social security number.
- Valid, unexpired United States passport.

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<sup>4</sup> R.I.G.L. Section 31-3-6.1 and Section 31-3-6.2. *See also* R.I.G.L. Section 31-10-26(1) and 42 U.S.C. § 405(C).

<sup>5</sup> In accordance with the implementation of the Real I.D. Act, 2005 P.L. 109-13, § 202 (c), proof of an individual's social security account number or verification that the individual is not eligible for a social security account number is a minimum requirement for issuance of driver's license or identification card.



RHODE ISLAND DIVISION OF MOTOR VEHICLES  
DIVISION OF MOTOR VEHICLES LICENSES

APPENDIX B

NOTICE OF DENIAL

THE DIVISION OF MOTOR VEHICLES HAS DENIED YOUR APPLICATION FOR AN OPERATOR'S OR CHAUFFEUR'S LICENSE FOR THE FOLLOWING REASON(S):

- Applicant for Operator's License is under the age of sixteen (16) years
- Applicant for Chauffeur's License is under the age of eighteen (18) years
- License is suspended
- License has been revoked
- Applicant has failed to pass the applicable examinations
- If required applicant has failed to deposit proof of financial responsibility pursuant to the laws of this state
- Applicant is incapable of safely driving a motor vehicle due to habitual use of drugs and/or alcohol
- Applicant failed to present proof of Rhode Island residency
- The Administrator of the Division of Motor Vehicles has good cause based on clear and convincing evidence to believe that the applicant does not meet a standard of physical or mental fitness for motor vehicle licensure and that the person's physical or mental condition prevents applicant from being able to operate a motor vehicle with safety upon the highway
- Applicant is subject to an order issued pursuant to R.I.G.L. § 14-1-67
- The Administrator of the Division of Motor Vehicles has good cause to believe that the operation of a motor vehicle on the highways by the applicant would pose an imminent safety risk to the general public as determined by objectively ascertainable standards.
- Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**\*\*\*\*YOU HAVE A RIGHT TO APPEAL THIS DENIAL\*\*\*\***

Pursuant to Rhode Island General Laws §§ 31-10-3, 31-11-7 and 42-35-15, you have a right to appeal the Division of Motor Vehicle's decision to deny your license application. To appeal this decision, you must submit in writing a request for an appeal along with a copy of this form to **Office of the Administrator, Division of Motor Vehicles, 100 Main Street, Pawtucket, Rhode Island 02860 within ten (10) days of receipt of this form**. Please include the following information in your request (a) A clear and concise statement of the nature of the matter which is disputed, objected to, or otherwise sought to be contested and of the facts on which you rely; (b) A clear and concise statement of the objection to the action of the Division of Motor Vehicles with which you are aggrieved, and contention of law, if any, which the you intend to raise, including the application of any agency rule or regulation which may be involved;(c) A statement of what type of relief you are seeking; and (d) your name and address, as well as the name and address of your attorney, if any. Upon receiving your request, an administrator will schedule a hearing as soon as practical, but not later than twenty (20) days after the receipt of the request. At this hearing, you are entitled to: (1) an in person hearing before an impartial decision-maker; (2) the opportunity to compel the production of documents and witnesses, including members of the division of motor vehicles 's Medical Advisory Board; (3) the opportunity to confront and cross-examine witnesses; (4) access to all of the evidence upon which the division of motor vehicles relied in making its determination to suspend; and (5) the right to present any and all relevant evidence including the right to obtain and present the results of a recently administered road test. After the hearing, the Division of Motor Vehicles shall issue a written opinion stating the Division's decision. Any person aggrieved by any order of the Administrator of the Division of Motor Vehicles may appeal the order to the sixth division district court by filing, within ten (10) days from the date of the notice to such person of the issuance of the order appealed from, a petition in the sixth division district court stating the grounds upon which the appeal is taken. This notice is made in accordance with Title 31, Chapters 10 and 11, and Title 42, Chapter 35 of the Rhode Island General Laws and the Rules and Regulations in accordance therewith.

