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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- OPERATORS' AND CHAUFFEURS'
LICENSES

Introduced By: Senators Archambault, McCaffrey, Lynch Prata, and Lombardi

Date Introduced: May 03, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-10-3 of the General Laws in Chapter 31-10 entitled "Operators'
2 and Chauffeurs' Licenses" is hereby amended to read as follows:

3 **31-10-3. Persons ineligible for licenses.**

4 (a) The division of motor vehicles shall not issue any license under this chapter:

5 (1) To any person, as an operator, who is under the age of sixteen (16) years;

6 (2) To any person, as a chauffeur, who is under the age of eighteen (18) years;

7 (3) To any person, as an operator or chauffeur, whose license has been suspended, during
8 that suspension, nor to any person whose license has been revoked, except as provided in § 31-
9 11-10;

10 (4) To any person, as an operator or chauffeur, who is a habitual drunkard or habitual
11 user of drugs to such an extent that he or she is incapable of safely driving a motor vehicle;

12 (5) To any person, as an operator or chauffeur, who is required by this chapter to take an
13 examination unless that person shall have successfully passed that examination;

14 (6) ~~To any person who is required under the laws of this state to deposit proof of financial
15 responsibility and who has not deposited that proof;~~

16 (7) To any person when the administrator of the division of motor vehicles has good
17 cause based on clear and convincing evidence to believe that that person does not meet a standard
18 of physical or mental fitness for motor vehicle licensure established pursuant to § 31-10-44(b)

1 and that the person's physical or mental condition prevents him or her from being able to operate
2 a motor vehicle with safety upon the highway;

3 (8) To any person when the administrator of the division of motor vehicles has good
4 cause to believe that the operation of a motor vehicle on the highways by that person would pose
5 an imminent safety risk to the general public as determined by objectively ascertainable
6 standards;

7 (9) To any person who is subject to an order issued pursuant to § 14-1-67.

8 (b) The division of motor vehicles shall notify in writing any person whose application
9 for a license has been denied pursuant to subsection (a) of this section. The notice shall contain
10 the factual and legal basis for the denial, the procedure for requesting a hearing, and the rights
11 afforded the individual pursuant to the provisions of § 31-11-7(d) -- (f). When physical or mental
12 fitness is the basis for the denial, the notice shall reference the specific functional standard
13 promulgated pursuant to § 31-10-44(b), which was relied upon by the division of motor vehicles.
14 Upon his or her request the division of motor vehicles shall afford the license applicant an
15 opportunity for a hearing as early as practical and no later than twenty (20) days after receipt of
16 the request.

17 (c) The hearing procedures afforded the applicant shall conform to the provisions of § 31-
18 11-7(d) -- (f).

19 SECTION 2. Section 31-10.3-15 of the General Laws in Chapter 31-10.3 entitled "Rhode
20 Island Uniform Commercial Driver's License Act" is hereby amended to read as follows:

21 **31-10.3-15. Persons not eligible for licensing.**

22 (a) The department shall not issue any license pursuant to this chapter:

23 (1) To any person, as a commercial driver, who is under the age of twenty-one (21) years;
24 except for intrastate operations, the applicant must be at least eighteen (18) years of age. This
25 exception shall not apply to school bus drivers and drivers of placarded vehicles.

26 (2) To any person whose license or privilege has been suspended, canceled, revoked or
27 otherwise withdrawn during suspension, cancellation, revocation, or withdrawal and not until the
28 person has complied with all requirements for reinstatement.

29 (3) To any person who is a habitual drunkard, or is addicted to controlled substances.

30 (4) To any person who is required by this chapter to take an examination, unless the
31 person shall have successfully passed the examination.

