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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2004

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- RHODE ISLAND UNIFORM
COMMERCIAL DRIVER'S LICENSE ACT

Introduced By: Senators Breene, and Algieri

Date Introduced: February 11, 2004

Referred To: Senate Commerce, Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-3-3.1 of the General Laws in Chapter 31-3 entitled "Registration
2 of Vehicles" is hereby amended to read as follows:

3 **31-3-3.1. Notice to division of motor vehicles of vehicle lease agreement.** -- (a) Every
4 owner of a vehicle subject to registration or renewal of registration under this chapter shall notify
5 the division of motor vehicles, at the time of registration of the vehicle on the proper registration
6 form, of any agreement to lease the registered vehicle for a period of six (6) months duration, or
7 longer, except for those commercial motor vehicles covered under the federal motor carrier safety
8 regulations, 49 CFR Part 390, [as may be amended from time to time](#).

9 (b) The division of motor vehicles shall cause the name and address of the lessee as well
10 as the owner of the vehicle to be entered on the division of motor vehicles records as provided in
11 this chapter.

12 (c) The name and address of both the owner and lessee shall be made available by the
13 division of motor vehicles upon a registration inquiry from any law enforcement officer,
14 department, or agency.

15 SECTION 2. Sections 31-10.3-2, 31-10.3-3, 31-10.3-13, 31-10.3-14, 31-10.3-16, 31-
16 10.3-19 and 31-10.3-31 of the General Laws in Chapter 31-10.3 entitled "Rhode Island Uniform
17 Commercial Driver's License Act" are hereby amended to read as follows:

18 **31-10.3-2. Statement of intent and purpose.** -- (a) The purpose of this chapter is to

1 implement the federal Commercial Motor Vehicle Safety Act of 1986 (CMVSA), as may be
2 amended from time to time (see now 49 U.S.C. section 31101 et seq.) and reduce or prevent
3 commercial motor vehicle accidents, fatalities, and injuries by:

- 4 (1) Permitting drivers to hold only one license;
- 5 (2) Disqualifying commercial drivers who have committed certain serious traffic
6 violations, or other specified offenses;
- 7 (3) Strengthening commercial driver licensing and testing standards.

8 (b) It is the intent of this chapter to have an operator's license serve as the base license to
9 which classifications, endorsements, and restrictions can be added which may change the
10 classification to a commercial or chauffeur's license. If the person commits any offense which
11 results in a withdrawal of the commercial license or privilege under this chapter and the offense
12 would be cause for withdrawal of the base license or privilege, the department shall withdraw the
13 commercial endorsements, restrictions, or classifications and for the required fee(s) issue an
14 operator's license or privilege.

15 (c) If any offense would cause withdrawal of the base license and commercial or
16 chauffeur's license but for different terms that person may be restored to the base license after the
17 time specified in the applicable section(s) within this title upon payment of the required fee(s). If
18 an offense is committed which, except for this chapter, causes a license or privilege withdrawal of
19 a base license, it shall be cause for removing the commercial or chauffeur classification(s),
20 restriction(s), and endorsement(s) or privileges to operate a commercial vehicle for the time
21 specified in this title.

22 (d) This chapter is a remedial law which shall be liberally construed to promote the
23 public health, safety, and welfare. To the extent that this chapter conflicts with general driver
24 licensing provisions, this chapter shall prevail. Where this chapter is silent, the general driver
25 licensing provisions shall apply. This chapter applies to every person who operates a commercial
26 motor vehicle in interstate, foreign, or intrastate commerce and to all employers of these persons.

27 **31-10.3-3. Definitions.** -- Notwithstanding any other provisions of title 31 the following
28 definitions apply to this chapter unless the context requires otherwise:

29 (1) "Administrator" means the division of motor vehicles administrator, the chief
30 executive of the division of motor vehicles, an agency within the department of administration.

31 (2) "Alcohol or alcoholic beverage" means any substance containing any form of
32 alcohol, including, but not limited to, ethanol, methanol, propanol, and isopropanol.

33 (3) "Base license" means the operator's or driver's license without any classifications,
34 endorsements, or restrictions.

1 (4) "Bus" means every motor vehicle designed for carrying sixteen (16) or more
2 passengers (including the driver) and operated for the transportation of persons.

3 (5) "Cancellation of driver's license" means the annulment or termination by formal
4 action of the department of a person's driver's license because of some error or defect in the
5 license (or application) or because the licensee is no longer entitled to the license.

6 (6) "Certified commercial driving instructor" means any person who gives commercial
7 driver training or who offers a course in driver training, and who is certified as such by the
8 administrator.

9 (7) "Commerce" means:

10 (i) Trade, traffic, and transportation within the jurisdiction of the United States within the
11 state; between a place in a state and a place outside the state, including a place outside the United
12 States; and

13 (ii) Trade, traffic, and transportation in the United States which affects any trade, traffic,
14 and transportation in paragraph (i) of this subdivision.

15 (8) "Commercial license" means a license issued by the department in accordance with
16 the standards contained in 49 C.F.R. Part 383, as it may be revised from time to time, to an
17 individual which authorizes the individual to operate a class of commercial motor vehicle.

18 (9) "Commercial motor vehicle" means a motor vehicle or combination of vehicles used
19 to transport passengers or property if the motor vehicle:

20 (i) Has a gross combination weight rating of twenty-six thousand one (26,001) or more
21 pounds, of a towed unit with a gross vehicle rating of more than ten thousand pounds (10,000
22 lbs.), or has a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds;

23 (ii) Is designed to transport sixteen (16) or more passengers including the driver; or

24 (iii) Is transporting hazardous materials and is required to be placarded in accordance
25 with 49 C.F.R. Part 172, subpart F, as it may be revised from time to time.

