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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- ELECTRONIC CONFIRMATION AND COMPLIANCE SYSTEM

Introduced By: Senators Ruggerio, Bates, Goodwin, McCaffrey, and Felag

Date Introduced: June 22, 2011

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 31 of the General Laws entitled "MOTOR AND OTHER
2 VEHICLES" is hereby amended by adding thereto the following chapter:

3 CHAPTER 21.3

4 ELECTRONIC CONFIRMATION AND COMPLIANCE SYSTEM

5 **31-21.3-1. Short title.** – This act shall be known and may be cited as the “Rhode Island
6 Electronic Confirmation and Compliance System.”

7 **31-21.3-2. Definitions.** – When used in this chapter:

8 (1) “Administrator” means the director of the division of motor vehicles.

9 (2) “Department” means the department of public safety.

10 (3) “Director” means the administrator of the department of public safety.

11 (4) “Division” means the division of motor vehicles (DMV).

12 (5) “Financial responsibility” means the ability to satisfy the requirements established in
13 chapter 31-31.

14 (6) “IICMVA” means the Insurance Industry Committee on Motor Vehicle
15 Administration.

16 (7) “NLETS” means the National Law Enforcement Communications network.

17 (8) “Noninvasive” means does not contain or display personal identifying information
18 including a name and address.

1 (9) "RILETS" means the Rhode Island Law Enforcement Communications network.

2 **31-21.3-3. Electronic insurance confirmation and compliance system.** – The director
3 of the department of public safety and/or his or her designees shall contract with a third (3rd) party
4 no later than December 31, 2011 to implement an electronic automobile liability insurance
5 confirmation and compliance system in the state that shall include the following:

6 (1) A system to make both interstate and intrastate vehicle insurance and registration
7 status available to law enforcement for automated query at any time through the national law
8 enforcement telecommunications network, (NLETS) used by law enforcement in this state and all
9 others and which is fully interfaced with the RILETS system, (Department's Law Enforcement
10 Message Switch Communications and Hot File database system) and which is in turn linked to
11 the Division of Motor Vehicles (DMV).

12 (2) A system to make available by use of current connections only so as to require no
13 modification to existing or planned DMV systems, the administrator of the division of motor
14 vehicles, a financial responsibility verification system for use when an entity or individual
15 registers a vehicle pursuant to chapter 31-31, such system to be accessed via the division's current
16 connection with RILETS or directly via the internet or a combination of both when and in the
17 manner as the administrator of the division of motor vehicles may determine;

18 (3) A system to provide automobile insurance information to emergency medical service
19 providers;

20 (4) A system to provide financial responsibility verification to banks, credit unions and
21 other lien holders concerning any vehicle that serves as collateral for a loan, as is required by law;

22 (5) A verification system to provide courts with financial responsibility status for the
23 court date, the citation date, the day prior to the citation date, and a history of the vehicle's periods
24 of coverage, regarding both intrastate and whenever possible, interstate vehicles identified as non-
25 compliant;

26 (6) An automatic license plate recognition system to electronically capture license plate
27 images in two (2) seconds or less and non-invasively attempt verification of the insurance and
28 when possible, the registration status of the vehicle. If the vehicle is covered under an automobile
29 insurance policy or properly registered or there is no conclusive proof of non-compliance as
30 determined by a law enforcement officer, the automatic license plate recognition system shall
31 erase the record of the vehicle's license plate within one minute.

32 (7) A system to provide secure postal notification, telephone and internet-based help
33 desk, verification and secure collection services for the state regarding citations issued by this
34 system;

1 (8) A system that provides secure, dedicated, electronic portals with appropriate
2 information for authorized users as determined by the director.

3 (9) A system that provides a help desk service with live operators but also a fax service
4 and internet-based response service so that citations can be challenged and any errors corrected in
5 support of the public and also to reduce the burdens that might otherwise be placed upon the
6 traffic tribunal.

