

2010 -- H 7243

LC00947

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO MOTOR VEHICLES AND OTHER VEHICLES -- PASSING, USE OF
LANES, AND RULES OF THE ROAD

Introduced By: Representatives Gemma, Newberry, Fox, and Schadone

Date Introduced: January 27, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 31-15 of the General Laws entitled "Passing, Use of Lanes, and
2 Rules of the Road" is hereby amended by adding thereto the following section:

3 **31-15-18. Unsafe passing of a person operating a bicycle; penalty.** – (a) A driver of a
4 motor vehicle commits the offense of unsafe passing of a person operating a bicycle if the driver
5 violates any of the following requirements:

6 (1) The driver of a motor vehicle may only pass a person operating a bicycle by driving
7 to the left of the bicycle at a safe distance and returning to the lane of travel once the motor
8 vehicle is safely clear of the overtaken bicycle. For the purposes of this subdivision, a “safe
9 distance” means a distance that is sufficient to prevent contact with the person operating the
10 bicycle if the person were to fall into the driver’s lane of traffic. This subdivision does not apply
11 to a driver operating a motor vehicle:

12 (i) In a lane that is separate from and adjacent to a designated bicycle lane;

13 (ii) At a speed not greater than thirty-five miles per hour (35 mph); or

14 (iii) When the driver is passing a person operating a bicycle on the person’s right side and
15 the person operating the bicycle is turning left.

16 (2) The driver of a motor vehicle may drive to the left of the center of a roadway to pass a
17 person operating a bicycle proceeding in the same direction only if the roadway to the left of the
18 center is unobstructed for a sufficient distance to permit the driver to pass the person operating

1 the bicycle safely and avoid interference with oncoming traffic. This subdivision does not
2 authorize driving to the left of center of a roadway when prohibited under section 31-15-1 (failure
3 to drive on right), section 31-15-3 (passing of vehicles proceeding in opposite directions) or
4 section 31-15-13 (divided highway).

5 (b) The driver of a motor vehicle that passes a person operating a bicycle shall return to
6 an authorized lane of traffic as soon as practicable.

7 (c) Violations of this section are subject to the fine enumerated in section 31-41.1-4.

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

10 **31-41.1-4. Schedule of violations.** -- (a) The penalties for violations of the enumerated
11 sections, listed in numerical order, correspond to the fines described. However, those offenses for
12 which punishments which may vary according to the severity of the offense, or punishment which
13 require the violator to perform a service, shall be heard and decided by the traffic tribunal or
14 municipal court. The following violations may be handled administratively through the method
15 prescribed in this chapter. This list is not exclusive and jurisdiction may be conferred on the
16 traffic tribunal with regard to other violations. VIOLATIONS SCHEDULE

17 VIOLATIONS SCHEDULE

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| 18 | 8-8.2-2 | DOT, DEM, or other agency and department violations | \$85.00 |
| 19 | 24-10-17 | Soliciting rides in motor vehicles | 85.00 |
| 20 | 24-10-18 | Backing up prohibited | 85.00 |
| 21 | 24-10-20 | Park and ride lots | 85.00 |
| 22 | 24-12-37 | Nonpayment of toll | 100.00 |
| 23 | 31-3-12 | Visibility of plates | 85.00 |
| 24 | 31-3-18 | Display of plates | 85.00 |
| 25 | 31-3-32 | Driving with expired registration | 85.00 |
| 26 | 31-3-34 | Failure to notify division of change of address | 85.00 |
| 27 | 31-3-35 | Notice of change of name | 85.00 |
| 28 | 31-3-40 | Temporary plates - dealer issued | 85.00 |
| 29 | 31-4-3 | Temporary registration - twenty (20) day bill of sale | 85.00 |
| 30 | 31-10-10 | Rules as to armed forces license | 85.00 |
| 31 | 31-10-30 | Driving on expired license | 85.00 |
| 32 | 31-10-32 | Notice of change of address | 85.00 |
| 33 | 31-10.1-4 | No motorcycle helmet (operator) | 85.00 |
| 34 | 31-10.1-5 | Motorcycle handlebar violation | 85.00 |

