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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - RHODE ISLAND UNIFORM
COMMERCIAL DRIVER'S LICENSE ACT

Introduced By: Representatives Lima, Carnevale, Azzinaro, Messier, and O'Neill

Date Introduced: February 27, 2014

Referred To: House Judiciary

(Revenue)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-10.3-3 of the General Laws in Chapter 31-10.3 entitled "Rhode
2 Island Uniform Commercial Driver's License Act" is hereby amended to read as follows:

3 **31-10.3-3. Definitions.** -- Notwithstanding any other provisions of title 31 the following
4 definitions apply to this chapter unless the context requires otherwise:

5 (1) "Administrator" means the division of motor vehicles administrator, the chief
6 executive of the division of motor vehicles, an agency within the department of revenue.

7 (2) "Alcohol or alcoholic beverage" means (a) beer as defined in 26 U.S.C. 5052(a), of
8 the Internal Revenue Code of 1954; (b) wine of not less than one-half of one percentum (0.5%) of
9 alcohol by volume; or (c) distilled spirits as defined in section 5002(a)(8), of said code.

10 (3) "Base license" means the operator's or driver's license without any classifications,
11 endorsements, or restrictions.

12 (4) "Bus" means every motor vehicle designed for carrying sixteen (16) or more
13 passengers (including the driver).

14 (5) "Cancellation of driver's license" means the annulment or termination by formal
15 action of the department of a person's driver's license because of some error or defect in the
16 license (or application) or because the licensee is no longer entitled to the license.

17 (6) "Certified commercial driving instructor" means any person who gives commercial
18 driver training or who offers a course in driver training, and who is certified as such by the

1 administrator.

2 (7) "Commerce" means:

3 (i) Trade, traffic, and transportation within the jurisdiction of the United States within the
4 state; between a place in a state and a place outside the state, including a place outside the United
5 States; and

6 (ii) Trade, traffic, and transportation in the United States which affects any trade, traffic,
7 and transportation in paragraph (i) of this subdivision.

8 (8) "Commercial license" means a license issued by the department in accordance with
9 the standards contained in [Part 383 of Title 49 of the Code of Federal Regulations, referred to as](#)
10 49 C.F.R. Part 383, as it may be revised from time to time, to an individual which authorizes the
11 individual to operate a class of commercial motor vehicle.

12 (9) "Commercial motor vehicle" means a motor vehicle or combination of vehicles used
13 to transport passengers or property if the motor vehicle:

14 (i) Has a gross combination weight rating of twenty-six thousand one (26,001) or more
15 pounds, of a towed unit with a gross vehicle rating of more than ten thousand pounds (10,000
16 lbs.), or has a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds;

17 (ii) Is designed to transport sixteen (16) or more passengers including the driver; or

18 (iii) Is transporting hazardous materials as defined in this section.

19 (10) "Controlled substance" means any substance as classified under § 102(6) of the
20 Controlled Substance Act (21 U.S.C. 802(6)) and includes all substances as listed in schedules I
21 through V of [Part 1308 of Title 21 of the Code of Federal Regulations, referred to as](#) 21 C.F.R.
22 Part 1308 as they may be revised from time to time.

23 (11) "Conviction" means an unvacated adjudication of guilt or a determination that a
24 person has violated or failed to comply with the law in a court of original jurisdiction or by an
25 authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure
26 the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the
27 payment of a fine or court cost or violation of condition of release without bail, regardless of
28 whether or not the penalty is rebated, suspended, or probated.

29 (12) "Department" means the department of revenue acting directly or through its duly
30 authorized officers and agents.

31 (13) "Disqualification" means withdrawal of the privilege to drive a commercial motor
32 vehicle due to:

33 (i) The suspension, revocation, or cancellation of a commercial driver's license by the
34 state or jurisdiction of issuance; or

1 (ii) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a
2 state or other jurisdiction as the result of a violation of state or local law relating to motor vehicle
3 traffic control (other than parking, vehicle weight or vehicle defect violations); or

4 (iii) A determination by the Federal Motor Carrier Safety Administration that a person is
5 not qualified to operate a commercial motor vehicle under [Part 391 of Title 49 of the Code of](#)
6 [Federal Regulations, referred to as 49 C.F.R. Part 391, as they may be revised from time to time.](#)

7 (14) "Driver's license" means a license issued by the department to an individual which
8 authorizes the individual to operate a motor vehicle on the highways.

9 (15) "Employee" means any operator of a commercial motor vehicle, including full-time,
10 regularly employed drivers; casual, intermittent or occasional drivers; leased drivers; and
11 independent, owner-operator contractors (while in the course of operating a commercial motor
12 vehicle) who are either directly employed by or under lease to an employer.

13 (16) "Employer" means any person, including the United States, a state or a political
14 subdivision of a state, who owns or leases a commercial motor vehicle or assigns persons to
15 operate such a vehicle.

16 (17) "Farm tractors" means every motor vehicle designated and used primarily as a farm
17 implement for drawing plows, mowing machines, and other implements of husbandry.

18 (18) "Fatality" means the death of a person as a result of motor vehicle accident.

19 (19) "Felony" means any offense under state or federal law that is punishable by death or
20 imprisonment for a term exceeding one year and/or fine of one thousand dollars (\$1,000) or more.