26 (10) "Controlled substance" means any substance as classified under section 102(6) of
27 the Controlled Substance Act (21 U.S.C. 802(6)) and includes all substances as listed in schedules
28 I through V of 21 C.F.R. Part 1308 as they may be revised from time to time.

29 (11) "Conviction" means an unvacated adjudication of guilt or a determination that a
30 person has violated or failed to comply with the law in a court of original jurisdiction or by an
31 authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure
32 the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the
33 payment of a fine or court cost or violation of condition of release without bail, regardless of
34 whether or not the penalty is rebated, suspended, or probated.

1 (12) "Department" means the department of administration acting directly or through its
2 duly authorized officers and agents.

3 (13) "Disqualification" means withdrawal of the privilege to drive a commercial motor
4 vehicle.

5 (14) "Driver's license" means a license issued by the department to an individual which
6 authorizes the individual to operate a motor vehicle on the highways.

7 (15) "Employee" means any operator of a commercial motor vehicle, including full-time,
8 regularly employed drivers; casual, intermittent or occasional drivers; leased drivers; and
9 independent, owner-operator contractors (while in the course of operating a commercial motor
10 vehicle) who are either directly employed by or under lease to an employer.

11 (16) "Employer" means any person, including the United States, a state or a political
12 subdivision of a state, who owns or leases a commercial motor vehicle or assigns persons to
13 operate such a vehicle.

14 (17) "Farm tractors" means every motor vehicle designated and used primarily as a farm
15 implement for drawing plows, mowing machines, and other implements of husbandry.

16 (18) "Felony" means any offense under state or federal law that is punishable by death or
17 imprisonment for a term exceeding one year and/or fine of one thousand dollars (\$1,000) or more.

18 (19) "Gross vehicle weight rating (GVWR)" means the value specified by the
19 manufacturer as the maximum loaded weight of a single or a combination (articulated) ~~vehicle or~~
20 ~~registered gross weight, whichever is greater~~. The GVWR of a combination (articulated) vehicle
21 (commonly referred to as the "gross combination weight rating" or GCWR) is the GVWR of the
22 power unit plus the GVWR of the towed unit or units.

23 (20) "Hazardous materials" means the same as that meaning found in section 103 of the
24 Hazardous Materials Transportation Act (see now 49 U.S.C. section 5101 et seq.), as revised
25 from time to time.

26 (21) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semi-trailer propelled
27 or drawn by mechanical power and used on highways; or any other vehicle required to be
28 registered under the laws of this state; but does not include any vehicle, machine, tractor, trailer,
29 or semi-trailer operated exclusively on a rail.

30 (22) "Operator's license" means driver's license.

31 (23) "School bus" means every motor vehicle operated for the transportation of children
32 to or from school or school-related activities, excluding the colleges and universities of this or
33 other states.

34 (24) "Secretary" means the secretary of transportation of the United States.

1 (25) "Serious traffic violation" means a conviction ~~when operating a commercial motor~~
2 ~~vehicle~~ of:

3 (i) Excessive speeding involving any single offense for any speed of fifteen miles per
4 hour (15 mph) or more above the posted speed limit;

5 (ii) Reckless driving as defined by state or local law or regulation including, but not
6 limited to, offenses of driving a commercial motor vehicle in willful or wanton disregard for the
7 safety of person or property;

8 (iii) Improper or erratic lane changes;

9 (iv) Following the vehicle ahead too closely; ~~or~~

10 (v) A violation, arising in connection with a fatal accident, of state or local law relating
11 to motor vehicle traffic control (other than a parking violation). (Serious traffic violations exclude
12 vehicle weight and defect violations);

13 (vi) Operating a commercial motor vehicle without obtaining a commercial license;

14 (vii) Operating a commercial motor vehicle without having his or her commercial license
15 in his or her immediate possession; or

16 (viii) Operating a commercial motor vehicle without possessing a commercial driver's
17 license containing the endorsements or classifications applicable to the type of vehicle being
18 operated.

19 (26) "State" means a state of the United States and the District of Columbia.

20 (27) "Tank vehicle" means any commercial motor vehicle that is designed to transport
21 any liquid or gaseous materials within a tank that is either permanently or temporarily attached to
22 the vehicle or the chassis. These vehicles include, but are not limited to, cargo tanks and portable
23 tanks as defined in Part 171 of title 49 of the Federal Hazardous Material Regulations, 49 CFR
24 Part 171. However, this definition does not include portable tanks having a rated capacity under
25 one thousand (1,000) gallons.

26 (28) "Withdrawal" means any suspension, revocation, cancellation, disqualification, out-
27 of-service of any license, privilege, endorsement, restriction, or classification of any license.

28 **31-10.3-13. Requirements -- Commercial. --** (a) License required -- requirements. -
29 Every person applying for an original or renewal of a commercial license shall be required to
30 comply with and be issued a commercial license meeting the requirements of the Commercial
31 Motor Vehicle Safety Act of 1986, as may be amended from time to time (see now 49 U.S.C.
32 section 31101 et seq.).

33 (b) No person, except those expressly exempted in this chapter, shall drive any
34 commercial motor vehicle upon a highway in this state unless that person has a valid commercial

1 license under the provisions of this chapter for the type or class of vehicle being driven.

2 (c) No person, except those expressly exempted in this chapter, shall steer or, while
3 within the passenger compartment of a vehicle, exercise any degree of physical control of a
4 vehicle being towed by a motor vehicle upon a highway in this state unless that person has a valid
5 commercial license under the provisions of this chapter for the type or class of vehicle being
6 towed.

