

2021 -- H 6048

LC002194

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - TRAFFIC TRIBUNAL

Introduced By: Representative Robert D. Phillips

Date Introduced: March 01, 2021

Referred To: House Judiciary

(Judiciary)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 8-8.2-2 of the General Laws in Chapter 8-8.2 entitled "Traffic  
2 tribunal" is hereby amended to read as follows:

3 **8-8.2-2. Jurisdiction.**

4 (a) Notwithstanding any inconsistent provision of law, all probationary license hearings as  
5 provided in § 31-10-26, all violations of the department of transportation, department of  
6 environmental management or board of governors for higher education regulations regarding  
7 parking, standing, or stopping in areas under the jurisdiction of said agencies, all violations of state  
8 statutes relating to motor vehicles, littering and traffic offenses, except those traffic offenses  
9 committed in places within the exclusive jurisdiction of the United States, and except driving so as  
10 to endanger resulting in death, driving so as to endanger resulting in personal injury, driving while  
11 under the influence of liquor or drugs, driving while under the influence of liquor or drugs resulting  
12 in death, driving while under the influence of liquor or drugs resulting in serious bodily injury,  
13 reckless driving and other offenses against public safety as provided in § 31-27-4, eluding a law  
14 enforcement officer with a motor vehicle in a high speed pursuit, driving after denial, suspension  
15 or revocation of license, and leaving the scene of an accident in violation of § 31-26-1 and § 31-  
16 26-2, and driving without the consent of the owner and possession of a stolen motor vehicle in  
17 violation of § 31-9-1 and § 31-9-2, shall be heard and determined by the traffic tribunal pursuant  
18 to the regulations promulgated by the chief magistrate of the traffic tribunal; provided, however,  
19 the traffic tribunal shall not hear any parking, standing or stopping violations which occur in any

1 city or town which has established its own municipal court and has jurisdiction over such violations.  
2 Nothing contained herein shall abrogate the powers of the Rhode Island family court under the  
3 provisions of chapter 1 of title 14.

4 (b) Notwithstanding any inconsistent provision of law, the traffic tribunal shall have  
5 concurrent jurisdiction to hear and determine, pursuant to rules and regulations promulgated by the  
6 chief magistrate of the traffic tribunal, all violations of any ordinances, rules and regulations  
7 governing the public waters and the speed, management and control of all vessels and the size, type  
8 and location and use of all anchorages and moorings within the jurisdiction of the towns of North  
9 Kingstown, South Kingstown, Portsmouth, Middletown, Narragansett and Tiverton enforced and  
10 supervised by the harbormaster and referred to the traffic tribunal, and the terms "traffic violations"  
11 and "traffic infraction" when used in this chapter shall include the aforesaid violations and such  
12 violations shall be adjudicated in accordance with the provisions of this chapter. Nothing contained  
13 herein shall abrogate the powers of the Rhode Island coastal management council under the  
14 provisions of chapter 23 of title 46.

15 (c) Notwithstanding any inconsistent provision of law, the traffic tribunal shall have  
16 jurisdiction to hear and determine, pursuant to rules and regulations promulgated by the chief  
17 magistrate of the Rhode Island traffic tribunal, all civil violations for §§ 20-1-12, 20-11-20, [20-13-](#)  
18 [16](#), 20-16-17, 23-22.5-9, 32-2-4, subparagraphs 21-28-4.01(c)(2)(iii) and 21-28-4.01(c)(2)(iv) and  
19 subsection 46-22-19(1) as set forth in § 42-17.10-1.

20 (d) A party aggrieved by a final order of the traffic tribunal appeals panel shall be entitled  
21 to a review of the order by a judge of the district court. Unless otherwise provided in the rules of  
22 procedure of the district court, such review shall be on the record and appellate in nature. The  
23 district court shall by rules of procedure establish procedures for review of an order entered by the  
24 appeals panel of the traffic tribunal.

25 (e) Violations of any statute, rule, ordinance or regulation referenced in this section are  
26 subject to fines enumerated in § 31-41.1-4, except for violations of subparagraphs 21-28-  
27 4.01(c)(2)(iii) and 21-28-4.01(c)(2)(iv).

28 SECTION 2. Section 20-13-16 of the General Laws in Chapter 20-13 entitled "Hunting  
29 and Hunting Safety" is hereby amended to read as follows:

30 **20-13-16. Harassment of hunters, trappers, and fishers prohibited.**

31 (a) No person shall obstruct or interfere with the lawful taking of wildlife by another person  
32 at the location where the activity is taking place with intent to prevent the lawful taking.

33 (b) A person violates this section when he or she intentionally or knowingly:

34 (1) Drives or disturbs wildlife for the purpose of disrupting the lawful taking of wildlife

1 where another person is engaged in the process of lawfully taking wildlife;

2 (2) Blocks, impedes, or otherwise harasses another person who is engaged in the process  
3 of lawfully taking wildlife;

4 (3) Uses natural or artificial visual, aural, olfactory, or physical stimuli to affect wildlife  
5 behavior in order to hinder or prevent the lawful taking of wildlife;

6 (4) Erects barriers with the intent to deny ingress or egress to areas where the lawful taking  
7 of wildlife may occur;

8 (5) Interjects himself or herself into the line of fire;

9 (6) Affects the condition or placement of personal or public property intended for use in  
10 the lawful taking of wildlife in order to impair its usefulness or prevent its use; or

11 (7) Enters or remains upon private lands without the permission of the owner, or the  
12 owner's agent, with intent to violate this section.

13 (c) A violation of this section is a civil violation for which a ~~forfeiture~~ fine of not less than  
14 one hundred dollars (\$100) nor more than five hundred dollars (\$500) may be adjudged. The traffic  
15 tribunal shall have jurisdiction to hear and determine all violations specified in this section.

16 SECTION 3. Section 42-17.10-1 of the General Laws in Chapter 42-17.10 entitled  
17 "Enforcement of Certain Natural Resource Violations" is hereby amended to read as follows:

18 **42-17.10-1. Civil Violations -- Jurisdiction -- Penalties.**

19 In order to handle minor environmental offenses in a fair and expeditious manner, the  
20 following environmental offenses are declared to be civil violations and shall be within the  
21 jurisdiction of the Rhode Island traffic tribunal. Penalties assessed for violations shall correspond  
22 to the fines described.

23	20-1-12	Fixing of seasons and bag limits	\$100.00
24	20-11-20	Fresh water fishing – Penalties	\$100.00
25	<u>20-13-16</u>	<u>Harassment of hunters, trappers, and fishers</u>	<u>minimum of</u>
26			<u>\$100.00, not to</u>
27			<u>exceed \$500.00</u>
28	20-16-17	Prohibition against hunting/killing otter	\$100.00
29	23-22.5-9	Swimming in breachways prohibited	not to exceed
30	fifty dollars		
31			\$50.00
32	32-2-4	Parks and recreational areas – Rules and Regulations	
33		Enforcement – Power of director	not to exceed
34			one hundred

1 dollars \$100.00  
2 46-22-19(1) Regulation of boats – Penalties not to exceed  
3 one hundred  
4 dollars \$100.00  
5 SECTION 4. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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- 1           This act would vest the traffic tribunal with jurisdiction over the adjudication of alleged
- 2 violations of the harassment of hunters, trappers and fishers law.
- 3           This act would take effect upon passage.

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