

2019 -- S 0089

LC000075

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES

Introduced By: Senator Elizabeth A. Crowley

Date Introduced: January 16, 2019

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 31-27 of the General Laws entitled "Motor Vehicle Offenses" is  
2 hereby amended by adding thereto the following section:

3 **31-27-2.6.1. Driving under the influence of liquor or drugs, resulting in bodily**  
4 **injury.**

5 (a) When bodily injury of any person other than the operator is caused by the operation of  
6 any motor vehicle, the operator of which is under the influence of any intoxicating liquor,  
7 toluene, or any controlled substance as defined in chapter 28 of title 21 or any combination of  
8 these, the person so operating the vehicle shall be guilty of driving under the influence of liquor  
9 or drugs, resulting in bodily injury.

10 (b) As used in this section, "bodily injury" means injury, sickness or disease caused by  
11 damage due to an at fault operator of a motor vehicle requiring a minimum of one overnight stay  
12 in a hospital for treatment or observation directly related to the motor vehicle accident or any  
13 physical injury consisting of broken and/or fractured bone(s) or permanently disfiguring  
14 lacerations requiring stitches, multiple stitches or sutures, or cosmetic surgery.

15 (c) Any person charged with the commission of the offense set forth in subsection (a) of  
16 this section, upon conviction, shall be punished pursuant to the provisions of § 31-27-2 and the  
17 license of the person shall be revoked subject to reinstatement upon proof by the operator of  
18 insurance coverage for bodily injury in the amount of five hundred thousand dollars (\$500,000).

19 (d) For a second or subsequent conviction under this section within a five (5) year period,

1 a person shall be punished by imprisonment for not less than two (2) years nor more than five (5)  
2 years and by a fine of not less than two thousand dollars (\$2,000) nor more than five thousand  
3 dollars (\$5,000). The sentencing judge shall have the discretion to sentence the person to any unit  
4 of the adult correctional institutions. In addition, the person convicted may be required to  
5 successfully complete alcohol or drug treatment, at their own expense, in a program established  
6 by the director of the department of corrections. The license of the person shall be revoked for a  
7 period of up to two (2) years. The license privilege shall not thereafter be reinstated until  
8 evidence satisfactory to the administrator of the division of motor vehicles establishes that no  
9 grounds exist which would authorize refusal to issue a license and until the person gives proof of  
10 financial responsibility in the amount of five hundred thousand dollars (\$500,000) for bodily  
11 injury liability insurance coverage in a manner prescribed pursuant to chapter 32 of this title.

12 SECTION 2. This act shall take effect upon passage.

=====  
LC000075  
=====

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

\*\*\*

1           This act would establish the criminal offense of driving under the influence of liquor or  
2 drugs resulting in bodily injury punishable as follows:

3           (1) For a first offense, the penalties for persons driving under the influence pursuant to §  
4 31-27-2 shall apply plus the requirement of obtaining five hundred thousand dollars (\$500,000) of  
5 bodily injury liability insurance coverage to avoid license revocation; and

6           (2) For a second or subsequent offense within a five (5) year period, imprisonment for  
7 two (2) to five (5) years, a fine of two thousand dollars (\$2,000) to five thousand dollars (\$5,000),  
8 and license revocation of up to two (2) years with reinstatement upon proof of financial  
9 responsibility in the amount of five hundred thousand dollars (\$500,000) of bodily injury liability  
10 coverage.

11           This act would take effect upon passage.

=====  
LC000075  
=====