

2026 -- S 2948

=====
LC005839
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

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

Introduced By: Senators LaMountain, Dimitri, and Bissaillon

Date Introduced: March 04, 2026

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-11-7 of the General Laws in Chapter 31-11 entitled "Suspension
2 or Revocation of Licenses — Violations" is hereby amended to read as follows:

3 **31-11-7. Authority of division of motor vehicles to suspend license.**

4 (a)(1) The division of motor vehicles is authorized to suspend the license of an operator or
5 chauffeur without preliminary hearing upon a showing by its records or other sufficient evidence
6 that the licensee:

7 (i) Has been adjudicated by a court of competent jurisdiction to have:

8 (A) Committed an offense for which mandatory revocation or suspension of license is
9 required upon conviction or adjudication;

10 (B) Committed with such frequency of offenses against traffic regulations governing the
11 movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of
12 other persons on the highways;

13 (C) Been a reckless or negligent driver of a motor vehicle;

14 (D) Permitted an unlawful or fraudulent use of a license;

15 (E) Committed an offense in another state which, if committed in this state, would be
16 grounds for suspension or revocation;

17 (F) Committed any offense enumerated in § 31-9-1;

18 (ii) Is the subject of an order issued pursuant to § 14-1-67; or

1 (iii) Poses an imminent safety risk to the general public as determined by the application
2 of objectively ascertainable standards.

3 (2) The medical advisory board of the division of motor vehicles is authorized to suspend
4 the license of an operator or chauffeur upon a showing by its records or other sufficient evidence
5 that the operator poses an imminent safety risk to the general public pursuant to § 31-10-44.

6 ~~(2)~~(3) Except for paragraph (1)(ii) of this subsection, the suspension shall be for any length
7 of time, not exceeding one year, that the division of motor vehicles shall determine is necessary in
8 order to protect public safety based upon its findings of the circumstances under which the offense
9 was committed, the likelihood of recurrence, and the deterrent effect that might reasonably be
10 expected to result from the hardship a suspension or prospective suspension would entail. Any
11 license suspended pursuant to paragraph (1)(ii) of this subsection shall be for the length of time set
12 forth in the court order.

13 (b) Upon suspending the license of any person as authorized by subsection (a) of this
14 section, the division of motor vehicles shall immediately notify the licensee in writing of the factual
15 and legal basis for the suspension, the procedure for requesting a hearing, and the rights afforded
16 the individual pursuant to subsections (d) — (f) of this section. When physical or mental fitness is
17 the basis for the suspension determination, the notice shall reference the specific functional
18 standard promulgated pursuant to § 31-10-44(b), which was relied upon by the division of motor
19 vehicles. Upon his or her request the division of motor vehicles shall afford the licensee an
20 opportunity for a hearing as early as practical and no later than twenty (20) days after receipt of the
21 request.

22 (c) Except as authorized in subsection (a) of this section, whenever the division of motor
23 vehicles proposes to suspend the license of any person, the division of motor vehicles shall afford
24 a hearing to the licensee prior to suspending the person's license. When a licensee requests a
25 hearing, no action to suspend his or her license shall be taken until a hearing decision has been
26 rendered in accordance with subsections (d) — (f) of this section. The division of motor vehicles
27 shall notify the licensee in writing of the factual and legal basis for the proposed suspension, the
28 procedure for requesting a hearing, and the rights afforded the individual pursuant to subsections
29 (d) — (f) of this section. When physical or mental fitness is the basis for the suspension
30 recommendation, the notice shall reference the specific functional standard promulgated pursuant
31 to § 31-10-44(b), which was relied upon by the division of motor vehicles.

32 (d) The division of motor vehicles shall ensure that the hearing procedures afforded
33 pursuant to subsection (b) and (c) of this section provide for: (1) an in person hearing before an
34 impartial decision-maker; (2) the opportunity to compel the production of documents and

1 witnesses, including members of the division of motor vehicles 's Medical Advisory Board; (3) the
2 opportunity to confront and cross-examine witnesses; (4) access to all of the evidence upon which
3 the division of motor vehicles relied in making its determination to suspend; and (5) the right to
4 present any and all relevant evidence including the right to obtain and present the results of a
5 recently administered road test. During any hearing, the division of motor vehicles shall bear the
6 burden of proof as to the existence of the grounds for the suspension. The division of motor vehicles
7 shall further ensure that during a hearing to determine the physical or mental fitness of a licensee,
8 proof of the lack of physical or mental fitness shall be by clear and convincing evidence. The
9 presumption of inability to operate a motor vehicle with safety established by the functional
10 standards promulgated pursuant to § 31-10-44(b), shall be rebuttable by evidence that
11 notwithstanding an individual's functional limitation, he or she is able to safely operate a motor
12 vehicle.