32 (5) To any person when the administrator has good cause based on clear and convincing
33 evidence to believe that the person does not meet a standard of physical or mental fitness for
34 motor vehicle licensure established pursuant to § 31-10-44(b), and that the person's physical or

1 mental condition prevents him or her from being able to operate a motor vehicle with safety upon
2 the highways. However, an insulin dependent person shall not automatically be denied a license.
3 Each case shall be decided individually; certification by a physician that the person is being
4 regularly monitored, that the person's condition is stable and under control, and that the person is
5 otherwise medically qualified to safely operate a motor vehicle shall be conclusive and a license
6 strictly limited to intrastate use shall be issued. The license must clearly state on its face that the
7 license is restricted to intrastate use only; provided, however, nothing contained in this section
8 shall prohibit the issuance of an interstate license as long as all federal regulations are met.

9 (6) ~~To any person who is required under the laws of this state to file or deposit proof of~~
10 ~~financial responsibility and who has not deposited that proof.~~

11 (7) To any person when, after a hearing, the administrator has good cause to conclude
12 that the operation of a motor vehicle on the highways by the person is likely to pose an imminent
13 safety risk to the general public by reason of the person's past conduct in motor vehicle operation
14 during the preceding two (2) year period. The hearing shall focus exclusively upon whether a
15 declination to issue a license is necessary in order to protect public safety, relying upon findings
16 of the circumstances under which each past motor vehicle offense was committed, the likelihood
17 of recurrence, and the deterrent effect that might reasonably be expected from the declination.

18 (b) The department shall notify in writing any person whose application for a license has
19 been denied pursuant to subsection (a) of this section. The notice shall contain the factual and
20 legal basis for the denial, the procedure for requesting a hearing, and the rights afforded the
21 individual pursuant to § 31-11-7(d) -- (f). When physical or mental fitness is the basis for the
22 denial, the notice shall refer to the specific functional standard promulgated pursuant to § 31-10-
23 44(b), which was relied upon by the department. Upon his or her request the department shall
24 afford the license applicant an opportunity for a hearing as early as practical and no later than
25 twenty (20) days after receipt of the request.

26 (c) The hearing procedures afforded the applicant shall conform to the provisions of § 31-
27 11-7(d) -- (f).

28 SECTION 3. Section 31-26-1 of the General Laws in Chapter 31-26 entitled "Accidents
29 and Accident Reports" is hereby amended to read as follows:

30 **31-26-1. Duty to stop in accidents resulting in personal injury.**

31 (a) The driver of any vehicle knowingly involved in an accident resulting in injury to,
32 serious bodily injury to, or death of any person shall immediately stop the vehicle at the scene of
33 the accident or as close to it as possible, but shall then immediately return to and in every event
34 shall remain at the scene of the accident until he or she has fulfilled the requirements of § 31-26-

1 3. A stop shall be made without obstructing traffic more than is necessary.

2 (b) Any person knowingly failing to stop or to comply with the requirements under
3 circumstances which result in injury to any person shall upon conviction be punished by a
4 mandatory loss of license for at least one year and not more than five (5) years and imprisonment
5 for not more than five (5) years and/or fined up to five thousand dollars (\$5,000).

6 (c) (1) Any person knowingly failing to stop or to comply with the requirements under
7 circumstances which result in serious bodily injury to any person shall upon conviction be
8 punished as follows:

9 (i) Every person convicted of a first violation shall be punished by imprisonment for not
10 less than one year and for not more than ten (10) years and by a fine of not less than one thousand
11 dollars (\$1,000), nor more than five thousand dollars (\$5,000). The sentencing judge shall have
12 the discretion to sentence the person to any unit of the adult correctional institutions.
13 Additionally, the license of the person shall be revoked for a period of up to two (2) years. The
14 license privilege shall not be reinstated until evidence satisfactory to the administrator of the
15 division of motor vehicles establishes that no grounds exist which would authorize refusal to
16 issue a license ~~and until the person gives proof of financial responsibility pursuant to chapter 32~~
17 ~~of this title.~~