7 (d) No person shall receive a commercial license unless and until he or she surrenders to
8 the department all valid licenses in his or her possession issued to him or her by this or any other
9 jurisdiction. All surrendered licenses issued by another jurisdiction shall be returned to it,
10 together with information that the person is licensed in this state. No person holding a commercial
11 license shall be permitted to have more than one license at any time.

12 (e) Any person licensed as a commercial driver pursuant to this chapter may exercise
13 that privilege granted upon all streets and highways in this state, and shall not be required to
14 obtain any other license to exercise that privilege by any municipal, local board, or other body
15 having authority to adopt local police regulations.

16 **31-10.3-14. Classes of licenses -- Endorsements.** -- (a) The department, upon issuing a
17 commercial license, shall indicate on the license the class or type of vehicles the licensee may
18 drive. Licenses shall be issued with the classifications and endorsements and any restrictions as
19 defined by [state](#) regulation [or 49 CFR 383](#).

20 (b) The department shall establish any qualifications that it believes reasonably
21 necessary for the safe operation of the various types, sizes, or combinations of vehicles and shall
22 determine by appropriate examination whether each applicant is qualified for the license
23 classification, endorsement, or restriction for which application has been made.

24 (c) The department shall not issue a commercial license unless the applicant meets the
25 following qualifications in addition to all other applicable qualifications adopted by policy or
26 regulation:

27 (1) The applicant shall be at least twenty-one (21) years of age; except for intrastate
28 operations, the applicant must be at least eighteen (18) years of age. This exception shall not
29 apply to school bus drivers and drivers of placarded vehicles.

30 (2) The applicant shall not currently be under a license or privilege withdrawal in this or
31 any other state or province of Canada.

32 (3) Within the three (3) years immediately preceding the application, the applicant shall
33 not have committed any of the offenses for which license withdrawal is mandatory upon
34 conviction and shall not have engaged in any conduct for which a license withdrawal may be

1 implemented.

2 (4) The applicant shall not have been found to have committed a disqualifying offense
3 under the Federal Commercial Motor Vehicle Safety Act of 1986 (see now 49 U.S.C. section
4 31101 et seq.), as may be amended from time to time.

5 (5) The applicant shall certify in the license application that all of these qualifications
6 have been met.

7 (d) The department shall not issue a tank endorsement unless the applicant, in addition to
8 all other applicable qualifications, has been licensed for and has regularly driven for not less than
9 one year in a vehicle or combination of vehicles covered by the license classification on which
10 the tank endorsement shall be placed.

11 (e) The department shall not issue a school bus endorsement unless the applicant has had
12 at least three (3) years of driving experience prior to the date of application and the department is
13 fully satisfied as to the applicant's good character, competency, and fitness to be so employed.
14 The administrator shall adopt regulations governing that character, competency, and fitness.

15 (f) The department shall not issue a passenger endorsement unless the applicant has had
16 at least three (3) years of driving experience prior to the date of application and the department is
17 fully satisfied as to the applicant's good character, competency, and fitness to be so employed.
18 The administrator shall adopt regulations governing that character, competency, and fitness.

19 **31-10.3-16. Persons exempt from licensing.** -- The following persons shall be exempt
20 from the commercial licensing requirements under this chapter:

21 (1) Any ~~member of the armed forces~~ active duty military personnel, members of the
22 military reserves, members of the National Guard on active duty, including personnel on full-time
23 National Guard duty, personnel on part-time National Guard training, and National Guard
24 military technicians (civilians who are required to wear military uniforms), and active duty U.S.
25 Coast Guard personnel while operating a motor vehicle ~~owned or leased by any branch of the~~
26 ~~armed forces of the United States~~ for military purposes.

27 (2) Any person eighteen (18) years or older who satisfies the exemptions set forth in 49
28 CFR 391.67, as may from time to time be amended, while driving or operating any farm tractor,
29 implement of husbandry temporarily operated or moved on a highway, or any farm vehicle,
30 which would otherwise require the driver to be the holder of a commercial driver's license,
31 provided that said farm vehicle is under seventy-six thousand six hundred (76,600) lbs. registered
32 weight and is not a truck- tractor, semi-trailer combination as defined by section 31-1-5(e), and
33 further provided that the farm vehicle is used to transport either agricultural products, farm
34 machinery, farm supplies, or both to or from a farm, ~~and is used within such limits as may be~~

1 ~~established by federal law or regulation.~~

2 (3) A nonresident who is at least twenty-one (21) years of age and who has in his or her
3 immediate possession a valid license equivalent to a Rhode Island class license issued to him or
4 her in his or her home state, or province of Canada, may operate a motor vehicle in this state of a
5 comparable class.

6 (4) Firefighters and/or firefighter emergency medical personnel operating lifesaving
7 emergency equipment of any city, town, district, or any other political subdivision of which they
8 are employed or volunteer their services.

9 (5) Any person operating a vehicle for personal or family use such as a motorized
10 camper or travel trailer equipped with permanent living and sleeping facilities used for camping
11 activities. Any furtherance of commercial or quasi-commercial enterprise shall lapse this
12 exemption.

13 (6) A nonresident, who establishes residency in the state of Rhode Island, may operate a
14 commercial vehicle in this state not to exceed thirty (30) days from the date of establishing that
15 residency; provided, that the nonresident has in his or her immediate possession a valid
16 commercial license issued by another state, or province of Canada.

