

2023 -- S 0116

LC000093

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

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

Introduced By: Senators Raptakis, Burke, Sosnowski, Tikoian, F. Lombardi, DiMario, McKenney, Ciccone, Felag, and DiPalma

Date Introduced: February 01, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-11-18.1 of the General Laws in Chapter 31-11 entitled
2 "Suspension or Revocation of Licenses - Violations" is hereby amended to read as follows:

3 **31-11-18.1. Driving after denial, revocation, or suspension for certain violations.**

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 or
6 her license has expired or who otherwise drives without a license or at a time when his or her license
7 to operate is suspended, revoked, or cancelled, for: (1) operating under the influence of a narcotic
8 drug or intoxicating liquor; (2) refusing to submit to a chemical test; (3) reckless driving; ~~(4)~~
9 manslaughter from the operation of a motor vehicle or operating so as to endanger resulting in
10 death; or ~~(4)~~(5) three (3) moving violations within a one-year period; shall be guilty of a
11 misdemeanor for the first and second offenses and shall be deemed guilty of a felony for the third
12 or subsequent offenses.

13 (b) The division of motor vehicles upon receiving a record of the conviction of any person
14 upon a charge of driving a motor vehicle while the license of the person was suspended, for reasons
15 set forth in this section shall suspend the person's license or deny the person's application for any
16 length of time that it shall deem proper but in no case less than an additional three (3) months. Upon
17 receiving a record of conviction of a second violation of driving a motor vehicle while the license
18 of that person was suspended for reasons set forth in this section, the division of motor vehicles

1 shall suspend the person's license or deny the person's application for any length of time that it shall
2 deem proper but in no case less than an additional six (6) months. Any subsequent conviction shall
3 result in license revocation. Upon receiving a record of the conviction of any person upon a charge
4 of driving after his or her application for a license had been refused, or after his or her license had
5 been revoked or cancelled for reasons set forth in this section, the division of motor vehicles shall
6 not issue a new license for an additional period of one year from and after the date the person would
7 otherwise have been entitled to apply for a new license.

8 (c)(1) Upon a first conviction under this section a mandatory fine of five hundred dollars
9 (\$500) shall be imposed, and if the person was driving after his or her application for a license had
10 been refused, or at a time when his or her license to operate was suspended, revoked, or cancelled
11 for operating under the influence of a controlled substance or intoxicating liquor, or his or her
12 refusal to submit to a chemical test, reckless driving, manslaughter from the operation of a motor
13 vehicle, or operation so as to endanger, death resulting, the person shall be imprisoned for a
14 minimum of ten (10) days.

15 (2) A mandatory fine of five hundred dollars (\$500) for a second conviction under this
16 section within a five (5) year period shall be imposed, and if the person was driving after his or her
17 application for a license had been refused, or at a time when his or her license to operate was
18 suspended, revoked, or cancelled for operating under the influence of a controlled substance or
19 intoxicating liquor or his or her refusal to submit to a chemical test, reckless driving, manslaughter
20 from the operation of a motor vehicle, or operation so as to endanger, death resulting, the person
21 shall be imprisoned for a minimum of six (6) months to one year.

22 (3) For any subsequent conviction within a five (5) year period, a fine of one thousand
23 dollars (\$1,000) shall be imposed and the person may be imprisoned for up to one year or be
24 required to participate in a public service program designated and approved by the court. If the
25 person was driving after his or her application for a license had been refused or at a time when his
26 or her license to operate was suspended, revoked, or cancelled for: (i) operating under the influence
27 of a controlled substance or intoxicating liquor; (ii) his or her refusal to submit to a chemical test;
28 (iii) reckless driving; (iv) manslaughter from the operation of a motor vehicle; or (v) operating so
29 as to endanger, death resulting; the person shall be imprisoned for a minimum of one year.
30 Jurisdiction for violations of this section is given to the district court and the court shall have full
31 authority to impose any sentence authorized for violations of this section.

32 (d) No fines, suspensions, treatment, or jail provided for under this section can be
33 suspended.

34 SECTION 2. Section 31-11-18.1 of the General Laws in Chapter 31-11 entitled

1 "Suspension or Revocation of Licenses — Violations" is hereby amended to read as follows:

2 **31-11-18.1. Driving after denial, revocation, or suspension for certain violations.**

3 (a) Any person who drives a motor vehicle on any highway of this state who never applied
4 for a license or who drives after his or her application for a license has been refused, or after his or
5 her license has expired or who otherwise drives without a license or at a time when his or her license
6 to operate is suspended, revoked, or cancelled, for: (1) operating under the influence of a narcotic
7 drug or intoxicating liquor; (2) refusing to submit to a chemical test; reckless driving; (3)
8 manslaughter from the operation of a motor vehicle or operating so as to endanger resulting in
9 death; or (4) three (3) moving violations within a one-year period; shall be guilty of a misdemeanor
10 for the first and second offenses and shall be deemed guilty of a felony for the third or subsequent
11 offenses.