18 (ii) For a second or subsequent conviction under this subsection within a five (5) year
19 period, a person shall be punished by imprisonment for not less than two (2) years nor more than
20 fifteen (15) years and by a fine of not less than three thousand dollars (\$3,000) nor more than ten
21 thousand dollars (\$10,000). The sentencing judge shall have the discretion to sentence the person
22 to any unit of the adult correctional institutions. Additionally, the license of the person shall be
23 revoked for a period of up to four (4) years. The license privilege shall not be reinstated until
24 evidence satisfactory to the administrator of the division of motor vehicles establishes that no
25 grounds exist which would authorize refusal to issue a license ~~and until the person gives proof of~~
26 ~~financial responsibility pursuant to chapter 32 of this title.~~

27 (2) As used in this subsection, "serious bodily injury" means physical injury that creates a
28 substantial risk of death or causes serious physical disfigurement or protracted loss or impairment
29 of the function of any bodily member or organ.

30 (d) Any person knowingly failing to stop or to comply with the requirements under
31 circumstances which result in the death of any person, shall upon conviction be punished
32 pursuant to the provisions of this subsection as follows:

33 (1) Every person convicted of a first violation of this subsection shall be punished by
34 imprisonment in the state prison for not less than two (2) years and for not more than fifteen (15)

1 years, in any unit of the adult correctional institutions in the discretion of the sentencing judge, by
2 a fine of not less than five thousand dollars (\$5,000) nor more than ten thousand dollars
3 (\$10,000), and his or her license to operate a motor vehicle shall be revoked for a period of three
4 (3) years. The license privilege shall not be reinstated until evidence satisfactory to the
5 administrator of the division of motor vehicles establishes that no grounds exist which would
6 authorize the refusal to issue a license, ~~and until the person gives proof of financial responsibility~~
7 ~~pursuant to chapter 32 of this title.~~

8 (2) Every person convicted of a second or subsequent violation of this subsection within a
9 five (5) year period shall be punished by imprisonment in the state prison for not less than five (5)
10 years and for not more than twenty (20) years, in any unit of the adult correctional institutions in
11 the discretion of the sentencing judge, by a fine of not less than ten thousand dollars (\$10,000)
12 nor more than twenty thousand dollars (\$20,000) and his or her license to operate a motor vehicle
13 shall be revoked for a period of five (5) years. The license privilege shall not be reinstated until
14 evidence satisfactory to the administrator of the division of motor vehicles establishes that no
15 grounds exist which would authorize the refusal to issue a license, ~~and until the person gives~~
16 ~~proof of financial responsibility pursuant to chapter 32 of this title.~~

17 (e) This section shall apply in its entirety to any driver of a motor vehicle knowingly
18 involved in an accident with a person riding a bicycle.

19 SECTION 4. Sections 31-27-2.2, 31-27-2.6 and 31-27-24 of the General Laws in Chapter
20 31-27 entitled "Motor Vehicle Offenses" are hereby amended to read as follows:

21 **31-27-2.2. Driving under the influence of liquor or drugs, resulting in death.**

22 (a) When the death of any person other than the operator ensues as a proximate result of
23 an injury received by the operation of any vehicle, the operator of which is under the influence of
24 any intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of title 21,
25 or any combination of these, the person so operating the vehicle shall be guilty of "driving under
26 the influence of liquor or drugs, resulting in death".

27 (b) Any person charged with the commission of the offense set forth in subsection (a) of
28 this section shall, upon conviction, be punished as follows:

29 (1) (i) Every person convicted of a first violation shall be punished by imprisonment in
30 the state prison for not less than five (5) years and for not more than fifteen (15) years, in any unit
31 of the adult correctional institutions in the discretion of the sentencing judge, by a fine of not less
32 than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000) and his or her
33 license to operate a motor vehicle shall be revoked for a period of five (5) years. The license
34 privilege shall not be reinstated until evidence satisfactory to the administrator of the division of

1 motor vehicles establishes that no grounds exist which would authorize the refusal to issue a
2 license, ~~and until the person gives proof of financial responsibility pursuant to chapter 32 of this~~
3 ~~title.~~

4 (ii) In addition, the person convicted may be required to successfully complete alcohol or
5 drug treatment in a program of their choice, at their own expense, as authorized by a judge of the
6 superior court, and may successfully complete the program before any license to operate a motor
7 vehicle is renewed.