17 **31-10.3-19. Examination of applicants.** -- (a) The department shall examine every
18 applicant for a commercial license or learner's permit. The examination shall include: (1) a test of
19 the applicant's eyesight to be administered according to standards set by the Federal Motor
20 Carrier Regulations; (2) his or her ability to read English in understanding highway signs
21 regulating, warning, and directing traffic; (3) his or her knowledge of the traffic laws of this state;
22 and (4) shall include an actual demonstration of ability to exercise ordinary and reasonable
23 control in the operation of a motor vehicle or combination of vehicles of the type covered by the
24 license classification, endorsement, or restrictions which the applicant is seeking. The
25 examination may also include any further physical and mental examinations that the department
26 deems necessary to determine the applicant's fitness to safely operate a motor vehicle upon the
27 highways.

28 (b) A nonresident, who establishes residence in the state of Rhode Island and makes
29 application for a Rhode Island commercial license, shall not be required to demonstrate his or her
30 ability to operate a motor vehicle, unless the examiner has reason to believe such a demonstration
31 is needed; provided, that the nonresident surrenders a valid commercial license that was issued
32 under the requirements of the Commercial Motor Vehicle Safety Act of 1986, [as may be amended](#)
33 [from time to time](#) (see now 49 U.S.C. section 31101 et seq.) by another state.

34 (c) The department shall be permitted to promulgate rules and regulations pertaining to

1 third-party testing for the skills tests required for commercial driver's licenses in accordance with
2 49 CFR Part 383, as it may be revised from time to time.

3 **31-10.3-31. Violations -- Penalties.** -- (a) It shall be illegal for any person driving any
4 commercial motor vehicle as defined in this chapter to operate or control that vehicle while under
5 the influence of alcohol, drugs, toluene, or any other substance as defined in chapter 28 of title
6 21. For the purpose of this chapter, any person who drives, operates, or exercises physical control
7 of a commercial motor vehicle while having a blood alcohol concentration of four-one-
8 hundredths of one percent (.04%) or greater by weight, as shown by a chemical analysis of a
9 blood, breath, or urine sample shall be guilty of the offense of driving while under the influence
10 of liquor or drugs.

11 (b) (1) Notwithstanding any other provision of this chapter, it shall be illegal for any
12 person to drive, operate, or be in physical control of a commercial motor vehicle while having
13 alcohol in his or her system.

14 (2) The administrator shall suspend, for at least one year, a commercial motor vehicle
15 operator's license or privilege who is found to have committed a first violation of:

16 (i) Driving a commercial motor vehicle under the influence of alcohol or controlled
17 substances;

18 (ii) Driving a commercial motor vehicle while the alcohol concentration in the person's
19 blood, breath, or other bodily substance is four-one-hundredths of one percent (.04%) or greater;

20 (iii) Knowingly and willfully leaving the scene of an accident involving a commercial
21 motor vehicle driven by the person;

22 (iv) Using a commercial motor vehicle in the commission of a felony;

23 (v) Refusing to submit to a chemical analysis of breath, blood, or urine while operating a
24 commercial vehicle.

25 (3) If the operator commits any of these violations while carrying hazardous materials
26 requiring placards under federal/state regulations, the revocation shall be for a period of not less
27 than three (3) years.

28 (4) The administrator shall revoke for life, which may be reduced to a period of at least
29 ten (10) years in accordance with department of administration regulations, a commercial motor
30 vehicle operator's license or privilege who is found to have committed a second violation of:

31 (i) Driving a commercial motor vehicle under the influence of alcohol or controlled
32 substances;

33 (ii) Driving a commercial motor vehicle while the alcohol concentration in the person's
34 blood, breath, or other bodily substance is four-one-hundredths of one percent (.04%) or greater;

1 (iii) Knowingly and willfully leaving the scene of an accident involving a commercial
2 motor vehicle driven by the person;

3 (iv) Using a commercial motor vehicle in the commission of a felony;

4 (v) Refusing to submit to a chemical analysis of breath, blood, and/or urine while in a
5 commercial motor vehicle.

6 (5) The administrator shall revoke for life the commercial motor vehicle operator's
7 license or privilege of any person who is found to have used a commercial motor vehicle in the
8 manufacture, distribution, or dispensing of a controlled substance or the possession with intent to
9 distribute, manufacture, or dispense a controlled substance.

10 (6) The administrator shall suspend the commercial motor vehicle operator's license or
11 privilege for a period of not less than sixty (60) days of each person who, in a three (3) year
12 period, has committed two (2) serious traffic violations involving a commercial motor vehicle,
13 and for not less than one hundred twenty (120) days of each person who has committed three (3)
14 serious traffic violations in a three (3) year period.

15 (7) Any person violating subsection (a) of this section shall, upon conviction, be subject
16 to the fines, penalties, and assessments enumerated in section 31-27-2 for driving under the
17 influence of liquor or drugs; except for the provision of license or privilege suspension of which
18 the license shall be withdrawn in accordance with this chapter.

19 (c) Any person violating section 31-10.3-26, relating to the license to be carried and
20 exhibited on demand, shall, upon conviction, be fined not less than fifty dollars (\$50.00). For a
21 second or subsequent conviction there shall be imposed a fine of not less than one hundred dollars
22 (\$100), and his or her commercial license or privilege shall be withdrawn for a period of one
23 month.

24 (d) Any person violating section 31-27-1, relating to driving so as to endanger resulting
25 in death, or section 31-27-1.1, relating to driving so as to endanger, resulting in personal injury,
26 shall, upon conviction, have his or her commercial license or privilege revoked for a period of
27 one year. With respect to violations of sections 31-27-1 and 31-27-1.1, the commercial penalties
28 shall only apply while the operator is operating a commercial vehicle; should the operator be
29 operating a passenger vehicle, passenger penalties shall apply under sections 31-27-1 and 31-27-
30 1.1.

