

2017 -- S 0603

LC001819

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES

Introduced By: Senators McCaffrey, Lombardi, Archambault, Conley, and Nesselbush

Date Introduced: March 15, 2017

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-41.3-8 of the General Laws in Chapter 31-41.3 entitled  
2 "Automated School-Zone-Speed-Enforcement System Act of 2016" is hereby amended to read as  
3 follows:

4 **31-41.3-8. Procedure notice.**

5 (a) Except as expressly provided in this chapter, all prosecutions based on evidence  
6 produced by an automated school-zone-speed-enforcement system shall follow the procedures  
7 established in chapter 41.1 of this title, chapter 18 of title 8, and the rules promulgated by the  
8 chief ~~judge~~ magistrate of the ~~district court~~ traffic tribunal for the hearing of civil traffic violations.  
9 Citations may be issued by an officer solely based on evidence obtained by use of an automated  
10 school-zone-speed-enforcement system. All citations issued based on evidence obtained from an  
11 automated school-zone-speed-enforcement system shall be issued within fourteen (14) days of the  
12 violation.

13 (b) It shall be sufficient to commence a prosecution based on evidence obtained from an  
14 automated school-zone-speed-enforcement system, provided that a copy of the citation and  
15 supporting documentation be mailed to the address of the registered owner kept on file by the  
16 registry of motor vehicles pursuant to § 31-3-34. For purposes of this section, the date of issuance  
17 shall be the date of mailing.

18 (c) The officer issuing the citation shall certify under penalties of perjury that the  
19 evidence obtained from the automated school-zone-speed-enforcement system was sufficient to

1 demonstrate a violation of the motor vehicle code. Such certification shall be sufficient in all  
2 prosecutions pursuant to this chapter to justify the entry of a default judgment upon sufficient  
3 proof of actual notice in all cases where the citation is not answered within the time period  
4 permitted.

5 (d) The citation shall contain all the information provided for in the uniform summons as  
6 referred to in § 31-41.1-1 and the rules of procedure promulgated by the chief magistrate of the  
7 traffic tribunal.

8 (e) In addition to the information in the uniform summons, the following information  
9 shall be attached to the citation:

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

12 (2) A signed statement by a trained law enforcement officer that, based on inspection of  
13 recorded images, the motor vehicle was being operated in violation of chapter 14 of title 31  
14 relating to speed restrictions: and

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

16 (4) A statement that the person who receives a summons under this chapter may either  
17 pay the civil penalty in accordance with the provisions of § 31-41.1-3, or elect to stand trial for  
18 the alleged violation.

19 SECTION 2. 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 require that matters adjudicated under the Automated School-Zone-  
2 Speed-Enforcement System Act of 2016 be done in accordance with rules promulgated by the  
3 Chief Magistrate of the Traffic Tribunal.  
4           This act would take effect upon passage.

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