

2011 -- H 5914

LC02016

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES

Introduced By: Representative Scott Slater

Date Introduced: March 09, 2011

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-41.1-4 of the General Laws in Chapter 31-41.1 entitled  
2 "Adjudication of Traffic Offenses" is hereby amended to read as follows:

3 **31-41.1-4. Schedule of violations.** -- (a) The penalties for violations of the enumerated  
4 sections, listed in numerical order, correspond to the fines described. However, those offenses for  
5 which punishments which may vary according to the severity of the offense, or punishment which  
6 require the violator to perform a service, shall be heard and decided by the traffic tribunal or  
7 municipal court. The following violations may be handled administratively through the method  
8 prescribed in this chapter. This list is not exclusive and jurisdiction may be conferred on the  
9 traffic tribunal with regard to other violations.

10 VIOLATIONS SCHEDULE

11	8-8.2-2	DOT, DEM, or other agency and department violations	\$85.00
12	24-10-17	Soliciting rides in motor vehicles	85.00
13	24-10-18	Backing up prohibited	85.00
14	24-10-20	Park and ride lots	85.00
15	24-12-37	Nonpayment of toll	100.00
16	31-3-12	Visibility of plates	85.00
17	31-3-18	Display of plates	85.00
18	31-3-32	Driving with expired registration	85.00
19	31-3-34	Failure to notify division of change of address	85.00

1	31-3-35	Notice of change of name	85.00
2	31-3-40	Temporary plates - dealer issued	85.00
3	31-4-3	Temporary registration - twenty (20) day bill of sale	85.00
4	31-10-10	Rules as to armed forces license	85.00
5	31-10-30	Driving on expired license	85.00
6	31-10-32	Notice of change of address	85.00
7	31-10.1-4	No motorcycle helmet (operator)	85.00
8	31-10.1-5	Motorcycle handlebar violation	85.00
9	31-10.1-6	No motorcycle helmet (passenger)	85.00
10	31-10.1-7	Inspection of motorcycle required	85.00
11	31-12-12	Local motor vehicle ordinance	85.00
12	31-13-04	Obedience to devices	85.00
13	31-13-6(3)(i)	Eluding traffic light	85.00
14	31-13-09	Flashing signals	85.00
15	31-13-11	Injury to signs or devices	85.00
16	31-14-1	Reasonable and prudent speed	95.00
17	31-14-03	Condition requiring reduced speed	95.00
18	31-14-09	Below minimum speed	95.00
19	31-14-12	Speed limit on bridges and structures	95.00
20	31-15-1	Leaving lane of travel	85.00
21	31-15-2	Slow traffic to right	85.00
22	31-15-3	Operator left of center	85.00
23	31-15-4	Overtaking on left	85.00
24	31-15-5(a)	Overtaking on right	85.00
25	31-15-6 C	clearance for overtaking	85.00
26	31-15-7	Places where overtaking prohibited	85.00
27	31-15-8	No passing zone	85.00
28	31-15-9	One way highways	85.00
29	31-15-9.1	One way highways—school zones	170.00
30	31-15-10	Rotary traffic islands	85.00
31	31-15-11	Laned roadway violation	85.00
32	31-15-12	Following too closely	85.00
33	31-15-12.1	Entering intersection	100.00
34	31-15-13	Crossing center section of divided highway	85.00