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| 1 | 31-10.1-6 | No motorcycle helmet (passenger) | 85.00 |
| 2 | 31-10.1-7 | Inspection of motorcycle required | 85.00 |
| 3 | 31-12-12 | Local motor vehicle ordinance | 85.00 |
| 4 | 31-13-04 | Obedience to devices | 85.00 |
| 5 | 31-13-6(3)(i) | Eluding traffic light | 85.00 |
| 6 | 31-13-09 | Flashing signals | 85.00 |
| 7 | 31-13-11 | Injury to signs or devices | 85.00 |
| 8 | 31-14-1 | Reasonable and prudent speed | 95.00 |
| 9 | 31-14-03 | Condition requiring reduced speed | 95.00 |
| 10 | 31-14-09 | Below minimum speed | 95.00 |
| 11 | 31-14-12 | Speed limit on bridges and structures | 95.00 |
| 12 | 31-15-1 | Leaving lane of travel | 85.00 |
| 13 | 31-15-2 | Slow traffic to right | 85.00 |
| 14 | 31-15-3 | Operator left of center | 85.00 |
| 15 | 31-15-4 | Overtaking on left | 85.00 |
| 16 | 31-15-5(a) | Overtaking on right | 85.00 |
| 17 | 31-15-6 C | clearance for overtaking | 85.00 |
| 18 | 31-15-7 | Places where overtaking prohibited | 85.00 |
| 19 | 31-15-8 | No passing zone | 85.00 |
| 20 | 31-15-9 | One way highways | 85.00 |
| 21 | 31-15-10 | Rotary traffic islands | 85.00 |
| 22 | 31-15-11 | Laned roadway violation | 85.00 |
| 23 | 31-15-12 | Following too closely | 85.00 |
| 24 | 31-15-12.1 | Entering intersection | 100.00 |
| 25 | 31-15-13 | Crossing center section of divided highway | 85.00 |
| 26 | 31-15-14 | Entering or leaving limited access roadways | 85.00 |
| 27 | 31-15-16 | Use of emergency break-down lane for travel | 85.00 |
| 28 | 13-15-17 | Crossing bicycle lane | 85.00 |
| 29 | 31-15-18 | Unsafe passing of person operating a bicycle | 85.00 |
| 30 | 31-16-1 | Care in starting from stop | 85.00 |
| 31 | 31-16-2 | Manner of turning at intersection | 85.00 |
| 32 | 31-16-4 | U turn where prohibited | 85.00 |
| 33 | 31-16-5 | Turn signal required | 85.00 |
| 34 | 31-16-6 | Time of signaling turn | 85.00 |

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| 1 | 31-16-7 | Failure to give stop signal | 85.00 |
| 2 | 31-16-8 | Method of giving signals | 85.00 |
| 3 | 31-16.1-3 | Diesel vehicle idling rules | |
| 4 | | first offense not to exceed | 100.00 |
| 5 | | second and subsequent offense not to exceed | 500.00 |
| 6 | 31-17-1 | Failure to yield right of way | 85.00 |
| 7 | 31-17-2 | Vehicle turning left | 85.00 |
| 8 | 31-17-3 | Yield right of way (intersection) | 85.00 |
| 9 | 31-17-4 | Obedience to stop signs | 85.00 |
| 10 | 31-17-5 | Entering from private road or driveway | 85.00 |
| 11 | 31-17-8 | Vehicle within right of way, rotary | 85.00 |
| 12 | 31-17-9 | Yielding to bicycles on bicycle lane | 85.00 |
| 13 | 31-18-3 | Right of way in crosswalks | 85.00 |
| 14 | | first violation | \$100.00 |
| 15 | | second violation | |
| 16 | | or any subsequent violation | |
| 17 | 31-18-5 | Crossing other than at crosswalks | 85.00 |
| 18 | 31-18-8 | Due care by drivers | 85.00 |
| 19 | 31-18-12 | Hitchhiking | 85.00 |
| 20 | 31-18-18 | Right of way on sidewalks | 85.00 |
| 21 | 31-19-3 | Traffic laws applied to bicycles | 85.00 |
| 22 | 31-19-20 | Sale of new bicycles | 85.00 |
| 23 | 31-19-21 | Sale of used bicycles | 85.00 |
| 24 | 31-19.1-2 | Operating motorized bicycle on an interstate highway | 85.00 |
| 25 | 31-19.2-2 | Operating motorized tricycle on an interstate highway | 85.00 |
| 26 | 31-20-1 | Failure to stop at railroad crossing | 85.00 |
| 27 | 31-20-2 | Driving through railroad gate | 85.00 |
| 28 | 31-20-9 | Obedience to stop sign | 85.00 |
| 29 | 31-21-4 | Places where parking or stopping prohibited | 85.00 |
| 30 | 31-21-14 | Opening of vehicle doors | 85.00 |
| 31 | 31-22-2 | Improper backing up | 85.00 |
| 32 | 31-22-4 | Overloading vehicle | 85.00 |
| 33 | 31-22-5 | Violation of safety zone | 85.00 |
| 34 | 31-22-6 | Coasting | 85.00 |

