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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

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A N A C T

RELATING TO MOTOR AND OTHER MOTOR VEHICLES -- MOTOR VEHICLE
OFFENSES

Introduced By: Representative Brandon C. Potter

Date Introduced: February 27, 2026

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-27-2.8 of the General Laws in Chapter 31-27 entitled "Motor
2 Vehicle Offenses" is hereby amended to read as follows:

3 **31-27-2.8. Ignition interlock system and/or blood and urine testing imposed as a part**
4 **of sentence — Requirements.**

5 (a) Any person subject to suspension pursuant to §§ 31-27-2.1(b)(1) and 31-27-2.1(b)(2)
6 or convicted under the provisions of § 31-27-2(d)(1), § 31-27-2(d)(2), § 31-27-2(d)(3)(i), or § 31-
7 27-2(d)(3)(ii), or whose violation is sustained under the provisions of §§ 31-27-2.1(b)(1) and 31-
8 27-2.1(b)(2), may be prohibited by the sentencing judge or magistrate from operating a motor
9 vehicle that is not equipped with an ignition interlock system, and/or blood and urine testing by a
10 licensed physician with knowledge and clinical experience in the diagnosis and treatment of drug-
11 related disorders, a licensed or certified psychologist, social worker, or EAP professional with like
12 knowledge, or a substance abuse counselor certified by the National Association of Alcohol and
13 Drug Abuse Counselors (all of whom shall be licensed in Rhode Island), pursuant to this section.

14 (1) Notwithstanding any other sentencing and disposition provisions contained in this
15 chapter, if a [sentencing judge or](#) Rhode Island traffic tribunal magistrate makes a finding that a
16 motorist was operating a vehicle in the state while under the influence of drugs, toluene, or any
17 controlled substance as evidenced by the presence of controlled substances on or about the person
18 or vehicle, or other reliable indicia or articulable conditions thereof, but not intoxicating liquor

1 based on a preliminary breath test, results from a breathalyzer that indicates no blood alcohol
2 concentration or both, the magistrate may exercise his or her discretion and eliminate the
3 requirement of an ignition interlock system; provided, that blood and/or urine testing is mandated
4 as a condition to operating a motor vehicle as provided in this section.

5 (2) Notwithstanding any other sentencing and disposition provisions contained in this
6 chapter, if a [sentencing judge or](#) Rhode Island traffic tribunal magistrate makes a finding that a
7 motorist was operating a vehicle in the state while under the influence of drugs, toluene, or any
8 controlled substance as evidenced by the presence of controlled substances on or about the person
9 or vehicle, or other reliable indicia or articulable conditions thereof and intoxicating liquor based
10 on a preliminary breath test, results from a breathalyzer that indicates blood alcohol concentration
11 or both, the magistrate may require an ignition interlock system in addition to blood and/or urine
12 testing as a condition to operating a motor vehicle as provided in this section.

13 (b) Notwithstanding any other provisions contained in this chapter, any mandatory period
14 of license suspension shall, upon request, be reduced by the imposition of an ignition interlock
15 system and/or blood and urine testing ordered by the court or traffic tribunal as follows:

16 (1) For a violation of § 31-27-2(d)(1), a person shall be subject to a minimum thirty-day
17 (30) license suspension and an imposition of an ignition interlock system and/or blood and urine
18 testing for three (3) months to one year.

19 (2) For a violation of § 31-27-2.1(c)(1), a person shall be subject to a minimum thirty-day
20 (30) license suspension and an imposition of an ignition interlock system and/or blood and urine
21 testing for a period of six (6) months to two (2) years.

22 (3) For a violation of § 31-27-2(d)(2), a person shall be subject to a minimum forty-five-
23 day (45) license suspension and an imposition of an ignition interlock system and/or blood and
24 urine testing for a period of six (6) months to two (2) years.

25 (4) For a violation of § 31-27-2.1(c)(2), a person shall be subject to a minimum sixty-day
26 (60) license suspension and an imposition of an ignition interlock system and/or blood and urine
27 testing for a period of one to four (4) years.

28 (5) For a violation of § 31-27-2(d)(3), a person shall be subject to a minimum sixty-day
29 (60) license suspension and imposition of an ignition interlock system and/or blood and urine
30 testing for a period of one to four (4) years.

31 (6) For a violation of § 31-27-2.1(c)(3), a person shall be subject to a minimum ninety-day
32 (90) license suspension and imposition of an ignition interlock system and/or blood and urine
33 testing for a period of two (2) to ten (10) years.

34 (7) No license suspension shall be subject to more than a thirty-day (30) license suspension

1 based solely upon the imposition of an ignition interlock system.

2 (i) If a conviction pursuant to § 31-27-2(d)(1) or § 31-27-2.1(c)(1) is a first offense, or upon
3 an initial suspension pursuant to § 31-27-2.1(b)(1), where there has been a finding or determination
4 that the motorist was under the influence of intoxicating liquor only, the [sentencing judge or](#)
5 magistrate shall, upon request, immediately grant a conditional hardship license after a finding of
6 need pursuant to this section and upon proof of the installation of an ignition interlock device.