31 (e) Any person violating section 31-10.3-27, relating to the limitation on the number of
32 driver licenses, shall, upon conviction, be fined not less than two hundred fifty dollars (\$250) nor
33 more than twenty-five hundred dollars (\$2,500), and any commercial license shall be cancelled
34 immediately.

1 (f) Any person violating section 31-10.3-28, relating to notification required by the
2 employee, shall, upon conviction, be fined not less than two hundred fifty dollars (\$250) nor more
3 than five hundred dollars (\$500).

4 (g) Any person violating section 31-10.3-29, relating to employer responsibilities, shall,
5 upon conviction be fined not less than five hundred dollars (\$500) nor more than two thousand
6 five hundred dollars (\$2,500).

7 (h) Any person violating subdivision (b)(1) of this section, relating to violations and
8 penalties, shall immediately cease operating any commercial vehicle for a period of twenty-four
9 (24) hours. Failure to do so shall result in a commercial license or privilege revocation for a
10 period of three (3) months and a fine of one hundred fifty dollars (\$150).

11 (i) Any person violating section 31-10.3-30, relating to the requirement of a commercial
12 driver's license, shall, upon conviction of a first offense, be fined not less than two hundred fifty
13 dollars (\$250) nor more than one thousand dollars (\$1,000); and, upon conviction of a second or
14 subsequent offense, be fined not less than one thousand dollars (\$1,000) nor more than two
15 thousand five hundred dollars (\$2,500). The person's commercial license or privilege shall be
16 revoked for a period of at least one year but not more than five (5) years.

17 (j) The administrator may, after notice and hearing suspend a school bus driver's
18 certificate or privilege to obtain a certificate for a period of up to five (5) years from the date of
19 adjudication or conviction of the following:

20 (1) Any motor vehicle driving offense committed by a school bus driver while operating
21 a self-propelled vehicle and which is a criminal offense in the state of Rhode Island or which, if
22 committed outside the state, would be considered a criminal offense if committed in the state of
23 Rhode Island;

24 (2) Any alcohol or drug-related motor vehicle driving offense referred to in this section
25 and committed by a school bus operator who is operating a self-propelled vehicle.

26 (k) (1) For purposes of this subsection an "Out-of-Service Order" means a declaration by
27 the ~~Federal Highway Administration~~ [Federal Motor Carrier Safety Administration](#) or an
28 authorized enforcement officer of a federal, state, Commonwealth of Puerto Rico, Canadian,
29 Mexican or local jurisdiction that a driver of a commercial motor vehicle or a motor carrier
30 operation is out-of-service, pursuant to the Federal Motor Carrier Safety Regulations contained in
31 49 CFR Parts [383, 386, 387 and 390](#) -- 399, as amended.

32 (2) The term "disqualified" means the withdrawal of a person's privilege to drive a
33 commercial motor vehicle.

34 (3) Any person who violates an out-of-service order shall be disqualified as follows

1 except as provided in subdivision (4) of this subsection:

2 (i) A person shall be disqualified from driving a commercial motor vehicle for a period
3 of ninety (90) days if convicted of a first violation of an out-of-service order.

4 (ii) A person shall be disqualified for a period of one year if convicted of a second
5 violation of an out-of-service order during any ten (10) year period arising from separate
6 incidents.

7 (iii) A person shall be disqualified for a period of three (3) years if convicted of a third or
8 subsequent violation of an out-of-service order during any ten (10) year period arising from
9 separate incidents.

10 (4) Any person who violates an out-of-service order while transporting hazardous
11 materials or while operating a commercial motor vehicle designed or used to transport fifteen (15)
12 or more passengers including the driver shall be disqualified as follows:

13 (i) A person shall be disqualified for a period of one hundred eighty (180) days if
14 convicted of a first violation of an out-of-service order.

15 (ii) A person shall be disqualified for a period of ~~two (2)~~ three (3) years if convicted of a
16 second or subsequent violation of an out-of-service order during any ten (10) year period arising
17 from separate incidents.

18 (5) Notwithstanding any other provision of law to the contrary, any driver who violates
19 or fails to comply with an out-of-service order is subject to a penalty of one thousand one
20 hundred dollars ~~(\$1,000)~~ (\$1,100) in addition to disqualification under this subsection.

21 (6) Any employer who violates an out-of-service order, or who knowingly requires or
22 permits a driver to violate or fail to comply with an out-of-service order, is subject to a penalty of
23 two thousand ~~five hundred~~ seven hundred fifty dollars ~~(\$2,500)~~ (\$2,750).

24 (l) Disqualification for railroad-highway grade crossing violation.

25 (1) General rule. - A driver who is convicted of operating a commercial motor vehicle in
26 violation of a federal, state, or local law or regulation pertaining to one of the following six (6)
27 offenses at a railroad-highway grade crossing must be disqualified for the period of time specified
28 in subsection (1)(2) of this section:

29 (i) For drivers who are not required to always stop, failing to slow down and check that
30 the tracks are clear of an approaching train;

31 (ii) For drivers who are not required to always stop, failing to stop before reaching the
32 crossing, if the tracks are not clear;

33 (iii) For drivers who are always required to stop, failing to stop before driving onto the
34 crossing;

1 (iv) For all drivers, failing to have sufficient space to drive completely through the
2 crossing without stopping;

3 (v) For all drivers, failing to obey a traffic control device or the directions of an
4 enforcement official at the crossing;

5 (vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage
6 clearance.

7 (2) Duration of disqualification for railroad-highway grade crossing violation.

8 (i) First violation. - A driver must be disqualified for not less than sixty (60) days if the
9 driver is convicted of a first violation of a railroad-highway grade crossing violation.