13 (e) For the purpose of the hearing procedures described in subsection (d) of this section,
14 the administrator of the division of motor vehicles or his or her duly authorized agent may
15 administer oaths and may issue subpoenas for the attendance of witnesses and the production of
16 relevant books and papers, and may require a reexamination of the licensee.

17 (f) After the hearing conducted pursuant to subsection (d) of this section, the division of
18 motor vehicles shall issue a written decision based solely on the evidence adduced at the hearing
19 and containing the legal and factual basis for the determination. The division of motor vehicles may
20 either rescind its order of suspension, determine suspension is not warranted; may continue,
21 modify, or extend the suspension of the license; or may revoke the license.

22 SECTION 2. Section 31-10-44 of the General Laws in Chapter 31-10 entitled "Operators'
23 and Chauffeurs' Licenses" is hereby amended to read as follows:

24 **31-10-44. Medical advisory board.**

25 (a) There shall be established within the division of motor vehicles a medical advisory
26 board to function solely as an advisory panel to the administrator of the division of motor vehicles
27 on the subjects of physical and mental fitness standards for licensure to operate a motor vehicle and
28 eligibility standards for disability parking privileges. When any person's eligibility or continuing
29 eligibility for a license is questioned on the grounds of physical or mental fitness, the administrator
30 of the division of motor vehicles may consult with relevant specialist members of the medical
31 advisory board in determining that person's qualifications to operate a motor vehicle. The
32 administrator of the division of motor vehicles may also consult with relevant specialist members
33 of the medical advisory board in making determinations of eligibility for disability parking
34 privileges. [If ordered by a court of competent jurisdiction, the medical advisory board shall permit](#)

1 [the continued use of an ignition interlock system and may also order substance use counseling.](#)

2 (b) In accordance with chapter 35 of title 42, the administrator of the division of motor
3 vehicles shall establish by regulations functional standards for determining physical and mental
4 fitness for motor vehicle licensure. The promulgated standards will be based on current medical
5 knowledge and objective data regarding fitness to safely operate motor vehicles, and will conform
6 to the requirements of the Americans With Disabilities Acts and chapter 87 of title 42. In
7 developing those functional standards the administrator of the division of motor vehicles shall
8 consult with knowledgeable health and rehabilitation professionals including the Medical Society
9 of Rhode Island and the medical advisory board.

10 (c) The medical board shall consist of a physician in general practice, a neurologist, a
11 psychiatrist, an optometrist, and an orthopedic physician who shall be appointed by the governor;
12 a physician from the Rhode Island department of health designated by the director of health who
13 shall serve ex officio; and two (2) members of the general public approved by the governor, one of
14 whom shall be representative of the elderly, and one of whom shall be representative of the people
15 who are disabled. These members shall be appointed for a period of three (3) years.

16 (d) Any physician or optometrist who diagnoses a physical or mental condition which in
17 the physician's or optometrist's judgment will significantly impair the person's ability to operate
18 safely a motor vehicle may voluntarily report the person's name and other information relevant to
19 the condition to the medical advisory board within the division of motor vehicles.

20 (e) Any physician or optometrist reporting in good faith and exercising due care shall have
21 immunity from any liability, civil or criminal, that otherwise might result by reason of his or her
22 actions pursuant to this section. No cause of action may be brought against any physician or
23 optometrist for not making a report pursuant to this section.

24 (f) For the purposes of this section, a "physician" is any person practicing medicine
25 requiring a license pursuant to chapter 37 of title 5, and an "optometrist" is any person as defined
26 in § 5-35-1.

27 (g) Members of the medical board shall not be compensated for their services on the board.
28 They shall meet at the request of the administrator of the division of motor vehicles at a time
29 convenient to them.

30 SECTION 3. This act shall take effect upon passage.

=====
LC005839
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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

1 This act would allow the medical advisory board of the division of motor vehicles to
2 suspend the license of an operator or chauffeur upon a showing by its records or other sufficient
3 evidence that the operator poses an imminent safety risk to the general public pursuant to § 31-10-
4 44. Additionally this act would authorize the medical advisory board within the division of motor
5 vehicles to order an operator to continue to use an ignition interlock system and order substance
6 use counseling.

7 This act would take effect upon passage.

=====
LC005839
=====