12 (b) The division of motor vehicles upon receiving a record of the conviction of any person
13 upon a charge of driving a motor vehicle while the license of the person was suspended, for reasons
14 set forth in this section shall suspend the person's license or deny the person's application for any
15 length of time that it shall deem proper but in no case less than an additional three (3) months. Upon
16 receiving a record of conviction of a second violation of driving a motor vehicle while the license
17 of that person was suspended for reasons set forth in this section, the division of motor vehicles
18 shall suspend the person's license or deny the person's application for any length of time that it
19 shall deem proper but in no case less than an additional six (6) months. Any subsequent conviction
20 shall result in license revocation. Upon receiving a record of the conviction of any person upon a
21 charge of driving after his or her application for a license had been refused, or after his or her license
22 had been revoked or cancelled for reasons set forth in this section, the division of motor vehicles
23 shall not issue a new license for an additional period of one year from and after the date the person
24 would otherwise have been entitled to apply for a new license.

25 (c)(1) Upon a first conviction under this section a mandatory fine of five hundred dollars
26 (\$500) shall be imposed, and if the person was driving after his or her application for a license had
27 been refused, or at a time when his or her license to operate was suspended, revoked, or cancelled
28 for operating under the influence of a controlled substance or intoxicating liquor, or his or her
29 refusal to submit to a chemical test, reckless driving, manslaughter from the operation of a motor
30 vehicle, or operation so as to endanger, death resulting, the person shall be imprisoned for a
31 minimum of ten (10) days.

32 (2) A mandatory fine of five hundred dollars (\$500) for a second conviction under this
33 section within a five (5) year period shall be imposed, and if the person was driving after his or her
34 application for a license had been refused, or at a time when his or her license to operate was

1 suspended, revoked, or cancelled for operating under the influence of a controlled substance or
2 intoxicating liquor or his or her refusal to submit to a chemical test, reckless driving, manslaughter
3 from the operation of a motor vehicle, or operation so as to endanger, death resulting, the person
4 shall be imprisoned for a minimum of six (6) months to one year.

5 (3) For any subsequent conviction within a five (5) year period, a fine of one thousand
6 dollars (\$1,000) shall be imposed and the person may be imprisoned for up to one year or be
7 required to participate in a public service program designated and approved by the court. If the
8 person was driving after his or her application for a license had been refused or at a time when his
9 or her license to operate was suspended, revoked, or cancelled for: (i) operating under the influence
10 of a controlled substance or intoxicating liquor; (ii) his or her refusal to submit to a chemical test;
11 (iii) reckless driving; (iv) manslaughter from the operation of a motor vehicle; or (v) operating so
12 as to endanger, death resulting; the person shall be imprisoned for a minimum of one year.
13 Jurisdiction for violations of this section is given to the district court and the court shall have full
14 authority to impose any sentence authorized for violations of this section.

15 (d) No fines, suspensions, treatment, or jail provided for under this section can be
16 suspended.

17 (e) When any law enforcement officer arrests a person for driving a motor vehicle while
18 the license of the person was suspended, revoked or cancelled for any of the reasons set forth in
19 subsections (a)(1) or (a)(2) of this section, and the vehicle so driven is owned in whole or in part
20 by the person so arrested, the license plates of that vehicle shall be confiscated by the arresting
21 officer and shall be impounded for a period of not less than ninety (90) days; provided, however,
22 that if the charges hereunder are dropped or dismissed for any reason, the license plates shall
23 thereupon be returned to their owner, and in no event shall such impoundment continue beyond the
24 duration of any sentence imposed under this section; and provided further, that if a court determines
25 that such impoundment would cause undue hardship to dependents of the offender, the court may
26 order the division of motor vehicles to issue a temporary substitute license plate to the vehicle under
27 such terms and for such time as the court deems necessary to achieve substantial justice.

28 SECTION 3. 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 -- SUSPENSION OR REVOCATION OF
LICENSES

1 This act would require that the license plates of a vehicle be confiscated by a law
2 enforcement officer if the owner was arrested for driving while their license was suspended,
3 revoked or cancelled for refusing to submit to a chemical test or for operating a motor vehicle under
4 the influence of a narcotic drug or intoxicating liquor and would allow temporary substitute plates
5 if the court determines such impoundment of license plates would cause undue hardship to
6 dependents of offender.

7 This act would take effect upon passage.

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