10 (ii) Second violation. - A driver must be disqualified for not less than one hundred
11 twenty (120) days if, during any three (3) year period, the driver is convicted of a second railroad-
12 highway grade crossing violation in separate incidents.

13 (iii) Third or subsequent violation. - A driver must be disqualified for not less than one
14 year if, during any three (3) year period, the driver is convicted of a third or subsequent railroad-
15 highway grade crossing violation in separate incidents.

16 (3) Special penalties pertaining to railroad-highway grade crossing violations. An
17 employer who is convicted of a violation of section 31-10.3-29(5) is subject to a civil penalty of
18 not more than ten thousand dollars (\$10,000).

19 (m) Any person shall be subject to disqualification for a conviction of operating a
20 commercial motor vehicle when the operator's license is suspended, revoked, or cancelled or the
21 operator is otherwise disqualified based on prior motor vehicle convictions.

22 SECTION 3. Section 31-22-11.4 of the General Laws in Chapter 31-22 entitled
23 "Miscellaneous Rules" is hereby amended to read as follows:

24 **31-22-11.4. School bus drivers pre-trip inspection.** -- Every school bus driver shall
25 perform a daily pre-trip inspection of his or her assigned vehicle, and shall report promptly and in
26 writing any defect or deficiencies discovered that may affect the safety of the vehicle's operation
27 or result in mechanical breakdown. Pre-trip inspection and condition reports for school vehicles
28 subject to the motor carrier safety regulations of the ~~federal highway administration~~ [Federal](#)
29 [Motor Carrier Safety Administration, as may be amended from time to time](#) shall be performed in
30 accordance with those regulations.

31 SECTION 4. Section 31-23-1 of the General Laws in Chapter 31-23 entitled "Equipment
32 and Accessories Generally" is hereby amended to read as follows:

33 **31-23-1. Driving of unsafe vehicle -- Disobedience of requirements -- Inspections of**
34 **motor carriers -- Fines.** -- (a) It is a civil violation for any person to drive or move, or for the

1 owner to cause or knowingly permit to be driven or moved, on any highway any vehicle or
2 combination of vehicles which is in such an unsafe condition as to endanger any person, or which
3 does not contain those parts or is not at all times equipped with lamps and other equipment in
4 proper condition and adjustment as required in this chapter or chapter 24 of this title, or for any
5 person to do any act forbidden or fail to perform any act required under these chapters.

6 (b) (1) For the purpose of reducing the number and severity of accidents, all commercial
7 motor vehicles must meet applicable standards set forth in this chapter and chapter 24 of this title
8 and in the federal motor carrier safety regulations (FMCSR) contained in 49 CFR Parts [387 and](#)
9 [390-399](#), as amended and adopted by the U.S. Department of Transportation (U.S. DOT), ~~Federal~~
10 ~~Highway Administration (FHWA)~~, [Federal Motor Carrier Safety Administration](#), Office of Motor
11 Carriers (OMC), [as may be amended from time to time](#). ~~Parts 394 of FMCSR, 49 CFR Part 394,~~
12 ~~shall not apply to intrastate operations~~. Part 391.11(b)(1) of FMCSR, 49 CFR 391.11(b)(1) shall
13 not apply to intrastate drivers of commercial motor vehicles except for drivers of school buses
14 and vehicles placarded under 49 CFR Part 172, Subpart F. Rules and regulations shall be
15 promulgated by the director of the department of administration for the administration and
16 enforcement of motor carrier safety. The rules and regulations shall be promulgated to ensure
17 uniformity in motor carrier safety enforcement activities and to increase the likelihood that safety
18 defects, driver deficiencies, and unsafe carrier practices will be detected and corrected.

19 (2) Any carrier convicted of violating the rules and regulations established pursuant to
20 this subsection shall be fined not less than twenty-five dollars (\$25.00) or more than five hundred
21 dollars (\$500) for each offense.

22 (c) For the purposes of this section, "carrier" is defined as any company or person who
23 furthers their commercial or private enterprise by use of a vehicle that has a gross vehicle weight
24 rating (GVWR) of ten thousand and one (10,001) or more pounds, or that transports hazardous
25 material.

26 (d) Authorized examiners, investigators, officers, or regulatory inspectors from the
27 department of administration with proper identification issued by the director of the department
28 of administration, the state police, and local law enforcement officials with proper identification
29 certifying they are qualified motor carrier enforcement personnel trained according to subsection
30 (f) of this section, shall have a right of entry and authority to examine all equipment of motor
31 carriers and lessors and enter upon and perform inspections of motor carrier vehicles in operation.
32 They shall have authority to inspect, examine, and copy all accounts, books, records, memoranda,
33 correspondence and other documents of the motor carriers and or lessors and the documents,
34 accounts, books, records, correspondence, and memoranda of any person controlling, controlled

1 by, or under common control of any carrier which relate to the enforcement of this chapter.

2 (e) (1) Authorized examiners, investigators, officers, or regulatory inspectors from the
3 state police, local law enforcement officials or the department of administration shall declare "out
4 of service" any motor vehicle which, by reason of its mechanical condition or loading, is so
5 imminently hazardous to operate as to be likely to cause an accident or a breakdown. An "out of
6 service vehicle" sticker shall be used to mark vehicles out of service. The "out of service vehicle"
7 sticker shall be affixed to the driver's window on power units placed out of service and, affixed to
8 the left front corner of trailers or semi-trailers placed out of service.

9 (2) No person shall remove the "out of service vehicle" sticker from any motor vehicle
10 prior to completion of all repairs required by the "out of service" notice.

11 (3) Any motor vehicle discovered to be in an unsafe condition while being operated on
12 the highway may be continued in operation only to the nearest place where repairs can be safely
13 effected.