8 (2) Every person convicted of a second or subsequent violation within a five (5) year
9 period in this state or any other state, provided the out-of-state conviction was based on the same
10 blood-alcohol concentration as set forth in § 31-27-2 shall be punished by imprisonment in the
11 state prison for not less than ten (10) years and for not more than twenty (20) years, in any unit of
12 the adult correctional institutions in the discretion of the sentencing judge, by a fine of not less
13 than ten thousand dollars (\$10,000) nor more than twenty thousand dollars (\$20,000) and his or
14 her license to operate a motor vehicle shall be revoked for a period of five (5) years. In addition,
15 the person convicted may be required to successfully complete alcohol or drug treatment, at their
16 own expense, in a program established by the director of the department of corrections. The
17 license privilege shall not be reinstated whether the convictions occurred in this or any other state
18 until evidence satisfactory to the superior court, following a hearing establishes that no grounds
19 exist which would authorize the refusal to issue a license, ~~and until the person gives proof of~~
20 ~~financial responsibility pursuant to chapter 32 of this title.~~

21 **31-27-2.6. Driving under the influence of liquor or drugs, resulting in serious bodily**
22 **injury.**

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

28 (b) As used in this section, "serious bodily injury" means physical injury that creates a
29 substantial risk of death or causes serious physical disfigurement or protracted loss or impairment
30 of the function of any bodily member or organ.

31 (c) Any person charged with the commission of the offense set forth in subsection (a) of
32 this section shall, upon conviction, be punished by imprisonment for not less than one year and
33 for not more than ten (10) years and by a fine of not less than one thousand dollars (\$1,000) nor
34 more than five thousand dollars (\$5,000). The sentencing judge shall have the discretion to

1 sentence the person to any unit of the adult correctional institutions. The license of the person
2 may be revoked for a period of up to two (2) years. The license privilege shall not be reinstated
3 until evidence satisfactory to the administrator of the division of motor vehicles establishes that
4 no grounds exist which would authorize refusal to issue a license ~~and until the person gives proof~~
5 ~~of financial responsibility pursuant to chapter 32 of this title~~. In addition, the person convicted
6 may be required to successfully complete alcohol or drug treatment, at their own expense, in a
7 program established by the director of the department of corrections.

8 (d) For a second or subsequent conviction under this section within a five (5) year period,
9 a person shall be punished by imprisonment for not less than two (2) years nor more than fifteen
10 (15) years and by a fine of not less than three thousand dollars (\$3,000) nor more than ten
11 thousand dollars (\$10,000). The sentencing judge shall have the discretion to sentence the person
12 to any unit of the adult correctional institutions. In addition, the person convicted may be required
13 to successfully complete alcohol or drug treatment, at their own expense, in a program established
14 by the director of the department of corrections. The license of the person may be revoked for a
15 period of up to four (4) years. The license privilege shall not thereafter be reinstated until
16 evidence satisfactory to the administrator of the division of motor vehicles establishes that no
17 grounds exist which would authorize refusal to issue a license ~~and until the person gives proof of~~
18 ~~financial responsibility pursuant to chapter 32 of this title~~.

19 **31-27-24. Multiple moving offenses.**

20 (a) Every person convicted of moving violations on four (4) separate and distinct
21 occasions within an eighteen (18) month period may be fined up to one thousand dollars (\$1,000),
22 and shall be ordered to attend sixty (60) hours of driver retraining, shall be ordered to perform
23 sixty (60) hours of public community service, and the person's operator license in this state may
24 be suspended up to one year or revoked by the court for a period of up to two (2) years. Prior to
25 the suspension or revocation of a person's license to operate within the state, the court shall make
26 specific findings of fact and determine if the person's continued operation of a motor vehicle
27 would pose a substantial traffic safety hazard.