1	31-15-14	Entering or leaving limited access roadways	85.00
2	31-15-16	Use of emergency break-down lane for travel	85.00
3	31-15-17	Crossing bicycle lane	85.00
4	31-16-1	Care in starting from stop	85.00
5	31-16-2	Manner of turning at intersection	85.00
6	31-16-4	U turn where prohibited	85.00
7	31-16-5	Turn signal required	85.00
8	31-16-6	Time of signaling turn	85.00
9	31-16-7	Failure to give stop signal	85.00
10	31-16-8	Method of giving signals	85.00
11	31-16.1-3	Diesel vehicle idling rules:	
12		first offense not to exceed	100.00
13		second and subsequent offense not to exceed	500.00
14	31-17-1	Failure to yield right of way	85.00
15	31-17-2	Vehicle turning left	85.00
16	31-17-3	Yield right of way (intersection)	85.00
17	31-17-4	Obedience to stop signs	85.00
18	31-17-5	Entering from private road or driveway	85.00
19	31-17-6	Failure to yield to emergency vehicles	85.00
20	31-17-8	Vehicle within right of way, rotary	85.00
21	31-17-9	Yielding to bicycles on bicycle lane	85.00
22	31-18-3	Right of way in crosswalks:	
23		first violation	85.00
24		second violation or any subsequent violation	100.00
25	31-18-5	Crossing other than at crosswalks	85.00
26	31-18-8	Due care by drivers	85.00
27	31-18-12	Hitchhiking	85.00
28	31-18-18	Right of way on sidewalks	85.00
29	31-19-3	Traffic laws applied to bicycles	85.00
30	31-19-20	Sale of new bicycles	85.00
31	31-19-21	Sale of used bicycles	85.00
32	31-19.1-2	Operating motorized bicycle on an interstate highway	85.00
33	31-19.2-2	Operating motorized tricycle on an interstate highway	85.00
34	31-20-1	Failure to stop at railroad crossing	85.00

1	31-20-2	Driving through railroad gate	85.00
2	31-20-9	Obedience to stop sign	85.00
3	31-21-4	Places where parking or stopping prohibited	85.00
4	31-21-14	Opening of vehicle doors	85.00
5	31-22-2	Improper backing up	85.00
6	31-22-4	Overloading vehicle	85.00
7	31-22-5	Violation of safety zone	85.00
8	31-22-6	Coasting	85.00
9	31-22-7	Following fire apparatus	85.00
10	31-22-8	Crossing fire hose	85.00
11	31-22-9	Throwing debris on highway - snow removal	85.00
12	31-22-11.5	Improper use of school bus --	not to exceed five hundred
13			dollars (\$500) for each
14			day of improper use
15	31-22-22(a)	No child restraint	85.00
16	31-22-22(a)	Child restraint/seat belt but not in any rear seating position	85.00
17	31-22-22(b),(f)	No seat belt - passenger	85.00
18	31-22-22(g)	No seat belt - operator	85.00
19	31-22-23	Tow trucks - proper identification	275.00
20	31-22-24	Operation of interior lights	85.00
21	31-23-1(b)(2)	U.S. department of transportation motor carrier safety	
22		rules and regulations:	Not less than
23			\$85.00
24			or more than
25			\$500.00
26	31-23-1(e)(6)	Removal of an "out of service vehicle" sticker	125.00
27	31-23-1(e)(7)	Operation of an "out of service vehicle"	100.00
28	31-23-2(b)	Installation or adjustment of unsafe or prohibited parts,	
29		equipment, or accessories:	(first offense)
30			250.00
31			(second offense)
32			500.00
33			(third and subsequent offenses)
34			1,000.00

1	31-23-4	Brake equipment required	85.00
2	31-23-8	Horn required	85.00
3	31-23-10	Sirens prohibited	85.00
4	31-23-13	Muffler required	85.00
5	31-23-13.1	Altering height or operating a motor vehicle with an altered height	85.00
6	31-23-14	Prevention of excessive fumes or smoke	85.00
7	31-23-16	Windshield and window stickers (visibility)	85.00
8	31-23-17	Windshield wipers	85.00
9	31-23-19	Metal tires prohibited	85.00
10	31-23-20	Protuberances on tires	85.00
11	31-23-26	Fenders and wheel flaps required	85.00
12	31-23-27	Rear wheel flaps on buses, trucks and trailers	85.00
13	31-23-29	Flares or red flag required over four thousand pounds (4,000 lbs.)	85.00
14	31-23-40	Approved types of seat belt requirements	85.00
15	31-23-42.1	Special mirror - school bus	85.00
16	31-23-43	Chocks required (1 pair) - over four thousand pounds (4,000 lbs.)	85.00
17	31-23-45	Tire treads - defective tires	85.00
18	31-23-47	Slow moving emblem required	85.00
19	31-23-49	Transportation of gasoline - passenger vehicle	85.00
20	31-23-51	Operating bike or motor vehicle wearing ear phones:	(first offense)
21			85.00
22			second offense
23			95.00
24			140.00 for the third
25			and each subsequent offense
26	31-24-1	Times when lights required	85.00
27	through		
28	31-24-54		
29	31-25-03	Maximum width of one hundred and two inches (102") exceeded	85.00
30	31-25-04	Maximum height of one hundred sixty-two inches (162") exceeded	85.00
31	31-25-06	Maximum number and length of coupled vehicles	500.00
32	31-25-07	Load extending three feet (3') front, six feet (6') rear exceeded	85.00
33	31-25-9	Leaking load	85.00
34	31-25-11	Connections between coupled vehicles	85.00

