

2014 -- S 2810 SUBSTITUTE A

LC005179/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

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

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

Date Introduced: March 25, 2014

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  
2 "Suspension or Revocation of Licenses - Violations" is hereby amended to read as follows:

3 **31-11-18. Driving after denial, suspension, or revocation of license.** -- (a) Any person  
4 who drives a motor vehicle on any highway of this state who never applied for a license, or who  
5 drives after his or her application for a license has been refused, or after his or her license has  
6 expired or who otherwise drives without a license, or at a time when his or her license to operate  
7 is suspended, revoked, or cancelled, for reasons other than those provided for in section 31-11-  
8 18.1, ~~shall~~ may be guilty of a misdemeanor.

9 ~~(b) The division of motor vehicles, upon receiving a record of the conviction of any~~  
10 ~~person upon a charge of driving a motor vehicle while the license of the person was suspended,~~  
11 ~~shall suspend the person's license for an additional three (3) months. Upon receiving a record of~~  
12 ~~second violation, the division of motor vehicles shall suspend the license for an additional six (6)~~  
13 ~~months. Any subsequent conviction shall result in license revocation. Upon receiving a record of~~  
14 ~~conviction of any person upon a charge of driving after his or her application for a license has~~  
15 ~~been refused, or upon a charge of driving by one who never applied for a license or who~~  
16 ~~otherwise drives without a license, or after his or her license has expired or has been revoked or~~  
17 ~~canceled, the division of motor vehicles shall not issue a new license for an additional period of~~  
18 ~~one year from and after the date the person would otherwise have been entitled to apply for a new~~

1 ~~license.~~

2 ~~(e)(b)~~ Upon a first ~~conviction~~ violation under this section, a ~~fine~~ civil penalty of not less  
3 than ~~two hundred fifty dollars (\$250)~~ one hundred dollars (\$100) nor more than five hundred  
4 dollars (\$500) shall be imposed, ~~and imprisonment for a term not to exceed thirty (30) days may~~  
5 ~~be imposed.~~ For the second ~~and any subsequent conviction~~ violation, a ~~fine~~ civil penalty of not  
6 less than ~~three hundred fifty dollars (\$350)~~ two hundred dollars (\$200) nor more than one  
7 thousand dollars (\$1,000) ~~may~~ shall be imposed ~~and an imprisonment for up to one year may be~~  
8 ~~imposed. The imposition of fines may be in addition to the suspension of license that may be~~  
9 ~~imposed by the court.~~

10 (c) Any person convicted of a third or a subsequent violation of subsection (a) of this  
11 section shall be guilty of a misdemeanor and may, in the discretion of the sentencing judge, be  
12 imprisoned for a term not exceeding ninety (90) days, fined not less than five hundred dollars  
13 (\$500) nor more than one thousand dollars (\$1,000), or both. Additionally, the sentencing judge  
14 may suspend the person's license for a period not to exceed ninety (90) days.

15 (d) Notwithstanding the provisions of subsection (a) of this section, any person driving  
16 after his or her license has expired shall be issued a summons to appear in district court not fewer  
17 than ten (10) days after the issuance of the summons, and shall not be taken into custody based  
18 solely on this charge absent a warrant. Any person who shall cause his or her expired license to  
19 be reinstated by the division of motor vehicles within ten (10) days after issuance of the summons  
20 may present proof of reinstatement at the headquarters of the charging police department.  
21 Presentation of proof of reinstatement within ten (10) days after the issuance of the summons  
22 shall cause the summons to be voided and shall otherwise constitute a complete defense to the  
23 charge of driving after expiration of license and a bar to prosecution for that charge. Any  
24 ~~summons or records relating to the summons~~ convictions under subsection (c) of this section shall  
25 be ~~expunged~~ automatically eligible for expungement pursuant to the provisions of chapter 1.3 of  
26 title 12. For the purposes of this subsection, each of the several state police barracks shall be  
27 considered as a separate police headquarters.

28 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 change first and second offenses for driving with a suspended or expired  
2 license to a civil violation and would also reduce the potential monetary penalty. This act would  
3 also give discretion to the sentencing judge on third and subsequent offenses under this same  
4 section to impose jail sentences and license suspensions.

5           This act would take effect upon passage.

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