28 (b) At the expiration of the time of revocation as set by the court pursuant to subsection
29 (a) above, the person may petition that court for restoration of his or her privilege to operate a
30 motor vehicle in this state. The license privilege shall not thereafter be reinstated until evidence
31 satisfactory to the court, following a hearing, establishes that no grounds exist which would
32 authorize refusal to issue a license ~~and until the person gives proof of financial responsibility~~
33 ~~pursuant to chapter 32 of this title~~.

34 (c) For the purposes of this section only, the term "moving violations" shall mean any

1 violation of the following sections of the general laws:

- 2 (1) 31-13-4. Obedience to devices.
- 3 (2) 31-14-1. Reasonable and prudent speeds.
- 4 (3) 31-14-2. Prima facie limits.
- 5 (4) 31-14-3. Conditions requiring reduced speeds.
- 6 (5) 31-15-5. Overtaking on the right.
- 7 (6) 31-15-11. Laned roadways.
- 8 (7) 31-15-12. Interval between vehicles.
- 9 (8) 31-15-16. Use of emergency break-down lane for travel.
- 10 (9) 31-17-4. Vehicle entering stop or yield intersection.
- 11 (10) 31-20-9. Obedience to stop signs.
- 12 (11) 31-27.1-3. "Aggressive driving" defined.

13 SECTION 5. Sections 31-32-4, 31-32-5, 31-32-6, 31-32-7 and 31-32-36 of the General
14 Laws in Chapter 31-32 entitled "Proof of Financial Responsibility for the Future" are hereby
15 repealed.

16 ~~**31-32-4. Proof required under certain circumstances.**~~

17 ~~(a) Whenever the license of any person is revoked pursuant to the provisions of § 31-11-~~
18 ~~6, and whenever the division of motor vehicles, pursuant to the provisions of § 31-11-7, suspends~~
19 ~~or revokes the license of an operator or chauffeur upon a showing by its records or other~~
20 ~~sufficient evidence that the licensee has committed an offense for which mandatory revocation of~~
21 ~~license is required upon conviction, the division of motor vehicles shall suspend the registration~~
22 ~~of all vehicles registered in the name of the person as owner.~~

23 ~~(b) Whenever under any other law of this state the license of any person is suspended or~~
24 ~~revoked by reason of a conviction or a forfeiture of bail, the division of motor vehicles may~~
25 ~~suspend the registration of all vehicles registered in the name of the person as owner if the~~
26 ~~administrator of the division of motor vehicles finds that the public safety so requires; provided,~~
27 ~~that:~~

28 ~~(1) If the owner has previously given or shall immediately give and maintain proof of~~
29 ~~financial responsibility for the future with respect to all vehicles registered by the person as the~~
30 ~~owner, the division of motor vehicles shall not suspend the registration unless otherwise required~~
31 ~~by law.~~

32 ~~(2) If a conviction arose out of the operation, with permission, of a vehicle owned by or~~
33 ~~leased to the United States, this state, or a municipality of it, the division of motor vehicles shall~~
34 ~~suspend or revoke the license only with respect to the operation of vehicles not so owned or~~

1 ~~leased and shall not suspend the registration of any vehicle so owned or leased.~~

2 ~~(c) (1) Whenever the license of any person is revoked pursuant to the provisions of § 31-~~
3 ~~11-6, the administrator of the division of motor vehicles shall require that person to maintain~~
4 ~~proof of financial responsibility for the future with respect to all vehicles registered by the person~~
5 ~~or owner.~~

6 ~~(2) Whenever the license of any person shall have been suspended for having violated~~
7 ~~any provisions of the motor vehicle laws other than those enumerated in § 31-11-6, once within a~~
8 ~~period of twenty four (24) calendar months, the administrator of the division of motor vehicles~~
9 ~~may in his or her discretion require the person to maintain proof of financial responsibility for the~~
10 ~~future with respect to all vehicles registered by the person as the owner. Whenever the license of~~
11 ~~any person shall have been suspended twice within a period of twenty four (24) calendar months,~~
12 ~~the administrator of the division of motor vehicles shall require the person to maintain proof of~~
13 ~~financial responsibility for the future with respect to all vehicles registered by the person as the~~
14 ~~owner.~~