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| 1 | 31-22-7 | Following fire apparatus | 85.00 |
| 2 | 31-22-8 | Crossing fire hose | 85.00 |
| 3 | 31-22-9 | Throwing debris on highway - snow removal | 85.00 |
| 4 | 31-22-11.5 | Improper use of school bus | |
| 5 | | - not to exceed five hundred dollars | (\$500) |
| 6 | | for each day of improper use | |
| 7 | 31-22-22(a) | No child restraint | 85.00 |
| 8 | 31-22-22(a) | Child restraint/seat belt but not in any rear | 85.00 |
| 9 | | seating position | |
| 10 | 31-22-22(b), | (f) No seat belt - passenger | 85.00 |
| 11 | 31-22-22(g) | No seat belt - operator | 85.00 |
| 12 | 31-22-23 | Tow trucks - proper identification | 275.00 |
| 13 | 31-22-24 | Operation of interior lights | 85.00 |
| 14 | 31-23-1(b)(2) | U.S. department of transportation motor carrier | |
| 15 | | safety rules and regulations | |
| 16 | | Not less than | \$85.00 |
| 17 | | or more than | \$500.00 |
| 18 | 31-23-1(e)(6) | Removal of an "out of service vehicle" sticker | 125.00 |
| 19 | 31-23-1(e)(7) | Operation of an "out of service vehicle" | 100.00 |
| 20 | 31-23-2(b) | Installation or adjustment of unsafe or (first prohibited | |
| 21 | | parts, equipment, or accessories: offense) | 250.00 |
| 22 | | (second offense) | 500.00 |
| 23 | | (third and subsequent offenses) | 1,000.00 |
| 24 | 31-23-4 | Brake equipment required | 85.00 |
| 25 | 31-23-8 | Horn required | 85.00 |
| 26 | 31-23-10 | Sirens prohibited | 85.00 |
| 27 | 31-23-13 | Muffler required | 85.00 |
| 28 | 31-23-13.1 | Altering height or operating a motor vehicle with an | |
| 29 | | altered height | 85.00 |
| 30 | 31-23-14 | Prevention of excessive fumes or smoke | 85.00 |
| 31 | 31-23-16 | Windshield and window stickers (visibility) | 85.00 |
| 32 | 31-23-17 | Windshield wipers | 85.00 |
| 33 | 31-23-19 | Metal tires prohibited | 85.00 |
| 34 | 31-23-20 | Protuberances on tires | 85.00 |

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| 1 | 31-23-26 | Fenders and wheel flaps required | 85.00 |
| 2 | 31-23-27 | Rear wheel flaps on buses, trucks and trailers | 85.00 |
| 3 | 31-23-29 | Flares or red flag required over | |
| 4 | | four thousand pounds (4,000 lbs.) | 85.00 |
| 5 | 31-23-40 | Approved types of seat belt requirements | 85.00 |
| 6 | 31-23-42.1 | Special mirror - school bus | 85.00 |
| 7 | 31-23-43 | Chocks required (1 pair) - over | |
| 8 | | four thousand pounds (4,000 lbs.) | 85.00 |
| 9 | 31-23-45 | Tire treads - defective tires | 85.00 |
| 10 | 31-23-47 | Slow moving emblem required | 85.00 |
| 11 | 31-23-49 | Transportation of gasoline - passenger vehicle | 85.00 |
| 12 | 31-23-51 | Operating bike or motor vehicle wearing ear phones | 85.00 |
| 13 | | (first offense) | 95.00 |
| 14 | | second offense | 140.00 |
| 15 | | for the third and each subsequent offense | |
| 16 | 31-24-1 | Times when lights required | 85.00 |
| 17 | | through 31-24-54 | |
| 18 | 31-25-03 | Maximum width of one hundred | |
| 19 | | and two inches (102") exceeded | 85.00 |
| 20 | 31-25-04 | Maximum height of one hundred sixty-two inches | |
| 21 | | (162") exceeded | 85.00 |
| 22 | 31-25-06 | Maximum number and length of coupled vehicles | 500.00 |
| 23 | 31-25-07 | Load extending three feet (3') front, six feet | |
| 24 | | (6') rear exceeded | 85.00 |
| 25 | 31-25-9 | Leaking load | 85.00 |
| 26 | 31-25-11 | Connections between coupled vehicles | 85.00 |
| 27 | 31-25-12 | Towing chain, twelve inch (12") square flag required | 85.00 |
| 28 | 31-25-12.1 | Tow truck - use of lanes (first offense) | 85.00 |
| 29 | | second offense | 95.00 |
| 30 | | for the third and each subsequent offense | 100.00 |
| 31 | 31-25-14(d)(1) | Maximum weight and tandem axles | 125.00 |
| 32 | 31-25-14(d)(2) | Maximum weight and tandem axles | 125.00 |
| 33 | 31-25-14(d)(3) | Maximum weight and tandem axles | 125.00 |
| 34 | 31-25-16(c)(2) | Maximum weight shown in registration | 85.00 |