\_\_\_\_\_  
Applicant Name

\_\_\_\_\_  
Date of Application

\_\_\_\_\_  
Authorized Representative of Division of Motor Vehicles (Print)

\_\_\_\_\_  
Sign



RHODE ISLAND DIVISION OF MOTOR VEHICLES  
DIVISION OF MOTOR VEHICLES LICENSES

NOTICE OF SUSPENSION OR REVOCATION

THE DIVISION OF MOTOR VEHICLES HAS REVOKED OR SUSPENDED YOUR OPERATOR'S LICENSE AND/OR CHAUFFEUR'S LICENSE FOR THE FOLLOWING REASON(S):

- the licensee was not entitled to issuance pursuant to title 31 of the Rhode Island General Laws
- the licensee failed to give the required correct information in his or her application
- the licensee committed fraud in making the application
- Licensee has been adjudicated by a court of competent jurisdiction to have:
- Committed an offense for which mandatory revocation or suspension of license is required upon conviction or adjudication pursuant to § 31-11-6
- Committed with such frequency of offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways
- Been a reckless or negligent driver of a motor vehicle
- Permitted an unlawful or fraudulent use of a license
- Committed an offense in another state which, if committed in this state, would be grounds for suspension or revocation
- Committed any offense enumerated in § 31-9-1
- Licensee is the subject of an order issued by the Family Court finding that person delinquent or wayward pursuant to § 14-1-67
- Licensee poses an imminent safety risk to the general public as determined by the application of objectively ascertainable standards.
- Other

**\*\*\*\*YOU HAVE A RIGHT TO APPEAL THIS SUSPENSION OR REVOCATION\*\*\*\***

Pursuant to Rhode Island General Laws §§ 31-10-3, 31-11-7 and 42-35-15, you have a right to appeal the Division of Motor Vehicle's decision to suspend or revoke your license. To appeal this decision, you must submit in writing a request for an appeal along with a copy of this form to **Office of the Administrator, Division of Motor Vehicles, 100 Main Street, Pawtucket, Rhode Island 02860 within ten (10) days of receipt of this form.** Please include the following information in your request (a) A clear and concise statement of the nature of the matter which is disputed, objected to, or otherwise sought to be contested and of the facts on which you rely; (b) A clear and concise statement of the objection to the action of the Division of Motor Vehicles with which you are aggrieved, and contention of law, if any, which the you intend to raise, including the application of any agency rule or regulation which may be involved;(c) A statement of what type of relief you are seeking; and (d) your name and address, as well as the name and address of your attorney, if any. Upon receiving your request, an administrator will schedule a hearing as soon as practical, but not later than twenty (20) days after the receipt of the request. At this hearing, you are entitled to: (1) an in person hearing before an impartial decision-maker; (2) the opportunity to compel the production of documents and witnesses, including members of the division of motor vehicles 's Medical Advisory Board; (3) the opportunity to confront and cross-examine witnesses; (4) access to all of the evidence upon which the division of motor vehicles relied in making its determination to suspend; and (5) the right to present any and all relevant evidence including the right to obtain and present the results of a recently administered road test. After the hearing, the Division of Motor Vehicles shall issue a written opinion stating the Division's decision. Any person aggrieved by any order of the Administrator of the Division of Motor Vehicles may appeal the order to the sixth division district court by filing, within ten (10) days from the date of the notice to such person of the issuance of the order appealed from, a petition in the sixth division district court stating the grounds upon which the appeal is taken. This notice is made in accordance with Title 31, Chapters 10 and 11, and Title 42, Chapter 35 of the Rhode Island General Laws and the Rules and Regulations in accordance therewith.

\_\_\_\_\_  
Licensee's Name

\_\_\_\_\_  
Date of Suspension or Revocation

\_\_\_\_\_  
Authorized Representative of Division of Motor Vehicles (Print)

\_\_\_\_\_  
Sign