7 **31-21.3-4. Mandatory reporting.** – (a) Each insurer that delivers, issues for delivery, or
8 renews automobile liability insurance policies in this state shall furnish to the director or to
9 NLETS acting for the department, on at least a daily basis, all of the following information
10 concerning vehicles owned by any persons or entity to whom it issued such policies of insurance
11 on the previous day and for whom/which any persons or entities on the previous day, cancelled
12 such policies or allowed such policies to lapse through failure to pay the premium due or for
13 whom/which such policies were otherwise cancelled or suspended by said insurer:

14 (1) The effective or termination date of the policy;

15 (2) The policy number;

16 (3) The vehicle identification number (or if a commercial policy, the asset identification
17 number or USDOT number) of the vehicle covered under the policy;

18 (4) The make, model, and model year of the vehicle covered under the policy;

19 (5) The zip code (but no other name or address elements) of residence of the
20 policyholder;

21 (6) Any lien holder identified in the policy and/or the federal lien holder identification
22 number;

23 (7) The level of insurance coverage expressed in the following categories: liability,
24 comprehensive, collision, and uninsured motorist coverage;

25 (8) Any other file elements as determined to be advantageous by the insurer; and

26 (9) Any other file elements determined to be necessary by the administrator.

27 (b) The insurance commissioner and administrator will require insurers to submit the
28 information required under subsection (a) of this section to the department or to NLETS, which is
29 owned and controlled by this state and all other states, via electronic means or, if in the case of a
30 small insurer with fewer than ten thousand (10,000) policies, by either fax or electronic
31 spreadsheet as they may choose.

32 (c) The state shall incur no liability concerning the accuracy of any insurance policy data
33 reported pursuant to this section.

34 **31-21.3-5. Rules and regulations.** – The administrator shall adopt rules and regulations

1 to implement this chapter including rules to determine the method insurers must use to submit
2 information to the department or to NLETS under subsection 31-21.3-4(a) and which may include
3 the use of the Insurance Industry Committee on Motor Vehicle Administration (IICMVA) web-
4 enabled standard, provided that no privacy data is used to obtain information and that actual
5 status is provided.

6 **31-21.3-6. Procedure -- Notice.** – (a) Except as expressly provided in this chapter, all
7 prosecutions based on evidence produced by this confirmation and compliance system shall
8 follow the procedures established in chapter 41.1 of this title, chapter 8-18 of the general laws and
9 the rules promulgated by the chief magistrate of the traffic tribunal for the hearing of civil traffic
10 violations in the traffic tribunal. Provided, that in an action brought pursuant to the provisions of
11 this chapter, references in chapter 31-41.1 to an “operator” shall apply to the registered owner of
12 the vehicle. A summons shall be issued by an officer solely based on evidence obtained by use of
13 a live digital video vehicle confirmation and compliance system. All summonses issued based on
14 evidence obtained from a live digital video vehicle confirmation and compliance system shall be
15 issued within seven (7) days of the violation. Notwithstanding any provisions of the general laws
16 to the contrary, exclusive jurisdiction to hear and decide any violation under this chapter shall be
17 with the traffic tribunal.

18 (b) It shall be sufficient to commence a prosecution based on evidence obtained from a
19 live digital video vehicle confirmation and compliance system. A copy of the summons and
20 supporting documentation shall be mailed to the address of the registered owner kept on file by
21 the registry of motor vehicles pursuant to section 31-3-34 of the general laws. For purposes of
22 this section, the date of issuance shall be the date of mailing.

23 (c) The officer issuing the summons shall certify under penalties of perjury that the
24 evidence obtained from the live digital video vehicle confirmation and compliance system was
25 sufficient to demonstrate a violation of the motor vehicle code. Such certification shall be
26 sufficient in all prosecutions pursuant to this chapter to justify the entry of a default judgment
27 upon sufficient proof of actual notice in all cases where the citation is not answered within the
28 time period permitted.

29 (d) The summons shall contain all the information provided for on the uniform summons
30 as referred to in section 31-41.1-1 of the general laws and the rules of procedure promulgated by
31 the chief magistrate of the traffic tribunal as well as the date, time, and location of the violation.
32 In addition, the following information shall be attached to or accompany the summons:

33 (1) Copies of two (2) or more photographs, or microphotographs, videos, or other
34 enforcement information approved by the officer that, based on inspection of recorded images,

1 the motor vehicle was being operated in violation of this chapter;

2 (2) A signed statement that recorded images is evidence of a violation of this chapter.