1	31-25-12	Towing chain, twelve inch (12") square flag required	85.00
2	31-25-12.1	Tow truck - use of lanes (first offense):	85.00
3		second offense	95.00
4			100.00 for the third
5			and each subsequent offense
6	31-25-14(d)(1)	Maximum weight and tandem axles	125.00
7	31-25-14(d)(2)	Maximum weight and tandem axles	125.00
8	31-25-14(d)(3)	Maximum weight and tandem axles	125.00
9	31-25-16(c)(2)	Maximum weight shown in registration:	85.00 per thousand lbs.
10			overweight or portion thereof.
11	31-25-16(c)(3)	Maximum weight shown in registration	125.00 per thousand lbs.
12			overweight or portion thereof.
13	31-25-16(c)(4)	Maximum weight shown in registration:	Plus (1,025.00)
14			\$125.00 per thousand lbs.
15			overweight or portion thereof.
16	31-25-17	Identification of trucks and truck-tractors (first offense):	85.00
17		(second offense)	95.00
18			125.00 for the third
19			and subsequent offenses
20	31-25-24	Carrying and inspection of excess load limit	175.00
21	31-25-27(c)	Maximum axle	3,000.00 (first offense)
22			not to exceed
23			5,000.00 for each and
24			every subsequent offense
25	31-25-30	Maximum axle Pawtucket River Bridge and	
26		Sakonnet River Bridge:	3,000.00 (first offense)
27			not to exceed
28			5,000.00 for each and
29			every subsequent offense
30	31-27-2.3	Refusal to take preliminary breath test	85.00
31	31-28-7(d)	Wrongful use of handicapped parking placard	500.00
32	31-28-7(f)	Handicapped parking space violation:	
33		First offense	100.00
34		Second offense	175.00

1		Third offense and subsequent offenses	325.00
2	31-28-7.1(e)	Wrongful use of institutional handicapped parking placard	125.00
3	31-33-2	Failure to file accident report	85.00
4	31-36.1-17	No fuel tax stamp (out-of-state)	85.00 and not
5			exceeding (100)
6			for subsequent offense
7	31-38-3	No inspection sticker	85.00
8	31-38-4	Violation of inspection laws	85.00
9	31-47.2-06	Heavy-duty vehicle emission inspections:	
10		First offense	125.00
11		Second offense	25.00
12		Third and subsequent offenses	1,025.00
13	37-15-7	Littering:	not less than
14			55.00
15			not more than
16			five hundred dollars (\$500)
17	39-12-26	Public carriers violation	300.00
18		<b>SPEEDING Fine</b>	
19		(A) One to ten miles per hour (1-10 mph) in excess of posted speed limit	<del>95.00</del> <u>100.00</u>
20		(B) Eleven miles per hour (11 mph) in excess of posted speed limit with a fine	
21		of ten dollars (\$10) per mile in excess of speed limit shall be assessed.	205.00
22			minimum
23		(b) In addition to any other penalties provided by law, a judge may impose the following	
24		penalties for speeding:	
25		(1) For speeds up to and including ten miles per hour (10 mph) over the posted speed	
26		limit on public highways, a fine as provided for in subsection (a) of this section for the first	
27		offense, ten dollars (\$10.00) per mile for each mile in excess of the speed limit for the second	
28		offense if within twelve (12) months of the first offense, and fifteen dollars (\$15.00) per mile for	
29		each mile in excess of the speed limit for the third and any subsequent offense if within twelve	
30		(12) months of the first offense. In addition, the license may be suspended up to thirty (30) days.	
31		(2) For speeds in excess of ten miles per hour (10 mph) over the posted speed limit on	
32		public highways, a mandatory fine of ten dollars (\$10.00) for each mile over the speed limit for	
33		the first offense, fifteen dollars (\$15.00) per mile for each mile in excess of the speed limit for the	
34		second offense if within twelve (12) months of the first offense, and twenty dollars (\$20.00) per	