21 (20) "Gross vehicle weight rating (GVWR)" means the value specified by the
22 manufacturer as the maximum loaded weight of a single or a combination (articulated). The
23 GVWR of a combination (articulated) vehicle (commonly referred to as the "gross combination
24 weight rating" or GCWR) is the GVWR of the power unit plus the GVWR of the towed unit or
25 units.

26 (21) "Hazardous materials" means any material that has been designated as hazardous
27 under [Part 172 of Title 49 of the Code of Federal Regulations, referred to as 49 CFR Part 172](#) or
28 any quantity of a material listed as a select agent or toxin in [Part 73 of Title 42 of the Code of](#)
29 [Federal Regulations, referred to as 42 CFR Part 73 as they may be revised from time to time.](#)

30 (22) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semi-trailer propelled
31 or drawn by mechanical power and used on highways; or any other vehicle required to be
32 registered under the laws of this state; but does not include any vehicle, machine, tractor, trailer,
33 or semi-trailer operated exclusively on a rail.

34 (23) "Operator's license" means driver's license.

1 (24) "School bus" means a commercial motor vehicle used to transport preprimary,
2 primary or secondary school students from home to school, from school to home; as to and from
3 school-sponsored events. School bus does not include a bus used as a common carrier.

4 (25) "Secretary" means the secretary of transportation of the United States.

5 (26) "Serious traffic violation" means a conviction when operating a commercial motor
6 vehicle except weight, defect and parking violations of:

7 (i) Excessive speeding involving any single offense for any speed of fifteen miles per
8 hour (15 mph) or more above the posted speed limit;

9 (ii) Reckless driving as defined by state or local law or regulation including, but not
10 limited to, offenses of driving a commercial motor vehicle in willful or wanton disregard for the
11 safety of person or property;

12 (iii) Improper or erratic lane changes;

13 (iv) Following the vehicle ahead too closely;

14 (v) A violation, arising in connection with a fatal accident, of state or local law relating to
15 motor vehicle traffic control;

16 (vi) Operating a commercial motor vehicle without obtaining a commercial license;

17 (vii) Operating a commercial motor vehicle without having his or her commercial license
18 in his or her immediate possession; or

19 (viii) Operating a commercial motor vehicle without possessing a commercial driver's
20 license containing the endorsements or classifications applicable to the type of vehicle being
21 operated or for the passengers or type of cargo being transported; ~~or~~

22 (ix) Operating a commercial motor vehicle while using a hand-held mobile telephone.

23 (27) "State" means a state of the United States and the District of Columbia.

24 (28) "Tank vehicle" means any commercial motor vehicle that is designed to transport
25 any liquid or gaseous materials within a tank that is either permanently or temporarily attached to
26 the vehicle or the chassis. These vehicles include, but are not limited to, cargo tanks and portable
27 tanks as defined in Part 171 of ~~title~~ Title 49 of the Federal Hazardous Material Regulations,
28 referred to as 49 CFR ~~Part~~ 171 as they may be revised from time to time. However, this definition
29 does not include portable tanks having a rated capacity under one thousand (1,000) gallons.

30 (29) "Withdrawal" means any suspension, revocation, cancellation, disqualification, out-
31 of-service of any license, privilege, endorsement, restriction, or classification of any license.

32 SECTION 2. Chapter 31-10.3 of the General Laws entitled "Rhode Island Uniform
33 Commercial Driver's License Act" is hereby amended by adding thereto the following section:

34 **31-10.3-38. Prohibition on use of hand-held mobile telephones while driving a**

1 **commercial motor vehicle.-- (a) Definitions. For the purpose of this section only:**

2 (1) "Driving" means operating a commercial motor vehicle on a highway, including
3 while temporarily stationary because of traffic, a traffic control device, or other momentary
4 delays. Driving does not include operating a commercial motor vehicle when the driver has
5 moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle
6 can safely remain stationary.

7 (2) "Mobile telephone" means a mobile communication device that falls under or uses
8 any commercial mobile radio service, as defined in Part 20.3 of Title 47 of the Code of Federal
9 Regulations, referred to as 47 CFR 20.3. It does not include two-way or citizens band radio
10 services.

11 (3) "Use a hand-held mobile telephone" means: (i) Using at least one hand to hold a
12 mobile telephone to conduct a voice communication;

13 (ii) Dialing or answering a mobile telephone by pressing more than a single button; or

14 (iii) Reaching for a mobile telephone in a manner that requires a driver to maneuver so
15 that he or she is no longer in a seated driving position, restrained by a seat belt that is installed in
16 accordance with Part 393.93 of Title 49 of the Code of Federal Regulations, referred to as 49
17 CFR 393.93, and adjusted in accordance with the vehicle manufacturer's instructions.

18 (b)(1) No driver shall use a hand-held mobile telephone while driving a commercial
19 motor vehicle.

20 (2) No motor carrier shall allow or require its drivers to use a hand-held mobile telephone
21 while driving a commercial motor vehicle.

22 (c) Emergency exception. Using a hand-held mobile telephone is permissible by drivers
23 of a commercial motor vehicle when necessary to communicate with law enforcement officials or
24 other emergency services.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO MOTOR AND OTHER VEHICLES - RHODE ISLAND UNIFORM
COMMERCIAL DRIVER'S LICENSE ACT

- 1 This act would make the use of a hand-held mobile phone while driving a commercial
- 2 motor vehicle a traffic violation in accordance with federal regulations.
- 3 This act would take effect upon passage.

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