

2013 -- H 6180

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - STATE AND MUNICIPAL COURT
COMPACT - AUTOMATED TRAFFIC VIOLATION MONITORING SYSTEMS

Introduced By: Representative John M. Carnevale

Date Introduced: May 30, 2013

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 8-18-2 of the General Laws in Chapter 8-18 entitled "State and
2 Municipal Court Compact" is hereby amended to read as follows:

3 **8-18-2. Universal summons. --** All state agencies and municipalities which have law
4 enforcement powers shall be issued and authorized a form for summons and complaint to be used
5 for all violations specified in chapters 27, ~~and~~ 41.1 and 41.2 of title 31, and no other summons
6 shall be substituted except as provided by section 31-12-12. All fines, assessments, fees, and
7 other financial charge or any other responsibility not changed by the following shall be deemed
8 enforceable even when the summons is issued by a municipality and adjudicated by a municipal
9 court, or issued by state agencies or a municipality without a court and adjudicated by the traffic
10 tribunal. All summonses once issued must be recorded by the traffic tribunal prior to a hearing,
11 arraignment, or trial. If the summons is answered by payment without personal appearance
12 pursuant to section 31-41.1-2, it shall be recorded by the traffic tribunal upon return from the
13 financial institution.

14 SECTION 2. Sections 31-41.2-4 and 31-41.2-5 of the General Laws in Chapter 31-41.2
15 entitled "Automated Traffic Violation Monitoring Systems" are hereby amended to read as
16 follows:

17 **31-41.2-4. Procedure -- Notice. --** (a) Except as expressly provided in this chapter, all
18 prosecutions based on evidence produced by an automated traffic violation detection system shall

1 follow the procedures established in chapter 41.1 of this title, chapter 8-18 of these general laws,
2 except the provision providing for payments to the state in sections 8-18-4 and 8-18-6, and the
3 rules promulgated by the chief magistrate of the traffic tribunal for the hearing of civil traffic
4 violations. ~~Citations~~ A summons may be issued by an officer solely based on evidence obtained
5 by use of an automated traffic violation detection system. All ~~Citations~~ summons issued based on
6 evidence obtained from an automated traffic violation detection system shall be issued within
7 fourteen (14) days of the violation.

8 (b) Notwithstanding any rule, regulation, or other provision of the general or public laws
9 to the contrary, no city or town shall be required to make payments to the state in implementing
10 any provision of this chapter.

11 ~~(b)~~ (c) It shall be sufficient to commence a prosecution based on evidence obtained from
12 an automated traffic violation detection system that a copy of the ~~citation~~ summons and
13 supporting documentation be mailed to the address of the registered owner kept on file by the
14 registry of motor vehicles pursuant to section 31-3-34 of these general laws. For purposes of this
15 section, the date of issuance shall be the date of mailing.

16 ~~(c)~~ (d) The officer issuing the ~~citation~~ summons shall certify under penalties of perjury
17 that the evidence obtained from the automated traffic violation detection system was sufficient to
18 demonstrate a violation of the motor vehicle code. Such certification shall be sufficient in all
19 prosecutions pursuant to this chapter to justify the entry of a default judgment upon sufficient
20 proof of actual notice in all cases where the ~~citation~~ summons is not answered within the time
21 period permitted.

22 ~~(d)~~ (e) The ~~citation~~ summons shall ~~contain all the information provided for on~~ be the
23 uniform summons as referred to in section 31-41.1-1 of the general laws and contain all the
24 information provided for in the rules of procedure promulgated by the chief magistrate of the
25 traffic tribunal subject to the approval of the supreme court pursuant to section 8-6-2.

26 ~~(e)~~ (f) In addition to the ~~information in the uniform~~ summons, the following information
27 shall be attached to the ~~citation~~ summons:

28 (1) Copies of two (2) or more photographs, or microphotographs, or other recorded
29 images taken as proof of the violation; and

30 (2) A signed statement by a trained law enforcement officer that, based on inspection of
31 recorded images, the motor vehicle was being operated in violation of section 31-13-4 of this
32 subtitle; and

33 (3) A statement that recorded images are evidence of a violation of this chapter; and

34 (4) A statement that the person who receives a summons under this chapter may either

1 pay the civil penalty in accordance with the provisions of section 31-41.1-3, or elect to stand trial
2 for the alleged violation.

3 **31-41.2-5. Hearings.** -- Evidence from an automated traffic violation detection system
4 shall be considered substantive evidence in the prosecution of all civil traffic violations. Evidence
5 from an automated traffic violation detection system approved by the director of transportation
6 shall be admitted without further authentication and such evidence may be deemed sufficient to
7 sustain a civil traffic violation. In addition to any other defenses as set forth herein, any and all
8 defenses cognizable at law shall be available to the individual who receives the ~~citation~~ [summons](#)
9 commencing a prosecution under this chapter.

10 SECTION 3. Section 1 of this act shall take effect upon passage. Section 2 of this act
11 shall take effect upon passage, and shall apply retroactively to January 1, 2006, as well as
12 prospectively.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would have a summons rather than a citation issued for automated traffic
2 violation detection systems.

3 Section 1 of this act would take effect upon passage. Section 2 of this act would take
4 effect upon passage, and would apply retroactively to January 1, 2006, as well as prospectively.

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