14 (4) Operation in an unsafe condition will be conducted only if it is less hazardous to the
15 public than to permit the vehicle to remain on the highway.

16 (5) A motor carrier shall not require or permit a person to operate a motor vehicle
17 declared out of service until all the repairs required by the out of service notice are satisfactorily
18 completed.

19 (6) Any person convicted of unauthorized removal or causing to be removed an "out of
20 service vehicle" sticker shall be fined one hundred twenty-five dollars (\$125).

21 (7) Any person convicted of operating or causing to operate an "out of service vehicle"
22 on a public highway shall be fined one hundred dollars (\$100).

23 (f) In order to enforce the provisions of this section, authorized examiners, investigators,
24 officers, or regulatory inspectors must satisfactorily complete a course of instruction as prescribed
25 by the U.S. Department of Transportation (U.S. DOT), ~~Federal Highway Administration (FHWA)~~
26 [Federal Motor Carrier Safety Administration](#), Office of Motor Carriers (OMC) in the federal
27 motor carrier safety regulations (FMCSR) safety inspection procedures, and out of service criteria
28 with at least annual in-service training covering the prescribed instruction.

29 (g) Violations of the provisions of this section shall be recorded in the commercial
30 vehicle inspection report approved by the U.S. Department of Transportation (U.S. DOT),
31 ~~Federal Highway Administration (FHWA)~~ [Federal Motor Carrier Safety Administration](#), Office
32 of Motor Carriers (OMC), in addition to the appropriate Rhode Island state uniform summons.

33 (h) Any fine imposed as a result of a violation of this section shall not be subject to any
34 additional assessments imposed pursuant to any other laws of the state of Rhode Island.

1 SECTION 5. Section 31-25-6 of the General Laws in Chapter 31-25 entitled "Size,
2 Weight, and Load Limits" is hereby amended to read as follows:

3 **31-25-6. Maximum number and length of coupled vehicles.** -- (a) No combination of
4 vehicles coupled together shall consist of more than three (3) units, a truck-tractor, semi-trailer,
5 and trailer. The combination of vehicles shall not be restricted in overall length, except that when
6 a truck-tractor, semi-trailer, and a trailer are used in combination, the trailer or semi-trailer each
7 shall not exceed twenty-eight and one-half feet (28' 6"), excluding bumpers and accessories.
8 Provided, however, that combinations of vehicles consisting of three (3) units shall be permitted
9 to operate only on the interstate highway system and on those highways, streets, and roads
10 designated by the director of the department of administration.

11 (b) Combinations of vehicles consisting of truck-tractor and semi-trailer coupled
12 together shall not be restricted in overall length, and semi-trailers shall not exceed fifty-three feet
13 (53') in length, excluding bumpers and accessories. Semi-trailers exceeding forty-eight and one-
14 half feet (48' 6") shall be permitted to operate only on the interstate highway system and on those
15 highways, streets and roads designated by the director of the department of administration.
16 Exceptions to the requirements of this section include the use of a pole trailer and combinations
17 designed to transport motor vehicles and/or automobiles as authorized in sections 31-25-7 and 31-
18 25-8. The provision that no combination of vehicles coupled together shall consist of more than
19 three (3) units shall not apply to vehicles coupled together by a saddle mount device used to
20 transport motor vehicles in a drive-away service when no more than three (3) saddle mounts are
21 used, and equipment used in the combination is approved by Part 393.71 of the federal motor
22 carrier safety regulations, 49 CFR 393.71, and safety regulations of the division of motor vehicles
23 of the department of administration of the state of Rhode Island [as such federal and/or state](#)
24 [regulations may be amended or revised from time to time](#). Any owner or operator found deviating
25 from the approval permitted routes shall be fined a minimum mandatory fine of five hundred
26 dollars (\$500), but not more than one thousand dollars (\$1,000).

27 (c) The distance from the kingpin of the trailer to the center of the rear axle may not
28 exceed forty-one feet (41').

29 (d) Fifty-three foot (53') trailers shall be equipped with a rear end protection device of
30 substantial construction consisting of a continuous lateral beam extending to within four inches
31 (4") of the lateral extremities of the trailer, and located not more than twenty-two inches (22")
32 from the surface of the road as measured with the vehicle empty and on level surface.

33 (e) Violations of this section are subject to fines enumerated in section 31-41.1-4.

34 SECTION 6. Section 31-27-5 of the General Laws in Chapter 31-27 entitled "Motor

1 Vehicle Offenses" is hereby amended to read as follows:

2 **31-27-5. Motor carriers -- Maximum driving and on-duty time.** -- (a) Maximum
3 driving time. - Except ~~as provided in subdivision (b) of this section~~ for intrastate carrier tow and
4 recovery operations provided at the request of a law enforcement agency for public safety
5 purposes, no motor carrier shall permit or require any driver used by it to drive nor shall any
6 driver ~~drive:~~ exceed the hours for service for drivers as provided in 49 code of federal regulations
7 part 395, as may be amended from time to time.