15 ~~(d) Notwithstanding the provisions of subsection (c) of this section, whenever the license~~
16 ~~of any person is suspended pursuant to the provisions of § 31-27-2 or 31-27-2.1, the administrator~~
17 ~~of the division of motor vehicles shall require the person to maintain proof of financial~~
18 ~~responsibility for three (3) years.~~

19 **31-32-5. Suspension until proof furnished.**

20 ~~The suspension or revocation required under § 31-32-4(a), (b), and (c)(1) shall remain in~~
21 ~~effect and the division of motor vehicles shall not issue to that person any new or renewal of~~
22 ~~license, or register or reregister in the name of the person as owner of the vehicle until permitted~~
23 ~~under the motor vehicle laws of this state, and only if the person shall give and maintain proof of~~
24 ~~financial responsibility for the future; provided, that for a suspension under § 31-32-4(c)(2) the~~
25 ~~division of motor vehicles shall in its discretion issue or renew a license of the person without~~
26 ~~maintaining proof of financial responsibility for the future.~~

27 **31-32-6. Action in respect to unlicensed person.**

28 ~~If a person has no license, but by final order or judgment is convicted of or forfeits any~~
29 ~~bail or collateral deposited to secure an appearance for trial for any offense requiring the~~
30 ~~suspension or revocation of a license, or for driving a motor vehicle upon the highways without~~
31 ~~being licensed to do so, or for driving an unregistered vehicle upon the highways, no license shall~~
32 ~~be thereafter issued to that person and no vehicle shall continue to be registered or thereafter be~~
33 ~~registered in the name of the person as owner, unless he or she shall give and maintain proof of~~
34 ~~financial responsibility for the future.~~

1 **31-32-7. Action in respect to nonresidents.**

2 ~~Whenever the division of motor vehicles suspends or revokes a nonresident's operation~~
3 ~~privilege by reason of a conviction or forfeiture of bail, the privilege shall remain suspended or~~
4 ~~revoked unless the person shall have previously given or shall immediately give and maintain~~
5 ~~proof of financial responsibility for the future.~~

6 **31-32-36. Three-year requirement construed.**

7 ~~Whenever in the general laws there is a reference to a three (3) year requirement for~~
8 ~~financial responsibility, it shall be construed to be a one year requirement except as provided in §~~
9 ~~31-32-4(d) of this chapter.~~

10 SECTION 6. Sections 31-32-12, 31-32-14 and 31-32-17 of the General Laws in Chapter
11 31-32 entitled "Proof of Financial Responsibility for the Future" are hereby amended to read as
12 follows:

13 **31-32-12. Exception when consent granted by judgment creditor.**

14 If the judgment creditor consents in writing, in the form that the division of motor
15 vehicles may prescribe, that the judgment debtor be allowed a license and registration or
16 nonresident's operating privilege, those may be allowed by the division of motor vehicles, in its
17 discretion, for six (6) months from the date of the consent and, until the consent is revoked in
18 writing, notwithstanding default in the payment of the judgment, or of any installments of it as
19 prescribed in § 31-32-17, ~~provided the judgment debtor furnished proof of financial~~
20 ~~responsibility.~~

21 **31-32-14. Duration of suspension for unsatisfied judgment.**

22 (a) The license, registration, and nonresident's operating privilege shall remain so
23 suspended and shall not be renewed, nor shall the license or registration be thereafter issued in the
24 name of the person, including any person not previously licensed, unless and until the judgment is
25 stayed, satisfied in full, or to the extent provided in this chapter, ~~and until the person gives proof~~
26 ~~of financial responsibility~~ subject to the exemptions stated in §§ 31-32-12, 31-32-13, and 31-32-
27 17.