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| 1 | | (per) thousand lbs. overweight or portion thereof. | |
| 2 | 31-25-16(c)(3) | Maximum weight shown in registration | 125.00 |
| 3 | | per thousand lbs. overweight or portion thereof. | |
| 4 | 31-25-16(c)(4) | Maximum weight shown in registration (1,025.00) | |
| 5 | | plus per thousand pounds overweight or portion thereof. | \$125.00 |
| 6 | 31-25-17 | Identification of trucks and truck-tractors | |
| 7 | | (first offense) | 85.00 |
| 8 | | (second offense) | 95.00 |
| 9 | | for the third and subsequent offenses | 125.00 |
| 10 | 31-25-24 | Carrying and inspection of excess load limit | 175.00 |
| 11 | 31-25-27(c) | Maximum axle | 3,000.00 |
| 12 | | (first offense) not to exceed | 5,000.00 |
| 13 | | for each and every subsequent offense | |
| 14 | 31-25-30 | Maximum axle Pawtucket River Bridge and Sakonnet | |
| 15 | | River Bridge (first offense) | 3,000.00 |
| 16 | | not to exceed | 5,000.00 |
| 17 | | for each and every subsequent offense | |
| 18 | 31-27-2.3 | Refusal to take preliminary breath test | 85.00 |
| 19 | 31-28-7(d) | Wrongful use of handicapped parking placard | 500.00 |
| 20 | 31-28-7(f) | Handicapped parking space violation: | |
| 21 | | First offense | 100.00 |
| 22 | | Second offense | 175.00 |
| 23 | | Third offense and subsequent offenses | 325.00 |
| 24 | 31-28-7.1(e) | Wrongful use of institutional handicapped parking placard | 125.00 |
| 25 | 31-33-2 | Failure to file accident report | 85.00 |
| 26 | 31-36.1-17 | No fuel tax stamp (out-of-state) | 85.00 |
| 27 | | and not exceeding | (\$100) |
| 28 | | for subsequent offense | |
| 29 | 31-38-3 | No inspection sticker | 85.00 |
| 30 | 31-38-4 | Violation of inspection laws | 85.00 |
| 31 | 31-47.2-06 | Heavy-duty vehicle emission inspections: | |
| 32 | | First offense | 125.00 |
| 33 | | Second offense | 525.00 |
| 34 | | Third and subsequent offenses | 1,025.00 |

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| 1 | 37-15-7 | Littering not less than | 55.00 |
| 2 | | not more than five hundred dollars | (\$500) |
| 3 | 39-12-26 | Public carriers violation | 300.00 |
| 4 | | SPEEDING | Fine |
| 5 | | (A) One to ten miles per hour (1-10 mph) | |
| 6 | | in excess of posted speed limit | \$ 95.00 |
| 7 | | (B) Eleven miles per hour (11 mph) in excess | |
| 8 | | of posted speed limit with a fine of ten dollars | (\$10.00) |
| 9 | | per mile in excess of speed limit shall be assessed | 205.00 |
| 10 | | . | minimum |

11 (b) In addition to any other penalties provided by law, a judge may impose the following
12 penalties for speeding:

13 (1) For speeds up to and including ten miles per hour (10 mph) over the posted speed
14 limit on public highways, a fine as provided for in subsection (a) of this section for the first
15 offense, ten dollars (\$10.00) per mile for each mile in excess of the speed limit for the second
16 offense if within twelve (12) months of the first offense, and fifteen dollars (\$15.00) per mile for
17 each mile in excess of the speed limit for the third and any subsequent offense if within twelve
18 (12) months of the first offense. In addition, the license may be suspended up to thirty (30) days.

19 (2) For speeds in excess of ten miles per hour (10 mph) over the posted speed limit on
20 public highways, a mandatory fine of ten dollars (\$10.00) for each mile over the speed limit for
21 the first offense, fifteen dollars (\$15.00) per mile for each mile in excess of the speed limit for the
22 second offense if within twelve (12) months of the first offense, and twenty dollars (\$20.00) per
23 mile for each mile in excess of the speed limit for the third and subsequent offense if within
24 twelve (12) months of the first offense. In addition, the license may be suspended up to sixty (60)
25 days.

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

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

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LC00947
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO MOTOR VEHICLES AND OTHER VEHICLES -- PASSING, USE OF
LANES, AND RULES OF THE ROAD

- 1 This act would provide for a violation and penalty with respect to unsafe passing of a
- 2 person operating a bicycle.
- 3 This act would take effect upon passage.

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