3 (3) A statement that the person who receives the summons under this chapter may either
4 pay the civil fine or elect to stand trial for the alleged violation,

5 (4) A signed affidavit by a person who witnessed the motor vehicle being operated in
6 violation of this chapter as he or she reviewed recorded images;

7 (5) The contact telephone numbers, addresses and both facsimile and internet addresses
8 to provide proof of compliance along with a statement of procedures and confirmation that the
9 record will be modified should proper proof be provided and pending charges dismissed; and

10 (6) A signed statement certified under the penalties of perjury by a trained law
11 enforcement officer that the summons and attachments required under this subsection were
12 mailed to the address of the registered owner kept on file by the registry of motor vehicles.

13 (e) Any summons issued pursuant to this chapter shall be issued by a law enforcement
14 officer authorized to issue a traffic violation summons pursuant to title 31 of the general laws.

15 **31-21.3-7. Driver/registered owner liability.** – (a) The registered owner of a motor
16 vehicle shall not operate or allow the motor vehicle to be operated in violation of this chapter.

17 (b) In all prosecutions of civil traffic violations based on evidence obtained from a live
18 digital video vehicle confirmation and compliance system as provided under this chapter, the
19 registered owner of the vehicle shall be primarily responsible in all prosecutions of violations
20 pursuant to the provisions of this chapter, except as otherwise provided under this chapter.

21 (c) In the event that the registered owner of the vehicle operated in violation of this
22 chapter was not the operator of the vehicle at the time of the violation, the registered owner shall
23 either:

24 (1) Accept responsibility for the violation by paying the fine; or

25 (2) Upon receipt of the notice of the violation, provide the issuing authority, within
26 twenty (20) days of the date of issuance, the name and address of the individual operating the
27 vehicle at the time which the violation occurred.

28 (d) It shall be prima facie evidence, establishing a rebuttable presumption, that the owner
29 of the registered motor vehicle was the operator of the vehicle at the time of the violation if the
30 registered owner of the motor vehicle fails to pay the fine and fails to proceed under subdivision
31 31-21.3-7(c)(2). Evidence offered pursuant to this chapter shall be sufficient to establish a
32 violation of sections 31-31-8 and 31-47-9 by clear and convincing evidence.

33 (e) The owner of a rented or leased motor vehicle may establish non-liability for
34 violations issued pursuant to this chapter by providing to the issuing authority a copy of the

1 written rental or a lease agreement which shall be prima facie evidence, establishing a rebuttable
2 presumption, that the lessee was the operator of the vehicle. In the event that the lessee was not
3 the operator of the motor vehicle at the time of the violation, the lessee shall either: (1) Accept
4 responsibility for the violation by paying the fine; or (2) Upon receipt of the notice of the
5 violation, provide the issuing authority within twenty (20) days of the date of issuance, the name
6 and address of the individual operating the vehicle at the time which the violation occurred.

7 **31-21.3-8. Nature of violations.** – Notwithstanding any other provision of law: (1) No
8 violation for which a civil fine is imposed under this chapter shall be considered a moving
9 violation, nor shall be included on the driving record of the person on whom the liability is
10 imposed, nor shall it be used for insurance rating purposes in providing motor vehicle insurance
11 coverage.

12 (2) Imposition of a fine pursuant to this chapter shall not be deemed a criminal conviction
13 of an owner or operator;

14 (3) The "good driving record" provision of section 31-41.1-7 shall not be used to dismiss
15 an action brought pursuant to this chapter.

16 **31-21.3-9. Fines revenue allocation.** – (a) The state shall not pay the cost of the
17 implementation and administration of the electronic verification system created by this chapter.

18 (b) Only the revenue generated by the fines imposed through the use of the license plate
19 recognition system referenced in subdivisions 31-21.3-3(9) and 31.21.3-3(10) shall be shared
20 equally by the state and the vendor.