1 mile for each mile in excess of the speed limit for the third and subsequent offense if within  
2 twelve (12) months of the first offense. In addition, the license may be suspended up to sixty (60)  
3 days.

4 (c) Any person charged with a violation who pays the fine administratively pursuant to  
5 chapter 8.2 of title 8 shall not be subject to any additional costs or assessments, including, but not  
6 limited to, the hearing fee established in section 818-4 or assessment for substance abuse  
7 prevention.

8 SECTION 2. Section 23-3-25 of the General Laws in Chapter 23-3 entitled "Vital  
9 Records" is hereby amended to read as follows:

10 **23-3-25. Fees for copies and searches.** -- (a) The state registrar shall charge fees for  
11 searches and copies as follows:

12 (1) For a search of two (2) consecutive calendar years under one name and for issuance  
13 of a certified copy of a certificate of birth, fetal death, death, or marriage, or a certification of  
14 birth, or a certification that the record cannot be found, the fee is ~~twenty dollars (\$20.00)~~ thirty  
15 dollars (\$30.00). For each duplicate copy of a certificate or certification issued at the same time,  
16 the fee is fifteen dollars (\$15.00).

17 (2) For each additional calendar year search, if applied for at the same time or within  
18 three (3) months of the original request and if proof of payment for the basic search is submitted,  
19 the fee is two dollars (\$2.00).

20 (3) For providing expedited service, the additional handling fee is seven dollars (\$7.00).

21 (4) For processing of adoptions, legitimations, or paternity determinations as specified in  
22 sections 23-3-14 and 23-3-15, there shall be a fee of fifteen dollars (\$15.00).

23 (5) For making authorized corrections, alterations, and additions, the fee is ten dollars  
24 (\$10.00); provided, no fee shall be collected for making authorized corrections or alterations and  
25 additions on records filed before one year of the date on which the event recorded has occurred.

26 (6) For examination of documentary proof and the filing of a delayed record, a fee of  
27 ~~twenty dollars (\$20.00)~~ thirty dollars (\$30.00); and in addition to that fee, the fee is ~~twenty dollars~~  
28 ~~(\$20.00)~~ thirty dollars (\$30.00) for the issuance of a certified copy of a delayed record.

29 (b) Fees collected under this section by the state registrar shall be deposited in the  
30 general fund of this state, according to the procedures established by the state treasurer.

31 (c) The local registrar shall charge fees for searches and copies of records as follows:

32 (1) For a search of two (2) consecutive calendar years under one name and for issuance  
33 of a certified copy of a certificate of birth, fetal death, death, delayed birth, or marriage, or a  
34 certification of birth or a certification that the record cannot be found, the fee is ~~twenty dollars~~



1 ~~(\$20.00)~~ thirty dollars (\$30.00). For each duplicate copy of a certificate or certification issued at  
2 the same time, the fee is fifteen dollars (\$15.00).

3 (2) For each additional calendar year search, if applied for at the same time or within  
4 three (3) months of the original request and if proof of payment for the basic search is submitted,  
5 the fee is two dollars (\$2.00).

6 (d) Fees collected under this section by the local registrar shall be deposited in the city or  
7 town treasury according to the procedures established by the city or town treasurer except that six  
8 dollars (\$6.00) of the certified copy fees shall be submitted to the state registrar for deposit in the  
9 general fund of this state.