7 (ii) If a conviction pursuant to § 31-27-2(d)(1) or § 31-27-2.1(c)(1) is a first offense, or
8 upon an initial suspension pursuant to § 31-27-2.1(b)(1), where there has been a finding or
9 determination that the motorist was under the influence of drugs, toluene, or a controlled substance,
10 but not intoxicating liquor, the [sentencing](#) judge or magistrate shall, upon request immediately grant
11 a conditional hardship license after a finding of need pursuant to this section and upon proof of
12 blood and urine testing pursuant to this section.

13 (iii) If a conviction pursuant to § 31-27-2(d)(1) or § 31-27-2.1(c)(1) is a first offense, or
14 upon an initial suspension pursuant to § 31-27-2.1(b)(1), where there has been a finding or
15 determination that the motorist was under the influence of intoxicating liquor, toluene, a controlled
16 substance, or any combination thereof, the [sentencing judge or](#) magistrate shall, upon request
17 immediately grant a conditional hardship license after a finding of need pursuant to this section and
18 upon proof of the installation of an ignition interlock device, subject also to the following testing:

19 (A) The testing of either blood or urine is being performed by or monitored by a licensed
20 physician with knowledge and clinical experience in the diagnosis and treatment of drug-related
21 disorders, a licensed or certified psychologist, social worker, or EAP professional with like
22 knowledge, or a substance abuse counselor certified by the National Association of Alcohol and
23 Drug Abuse Counselors (all of whom shall be licensed in Rhode Island).

24 (B) The motorist is required to pay for the substance abuse professional, any testing,
25 retesting, monitoring, and reporting costs of the blood and urine testing.

26 (C) Samples are to be collected, tested and confirmed by a federally certified laboratory by
27 means of gas chromatography/mass spectrometry or technology recognized as being at least as
28 scientifically accurate.

29 (D) Samples are to be taken weekly for the first sixty (60) days, thereafter in accordance
30 with the recommendation of the substance abuse professional. The samples taken thereafter may
31 be ordered randomly, but must be provided by the motorist within twenty-four (24) hours of the
32 request. The substance abuse professional shall report to the department of the attorney general
33 within twenty-four (24) hours any failure by the motorist to comply with a request for a sample.

34 (E) A positive test of urine or blood that evidences any controlled substances shall be

1 reported by the substance abuse professional to the motorist and to the department of the attorney
2 general within twenty-four (24) hours of receipt of the results. The motorist may, at his or her own
3 expense, have an opportunity to have the sample retested or reevaluated by an independent testing
4 facility which shall provide the result directly to the substance abuse professional. The attorney
5 general may request, at any time, a copy of any or all test results from the substance abuse
6 professional, who shall forward the requested results within forty-eight (48) hours.

7 (F) Upon completion of the license suspension, conditional hardship, ignition interlock and
8 substance abuse testing periods, a finalized report shall be presented to the department of motor
9 vehicles prior to any license reinstatement.

10 (G) If a judge or magistrate determines that a motorist either failed, without good cause, to
11 comply with a sample request or tested positive for any controlled substance, he or she may exercise
12 his or her discretion and revoke the conditional hardship license, extend the time period for the
13 ignition interlock system and/or substance abuse testing for an additional period of up to twelve
14 (12) months and/or impose an additional loss of license for up to twenty-four (24) months.

15 (H) A motorist who has failed, without good cause, to comply with a sample request or
16 tested positive for any controlled substance for a second time within twelve (12) months of the first
17 failure and/or positive test determination shall be guilty of a misdemeanor punishable by up to one
18 year imprisonment, or a fine of up to one thousand dollars (\$1,000), or both.

19 (c) However, in any case where a motorist is convicted of an alcohol-related offense
20 pursuant to the provisions of this chapter, the [sentencing](#) judge or magistrate ~~may exercise his or~~
21 ~~her discretion in the granting of the~~ [shall, upon request, immediately grant a conditional](#) hardship
22 license [and](#) by imposing up to a ninety (90) day loss of license prior to any imposition of the
23 hardship license. The hardship license shall be valid for twelve (12) continuous hours per day for
24 any valid reason approved in advance by the sentencing judge or magistrate, which shall include
25 employment, medical appointments, job training, schooling, or religious purposes. The hardship
26 license shall not be for less than twelve (12) continuous hours per day. A hardship license shall
27 only be granted in conjunction with the installation of an ignition interlock device and/or blood and
28 urine testing. Any conditional driving privileges must be set by the sentencing judge or magistrate
29 after a hearing in which the motorist must provide proof of employment status and hours of
30 employment, or any other legitimate reasons justifying a hardship license. These shall include, but
31 not be limited to, any unemployment training, schooling, medical appointments, therapy
32 treatments, or any other valid requests set forth by sworn affidavit. Once said hardship period has
33 concluded, the motorist must still be subject to the conditions of the ignition interlock system and/or
34 blood and urine testing as set forth under this section for the period of time as directed by the court.

