

2023 -- S 0905

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES

Introduced By: Senators F. Lombardi, Ciccone, LaMountain, Burke, and Tikoian

Date Introduced: March 30, 2023

Referred To: Senate Judiciary

(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:

8 (1) operating under the influence of a ~~narcotic drug~~ controlled substance or intoxicating
9 liquor;

10 (2) refusing to submit to a chemical test;

11 (3) reckless driving;

12 ~~(3)(4) manslaughter from the operation of a motor vehicle or~~ operating a motor vehicle so
13 as to endanger resulting in death or driving so as to endanger, resulting in death; or

14 ~~(4)(5)~~ (5) three (3) moving violations within a one-year period; shall be guilty of a
15 misdemeanor for the first and second offenses and shall be deemed guilty of a felony for the third
16 or subsequent offenses.

17 (b) The division of motor vehicles upon receiving a record of the conviction of any person
18 upon a charge of driving a motor vehicle while the license of the person was suspended, for reasons
19 set forth in this section shall suspend the person's license or deny the person's application for any

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8 had been revoked or cancelled for reasons set forth in this section, the division of motor vehicles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

11 (c)(1) Upon a first conviction under this section a mandatory fine of five hundred dollars
12 (\$500) shall be imposed, and if the person was driving after his or her application for a license had
13 been refused, or at a time when his or her license to operate was suspended, revoked, or cancelled
14 for:

15 (i) operating under the influence of a controlled substance or intoxicating liquor;

16 (ii) ~~or his or her~~ refusal to submit to a chemical test;

17 (iii) reckless driving;

18 (iv) ~~manslaughter from the operation of a motor vehicle, or operation~~ operating a motor
19 vehicle so as to endanger, ~~death~~ resulting in death or driving so as to endanger, resulting in death;
20 or

21 (v) having three (3) moving violations within a one year period; the person shall be
22 imprisoned for a minimum of ten (10) days.

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

27 (i) operating under the influence of a controlled substance or intoxicating liquor; ~~or his or~~
28 ~~her~~

29 (ii) refusal to submit to a chemical test;

30 (iii) reckless driving, ~~manslaughter from the operation of a motor vehicle, or operation~~

31 (iv) operating a motor vehicle so as to endanger, ~~death~~ resulting in death or driving so as
32 to endanger resulting in death; or

33 (v) having three (3) moving violation within a one year period; the person shall be
34 imprisoned for a minimum of six (6) months to one year.

1 (3) For any subsequent conviction within a five (5) year period, a fine of one thousand
2 dollars (\$1,000) shall be imposed and the person may be imprisoned for up to one year or be
3 required to participate in a public service program designated and approved by the court. If the
4 person was driving after his or her application for a license had been refused or at a time when his
5 or her license to operate was suspended, revoked, or cancelled for:

6 (i) operating under the influence of a controlled substance or intoxicating liquor;

7 (ii) ~~his or her~~ refusal to submit to a chemical test;

8 (iii) reckless driving;

9 (iv) ~~manslaughter from the operation of a motor vehicle; or (v)~~ operating a motor vehicle
10 so as to endanger, ~~death~~ resulting in death; or

11 (v) having three (3) moving violations within a one year period; the person shall be
12 imprisoned for a minimum of one year. ~~Jurisdiction for violations of this section is given to the~~
13 ~~district court and the court shall have full authority to impose any sentence authorized for violations~~
14 ~~of this section.~~

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

17 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO MOTOR AND OTHER VEHICLES

- 1 This act would provide updates and clarifications to the current penalties for driving after
- 2 denial, revocation, or suspension of an individual's license.
- 3 This act would take effect upon passage.

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