28 (b) Provided, that if but for the provisions of this chapter relating to the failure to pay
29 judgments upon causes of action arising out of the ownership, maintenance, or use of vehicles of
30 a type subject to registration under the laws of this state, the license, or registration would have
31 been restored under the provisions of § 31-31-15(3), then the suspension of the license or
32 registration under the provisions of this chapter shall terminate.

33 **31-32-17. Installment payment of judgments.**

34 (a) A judgment debtor, upon due notice to the judgment creditor, may apply to the court

1 in which the judgment was rendered for the privilege of paying the judgment in installments. The
2 court, in its discretion and without prejudice to any other legal remedies which the judgment
3 creditor may have, may so order and fix the amounts and times of payment of these installments.

4 (b) The division of motor vehicles shall not suspend a license, registration, or
5 nonresident's operating privilege, and shall restore any license, registration, or nonresident's
6 operating privilege suspended following nonpayment of a judgment, when the judgment debtor
7 ~~gives proof of financial responsibility and~~ obtains an order permitting the payment of the
8 judgment installments, and while the payment of any installments is not in default.

9 SECTION 7. Sections 31-47-9 and 31-47-12 of the General Laws in Chapter 31-47
10 entitled "Motor Vehicle Reparations Act" are hereby amended to read as follows:

11 **31-47-9. Penalties.**

12 (a) Any owner of a motor vehicle registered in this state who shall knowingly operate the
13 motor vehicle or knowingly permit it to be operated in this state without having in full force and
14 effect the financial security required by the provisions of this chapter, and any other person who
15 shall operate in this state any motor vehicle registered in this state with the knowledge that the
16 owner of it does not have in full force and effect financial security, except a person who, at the
17 time of operation of the motor vehicle, had in effect an operator's policy of liability insurance, as
18 defined in this chapter, with respect to his or her operation of the vehicle, may be subject to a
19 mandatory suspension of license and registration as follows:

20 (1) For a first offense, a suspension of up to three (3) months and may be fined one
21 hundred dollars (\$100) up to five hundred dollars (\$500);

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

24 (3) For a third and subsequent offense, a suspension of up to one year. Additionally, any
25 person violating this section a third or subsequent time shall be punished as a civil violation and
26 may be fined one thousand dollars (\$1,000).

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

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

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

4 ~~(e)~~(b) The administrator of the division of motor vehicles shall not restore any operating
5 privileges or registration rights suspended under this section or ~~return any license, certificate of~~
6 ~~registration, or registration plates impounded under this section~~ unless the rights are not subject to
7 suspension or revocation under any other law and unless the person, in addition to complying
8 with all other conditions required by law for reinstatement of operating privileges or registration
9 rights, ~~complies with all of the following:~~

10 ~~(1) Pays~~ pays a reinstatement fee of ~~thirty dollars (\$30.00). The reinstatement fee may be~~
11 ~~increased, upon approval of the administrator of the division of motor vehicles, up to an amount~~
12 ~~not exceeding fifty dollars (\$50.00)~~ for the reinstatement of operating privileges of one hundred
13 fifty dollars (\$150) and/or pays a reinstatement fee for the reinstatement of registration rights of
14 two hundred fifty dollars (\$250).

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

18 **31-47-12. Police officers and agents of administrator of the division of motor**
19 **vehicles -- Fees collected, forms of proof.**

20 (a) For the purpose of enforcing the provisions of this chapter, every police officer of a
21 state, town, or municipality is deemed an agent of the administrator of the division of motor
22 vehicles. Any police officer who, in the performance of his or her duties as authorized by law,
23 becomes aware of a person whose license is under an order of suspension, or whose certificate of
24 registration and registration plates are under an order of impoundment, pursuant to this section
25 may confiscate the license, certificate of registration, and registration plates, and return them to
26 the administrator of the division of motor vehicles. Any forms used by law enforcement agencies
27 in administering this section shall be prescribed by the administrator of the division of motor
28 vehicles, the cost of which shall be borne by these agencies. No police officer, law enforcement
29 agency employing a police officer, or political subdivision or governmental agency that employs
30 a police officer shall be liable in a civil action for damages or loss to persons arising out of the
31 performance of the duty required or authorized by this section. "Police officer" means the full-
32 time police from the rank of patrolman up to and including the rank of chief, including
33 policewomen of any police department in any city or town within the state of Rhode Island or of
34 the state police.