10 SECTION 3. Section 33-22-21 of the General Laws in Chapter 33-22 entitled "Practice in  
11 Probate Courts" is hereby amended to read as follows:

12 **33-22-21. Fees enumerated -- Hearing date to be noted on receipt.** -- (a) The fees in  
13 probate courts shall be as follows: for every petition for the appointment of a receiver, custodian,  
14 administrator, guardian, or conservator, or for the probate of and recording of a will, one percent  
15 (1.0%) of the personal property of the decedent or ward over which the court has jurisdiction, but  
16 in no event shall the fee be less than ~~thirty dollars (\$30.00)~~ fifty dollars (\$50.00) nor more than  
17 ~~one thousand five hundred dollars (\$1,500)~~ two thousand five hundred (\$2,500); for every  
18 petition for the change of name, ~~thirty dollars (\$30.00)~~ fifty dollars (\$50.00); for every petition  
19 for adoption, ~~thirty dollars (\$30.00)~~ fifty dollars (\$50.00); for every petition of a foreign  
20 administrator, executor, or guardian to transfer or sell real or personal estate, one percent (1.0%)  
21 of the personal property of the decedent, or ward located in Rhode Island, but in no event shall  
22 the fee be less than ~~thirty dollars (\$30.00)~~ fifty dollars (\$50.00) nor more than ~~one thousand five~~  
23 ~~hundred dollars (\$1,500)~~ two thousand five hundred dollars (\$2,500) which fees shall be in lieu of  
24 all subsequent filing and recording fees in the same proceedings, except as hereinafter provided,  
25 and shall be paid before the petition is filed, and shall be based upon estimates submitted by the  
26 petitioner or someone in his or her behalf, and shall be subject to revision whenever it appears  
27 that the estimates were incorrect, and upon revision a further payment or rebate shall be made  
28 promptly. In the event that the appointment of a receiver or custodian, pending the appointment  
29 of an administrator, guardian, or conservator, or the probate of or recording of a will, is  
30 necessary, the fee so paid for the petition shall be applied on the amount to be paid upon the filing  
31 of a petition for the appointment of the administrator, guardian, or conservator, or for the probate  
32 of or recording of the will. The court at any time may cite in and examine any receiver, custodian,  
33 executor, administrator, guardian, or conservator for the purpose of determining the full fee due  
34 and payable. Also, the following fees shall be charged:

1 (1) For every petition to file a claim out of time, ~~thirty dollars (\$30.00)~~ fifty dollars  
2 (\$50.00);

3 (2) For every petition for the removal of an executor, administrator, guardian,  
4 conservator, or other fiduciary, ~~thirty dollars (\$30.00)~~ fifty dollars (\$50.00);

5 (3) For every petition for appointment of a successor guardian under the uniform gifts to  
6 minors act, ~~thirty dollars (\$30.00)~~ fifty dollars (\$50.00);

7 (4) For every petition to file a will with no probate, ~~thirty dollars (\$30.00)~~ fifty dollars  
8 (\$50.00);

9 (5) An affidavit of complete administration, ~~thirty dollars (\$30.00)~~ fifty dollars (\$50.00);

10 (6) For every certificate of appointment, five dollars (\$5.00);

11 (7) For every petition to remove or fill a vacancy of a trustee of any trust established  
12 under a will, or the termination of such trust, ~~thirty dollars (\$30.00)~~ fifty dollars (\$50.00); and

13 (8) For every petition for tax minimization or estate planning, ~~thirty dollars (\$30.00)~~ fifty  
14 dollars (\$50.00).

15 (b) Upon payment of any fee enumerated in this section, the clerk of the court shall issue  
16 a written receipt to the person making payment. In the event that the matter filed with the court  
17 calls for a hearing, the clerk of the court shall note the hearing date and time on the receipt  
18 whenever possible; otherwise as soon as is practicable after the filing of the matter, the clerk of  
19 the court shall provide written notice of the hearing date and time directly to the person filing the  
20 matter.

21 (c) The clerk of the court shall charge one dollar and fifty cents (\$1.50) per page and  
22 three dollars (\$3.00) to certify any probate documents on file with the probate court.

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

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LC02016  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO MOTOR AND OTHER VEHICLES

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- 1 This act would increase the fees for speeding, copies of vital records, and probate filings.
- 2 This act would take effect upon passage.

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