21 SECTION 2. Section 31-8-1 of the General Laws in Chapter 31-8 entitled "Offenses
22 Against Registration and Certificate of Title Laws" is hereby amended to read as follows:

23 **31-8-1. Operation of vehicles without evidences of registration.** -- No person shall
24 operate, nor shall an owner knowingly permit to be operated, upon any highway or bicycle trail or
25 path, any vehicle required to be registered pursuant to this title unless there has been issued for it
26 a valid registration card and unless there is attached to it and displayed on it, when and as
27 required by chapters 3 -- 9 of this title, a valid registration plate or plates issued for it by the
28 division of motor vehicles for the current registration year except as otherwise expressly
29 permitted in those chapters. Any violation of this section shall be punishable by a fine ~~of eighty-~~
30 ~~five dollars (\$85.00)~~ for a first offense of three hundred fifty dollars (\$350). The fine for a second
31 (2nd) offense shall be six hundred dollars (\$600). The fine for a third (3rd) and subsequent offense
32 shall be seven hundred fifty dollars (\$750).

33 SECTION 3. Section 31-47-9 of the General Laws in Chapter 31-47 entitled "Motor
34 Vehicle Repairs Act" is hereby amended to read as follows:

1 **31-47-9. Penalties.** -- (a) Any owner of a motor vehicle registered in this state who shall
2 knowingly operate the motor vehicle or knowingly permit it to be operated in this state without
3 having in full force and effect the financial security required by the provisions of this chapter, and
4 any other person who shall operate in this state any motor vehicle registered in this state with the
5 knowledge that the owner of it does not have in full force and effect financial security, except a
6 person who, at the time of operation of the motor vehicle, had in effect an operator's policy of
7 liability insurance, as defined in this chapter, with respect to his or her operation of the vehicle,
8 may be subject to a mandatory suspension of license and registration as follows:

9 (1) For a first offense, a suspension of up to ~~three (3)~~ two (2) months and may be fined
10 ~~one hundred dollars (\$100) up to five hundred dollars (\$500)~~ three hundred fifty dollars (\$350);

11 (2) For a second offense, a suspension of six (6) months; and may be fined ~~five hundred~~
12 ~~dollars (\$500)~~ six hundred dollars (\$600); and

13 (3) For a third and subsequent offense, a suspension of up to one year. Additionally, any
14 person violating this section a third or subsequent time shall be punished as a civil violation and
15 may be fined ~~one thousand dollars (\$1,000)~~ seven hundred fifty dollars (\$750).

16 (b) An order of suspension and impoundment of a license or registration, or both, shall
17 state that date on or before which the person is required to surrender the person's license or
18 certificate of registration and registration plates. The person is deemed to have surrendered the
19 license or certificate of registration and registration plates, in compliance with the order, if the
20 person does either of the following:

21 (1) On or before the date specified in the order, personally delivers the license or
22 certificate of registration and registration plates, or causes the delivery of those items, to the
23 administrator of the division of motor vehicles or court, whichever issued the order;

24 (2) Mails the license or certificate of registration and registration plates to the
25 administrator of the division of motor vehicles, in an envelope or container bearing a postmark
26 showing a date no later than the date specified in the order.

27 (c) The administrator of the division of motor vehicles shall not restore any operating
28 privileges or registration rights suspended under this section or return any license, certificate of
29 registration, or registration plates impounded under this section unless the rights are not subject to
30 suspension or revocation under any other law and unless the person, in addition to complying
31 with all other conditions required by law for reinstatement of operating privileges or registration
32 rights, complies with all of the following:

33 (1) Pays a reinstatement fee of thirty dollars (\$30.00). The reinstatement fee may be
34 increased, upon approval of the administrator of the division of motor vehicles, up to an amount

1 not exceeding fifty dollars (\$50.00).

2 (2) Files and maintains proof of financial security. To facilitate the administration of this
3 chapter the clerk of the courts shall notify the administrator of the division of motor vehicles of
4 all persons against whom judgments have been entered arising out of a motor vehicle collision.

5 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO MOTOR AND OTHER VEHICLES -- ELECTRONIC CONFIRMATION AND
COMPLIANCE SYSTEM

- 1 This act would create an electronic automobile liability insurance confirmation and
- 2 compliance system in the state.
- 3 This act would take effect upon passage.

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