1 (b) All fees, except court costs, collected under this chapter shall be paid into the state
2 treasury and credited to the highway safety fund in a special account hereby created, to be known
3 as the "financial responsibility compliance special account". This special account shall be used
4 exclusively to cover costs incurred by the division of motor vehicles in the administration of this
5 chapter, and by any law enforcement agency employing any police officer who returns any
6 license, certificate of registration, and registration plates to the administrator of the division of
7 motor vehicles pursuant to this chapter.

8 (c) The ~~administrator of the division of motor vehicles~~, court, or traffic tribunal may
9 require proof of financial security to be demonstrated by use of standard form SR 22. If the use of
10 a standard form is not required, a person may demonstrate proof of financial responsibility under
11 this section by presenting to the court, or traffic tribunal, ~~or administrator of the division of motor~~
12 ~~vehicles~~ any of the following documents or a copy of these documents:

- 13 (1) A certificate of proof of financial responsibility;
- 14 (2) A bond or certification of the issuance of a bond;
- 15 (3) A certificate of deposit of money or securities; or
- 16 (4) A certificate of self insurance.

17 (d) At the time of investigation of a motor vehicle offense or accident by a police officer
18 or when a motor vehicle is stopped by a police officer for probable cause, the police officer
19 making the investigation or stopping the motor vehicle shall ask for evidence of proof of financial
20 security as defined in this chapter. Proof of financial responsibility may be provided using a
21 mobile electronic device; provided, however, that the police officer requiring the proof of
22 financial responsibility shall be prohibited from viewing any other content on the mobile
23 electronic device. Any person utilizing an electronic device to provide proof of insurance shall
24 assume any and all liability for any damage sustained to the mobile electronic device. If the
25 evidence is not provided, a citation to appear before the traffic tribunal shall be issued to the
26 operator. However, any citation issued solely for failing to provide evidence of financial
27 responsibility shall be held by the issuing police officer or law enforcement agency for at least
28 one business day before submitting the citation to the traffic tribunal. Any operator who receives
29 a citation for failing to provide valid evidence of financial responsibility shall have the
30 opportunity to provide evidence of financial responsibility that existed at the time of the violation
31 within the one-business-day period, at which time the issuing police officer or law enforcement
32 agency shall withdraw the citation, and the motorist shall not be required to appear before the
33 traffic tribunal. Notwithstanding this provision, police officers who issue a citation for lack of
34 evidence of financial responsibility, in addition to one or more other citations, need not wait the

1 one-business-day waiting period before submitting the citation for lack of evidence of financial
2 responsibility to the traffic tribunal. The traffic tribunal may, by rule and regulation, prescribe the
3 procedures for processing the citations. Motor vehicles may not be stopped solely for the purpose
4 of checking for evidence of proof of financial security.

5 (e) (1) Upon a first offense, one must provide proof of current insurance and a binder or
6 release letter covering the cost of the accident, as long as the accident does not include bodily
7 injury, death, etc.

8 (2) In addition, penalties do not release the motorist from any pending matter before any
9 other appropriate court.

10 SECTION 8. 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 -- OPERATORS' AND CHAUFFEURS'
LICENSES

1 This act would, for certain motor vehicle offenses and operating privileges related to
2 motor vehicles, remove the requirement that proof of financial responsibility be filed or deposited
3 and would increase the reinstatement fee for reinstatement or reregistration of suspended
4 privileges from one hundred fifty dollars (\$150) to two hundred fifty dollars (\$250).

5 This act would take effect upon passage.

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