

2022 -- S 2503 SUBSTITUTE A

LC003245/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- SUSPENSION AND REVOCATION
OF LICENSES --VIOLATIONS

Introduced By: Senators Archambault, F Lombardi, McCaffrey, Coyne, and Ruggerio

Date Introduced: March 01, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-11-18 of the General Laws in Chapter 31-11 entitled "Suspension
2 or Revocation of Licenses - Violations" is hereby amended to read as follows:

3 **31-11-18. Driving after denial, suspension, or revocation of license.**

4 (a) Any person who drives a motor vehicle on any highway of this state who never applied
5 for a license, or who drives after his or her application for a license has been refused, or after his
6 or her license has expired, or who otherwise drives without a license, or at a time when his or her
7 license to operate is suspended, revoked, or cancelled, for reasons other than those provided for in
8 § 31-11-18.1, ~~may be guilty of a misdemeanor~~ shall be subject to penalties and sanctions set forth
9 in this section.

10 (b) Upon a first violation under this section, a civil penalty of not ~~less than two hundred~~
11 ~~fifty dollars (\$250), nor more than five hundred dollars (\$500),~~ more than one hundred fifty dollars
12 (\$150) shall be imposed. For the second violation, a civil penalty of not ~~less than three hundred~~
13 ~~fifty dollars (\$350), nor more than five hundred dollars (\$500),~~ may more than two hundred fifty
14 dollars (\$250) shall be imposed. For a third violation, a civil penalty of not more than three hundred
15 fifty dollars (\$350) shall be imposed. All violations under this subsection shall be heard in the
16 traffic tribunal.

17 (c) Any person convicted of a ~~third~~ fourth or a subsequent violation of subsection (a) shall
18 be guilty of a misdemeanor and may, in the discretion of the sentencing judge, be ~~imprisoned for a~~

1 ~~term not exceeding ninety (90) days~~, fined not less than five hundred dollars (\$500) nor more than
2 one thousand dollars (\$1,000), ~~or both~~. Additionally, the sentencing judge may suspend the person's
3 license for a period not to exceed ~~ninety (90) days~~ one year. All violations under this subsection
4 shall be heard in the district court.

5 (d) Notwithstanding ~~the any other provisions~~ provision of ~~subsection (a)~~ this section, any
6 person driving after his or her license has expired shall be issued a summons to appear in ~~district~~
7 ~~court~~ the traffic tribunal not fewer than ten (10) days after the issuance of the summons, and shall
8 not be taken into custody based solely on this charge absent a warrant. Any person who shall cause
9 his or her expired license to be reinstated by the division of motor vehicles within ten (10) days
10 after issuance of the summons may present proof of reinstatement at the headquarters of the
11 charging police department. Presentation of proof of reinstatement within ten (10) days after the
12 issuance of the summons shall cause the summons to be voided and shall otherwise constitute a
13 complete defense to the charge of driving after expiration of license and a bar to prosecution for
14 that charge. Any convictions under subsection (c) shall be expunged pursuant to the provisions of
15 chapter 1.3 of title 12. For the purposes of this subsection, each of the several state police barracks
16 shall be considered as a separate police headquarters.

17 SECTION 2. This act shall take effect on January 1, 2023

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would reduce the civil penalty for the first and second offenses for driving without
2 a license or driving with a suspended license, and would make a third violation a civil offense and
3 a fourth offense a misdemeanor punishable by a fine. It would also increase a license suspension
4 for a fourth or subsequent offense to up to a year. Jurisdiction for civil offenses would be in the
5 traffic tribunal and for criminal offenses jurisdiction would be in district court.

6 This act would take effect on January 1, 2023.

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