1 Any individual who violates the requirements of this subsection shall be subject to the penalties
2 enumerated in § 31-11-18.1.

3 (d) Any person convicted of an offense of driving under the influence of liquor or drugs
4 resulting in death, § 31-27-2.2; driving under the influence of liquor or drugs resulting in serious
5 bodily injury, § 31-27-2.6; driving to endanger resulting in death, § 31-27-1; or driving to endanger
6 resulting in serious bodily injury, § 31-27-1.1; may, in addition to any other penalties provided by
7 law, be prohibited from operating a motor vehicle that is not equipped with an approved ignition
8 interlock system and/or blood and urine testing for one to five (5) years.

9 (e) Any person who operates a motor vehicle with a suspended license during the period
10 of suspension, and the reason for the suspension was due to a conviction of driving under the
11 influence of drugs or alcohol or a sustained violation or conviction of refusal to submit to a chemical
12 test, shall be subject to the further use of the ignition interlock system and/or blood and urine testing
13 for a period of six (6) months subsequent to the penalties enumerated in § 31-11-18.1.

14 (f) When the court orders the use of an ignition interlock system, the [sentencing](#) judge or
15 magistrate shall cause an appropriate notation to be made on the person's record that clearly sets
16 forth the requirement for, and the period of the use of, the ignition interlock system.

17 (g) In addition to the requirements of subsection (f) of this section, the court or traffic
18 tribunal shall:

19 (1) Require proof of the installation of the ignition interlock system and periodic reporting
20 by the person for the purpose of verification of the proper operation of the ignition interlock system;

21 (2) Require the person to have the ignition interlock system monitored for the proper use
22 and accuracy by a person, firm, corporation, or other association to be approved by the division of
23 motor vehicles at least once every six (6) months, or more frequently as the circumstances may
24 require; and

25 (3) Require the person to pay the reasonable cost of leasing or buying, monitoring, and
26 maintenance of the ignition interlock system.

27 (4) The requirements under subsection (g) of this section shall be the responsibility of the
28 probation department or justice assistance, if the individual is under their control, or the division of
29 motor vehicles if the individual is not monitored as a condition of the individual's plea or finding
30 of guilt.

31 (h) Any person granted a conditional hardship license upon proof of installation of an
32 ignition interlock device, may operate that motor vehicle during the entire twelve-hour (12) period
33 of operation granted by the sentencing judge or magistrate including during the scope of the
34 person's employment and/or any other valid reason approved by the sentencing judge or magistrate.

1 (i) If a person is required, in the course of the person's employment, to operate a motor
2 vehicle owned or provided by the person's employer, the person may operate that motor vehicle in
3 the course of the person's employment without installation of an ignition interlock system if the
4 court makes specific findings expressly permitting the person to operate, in the course of the
5 person's employment, a motor vehicle that is not equipped with an ignition interlock system.

6 (j)(1) Any person subject to an ignition interlock order and/or blood and urine testing who
7 violates such order shall be guilty of a misdemeanor punishable by up to one year imprisonment,
8 or a fine of up to one thousand dollars (\$1,000), or both.

9 (2) For a second violation within six (6) months from entry of the order, the person
10 violating the order shall be imprisoned for a term of not less than ten (10) days and not more than
11 one year.

12 (k) For the purposes of this subsection, a violation of the interlock order, includes, but is
13 not limited to:

14 (1) Altering, tampering, or in any way attempting to circumvent the operation of an ignition
15 interlock system that has been installed in the motor vehicle of a person under this section;

16 (2) Operating a motor vehicle that is not equipped with an ignition interlock system; or

17 (3) Soliciting or attempting to have another person start a motor vehicle equipped with an
18 ignition interlock system for the purpose of providing an operable motor vehicle to a person who
19 is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system.

20 (l) Any person who attempts to start, or starts, a motor vehicle equipped with an ignition
21 interlock system, tampers with, or in any way attempts to circumvent, the operation of an ignition
22 interlock system that has been installed in the motor vehicle for the purpose of providing an
23 operable motor vehicle to a person who is prohibited from operating a motor vehicle that is not
24 equipped with an ignition interlock system, shall be guilty of a misdemeanor punishable by up to
25 one year imprisonment or a fine of up to one thousand dollars (\$1,000), or both.

26 SECTION 2. 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 MOTOR VEHICLES -- MOTOR VEHICLE
OFFENSES

1 This act would clarify that a magistrate or sentencing judge sitting in a court with
2 jurisdiction over alcohol-related offenses shall, upon request, immediately grant a conditional
3 hardship license after imposing a ninety (90) day hard loss of license.

4 This act would take effect upon passage.

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