8 ~~(1) More than ten (10) hours following eight (8) consecutive hours off duty; or~~
9 ~~(2) For any period after having been on duty fifteen (15) hours following eight (8)~~
10 ~~consecutive hours off duty.~~

11 ~~(b) Exemptions. (1) Drivers using sleeper berth equipment as defined in 49 CFR~~
12 ~~393.76 of the federal motor carrier safety regulations may cumulate the required eight (8)~~
13 ~~consecutive hours off duty resting in a sleeper berth in two (2) separate periods totaling eight (8)~~
14 ~~hours, neither period to be less than two (2) hours.~~

15 ~~(2) The provisions of subdivisions (a)(1) and (2) of this section shall not apply with~~
16 ~~respect to drivers used wholly in driving motor vehicles having not more than two (2) axles and~~
17 ~~whose gross weight does not exceed ten thousand pounds (10,000 lbs.), unless the vehicle is used~~
18 ~~to transport passengers or explosive or other dangerous articles of a type and in a quantity as to~~
19 ~~require the vehicle to be specifically marked or placarded under the federal hazardous material~~
20 ~~regulations (prescribed in 49 CFR 177.823) or when operated without cargo under conditions~~
21 ~~which require the vehicle to be so marked or placarded under the cited regulations: provided~~
22 ~~further, that this shall not apply with respect to drivers of motor vehicles engaged solely in~~
23 ~~making deliveries for retail stores during the period from December 10 to December 25 of each~~
24 ~~year.~~

25 ~~(3) A driver who encounters adverse driving conditions and cannot, because of those~~
26 ~~conditions, safely complete the run within the ten (10) hour maximum driving time permitted by~~
27 ~~subdivision (a)(1) of this section may drive and be permitted or required to drive a motor vehicle~~
28 ~~for not more than two (2) additional hours in order to complete that run or to reach a place~~
29 ~~offering safety for vehicle occupants and security for the vehicle and its cargo. However, that~~
30 ~~driver may not drive or be permitted or required to drive:~~

31 ~~(i) For more than twelve (12) hours in the aggregate following eight (8) consecutive~~
32 ~~hours off duty; or~~

33 ~~(ii) After the driver has been on duty fifteen (15) hours following eight (8) consecutive~~
34 ~~hours off duty.~~

1 ~~(iii) "Adverse driving conditions" means snow, sleet, fog, other adverse weather~~
2 ~~conditions, a highway covered with snow or ice, or unusual road and traffic conditions, none of~~
3 ~~which were apparent on the basis of information known to the person dispatching the run at the~~
4 ~~time it was begun.~~

5 ~~(4) Driver salesperson.—The provisions of 49 CFR 395.3(b) of the federal motor carrier~~
6 ~~safety regulations shall not apply to any driver salesperson whose total driving time does not~~
7 ~~exceed forty (40) hours in any period of seven (7) consecutive days.~~

8 ~~(5) 100 air mile radius driver.—A driver is exempt from the requirements of 49 CFR~~
9 ~~395.8 of the federal motor carrier safety regulations if:~~

10 ~~(i) The driver operates within a 100 air mile radius of the normal work reporting~~
11 ~~location;~~

12 ~~(ii) The driver, except a driver salesperson, returns to the work reporting location and is~~
13 ~~released from work within twelve (12) consecutive hours;~~

14 ~~(iii) At least eight (8) hours off duty separate each twelve (12) hours on duty;~~

15 ~~(iv) The driver does not exceed ten (10) hours maximum driving time following eight (8)~~
16 ~~consecutive hours off duty; and~~

17 ~~(v) The motor carrier that employs the driver maintains and retains for a period of six (6)~~
18 ~~months accurate and true time records showing:~~

19 ~~(A) The time the driver reports for duty each day;~~

20 ~~(B) The total number of hours the driver is on duty each day;~~

21 ~~(C) The time the driver is released from duty each day; and~~

22 ~~(D) The total time for the preceding seven (7) days in accordance with 49 CFR~~
23 ~~395.8(j)(2) of the federal motor carrier safety regulations for drivers used for the first time or~~
24 ~~intermittently.~~

25 ~~(6) Travel time.—When a driver at the direction of the motor carrier is traveling but not~~
26 ~~driving or assuming any other responsibility to the carrier, that time shall be counted as on duty~~
27 ~~time unless the driver is afforded at least eight (8) consecutive hours off duty when arriving at~~
28 ~~destination in which case he or she shall be considered off duty for the entire period.~~

29 ~~(c) (1) Every motor carrier shall require every driver used by the motor carrier to record~~
30 ~~his or her duty status for each twenty four (24) hour period using the methods prescribed in 49~~
31 ~~CFR 395.8(a)(1) or (2) of the federal motor carrier safety regulations.~~

32 ~~(2) Failure to possess or maintain a current record of duty status shall result in a fine of~~
33 ~~not less than fifty dollars (\$50.00) or more than five hundred dollars (\$100).~~

34 ~~(3) Maintaining a record of duty status that does not accurately reflect the driver's actual~~

~~activities and duty status (including time and location of each duty status change and the time spent in each duty status) in an apparent attempt to conceal a violation of an hours of service limitation, shall result in a fine of not less than one hundred dollars (\$100), or more than five hundred dollars (\$500).~~

(d) (b) Drivers may be declared out of service for violations of this section or 49 CFR Part 395, as may be amended from time to time.

SECTION 7. Section 31-41.1-7 of the General Laws in Chapter 31-41.1 entitled "Adjudication of Traffic Offenses" is hereby amended to read as follows:

31-41.1-7. Application for dismissal based on good driving record. -- (a) Any person who has had a motor vehicle operator's license for more than three (3) years, and who has been issued traffic violations which are his or her first violations within the preceding three (3) years, may request a hearing seeking a dismissal of the violations based upon the operator's good driving record.

(b) Upon submission of proper proof that the operator has not been issued any other traffic violation within the past three (3) years, the charge shall, except for good cause shown or as otherwise provided by law, be dismissed based upon a good driving record.

(c) The traffic tribunal may not dismiss a charge pursuant to this section after six (6) months from the date of disposition. For purposes of this section, a parking ticket shall not constitute a prior violation.

(d) The following violations shall not be dismissed pursuant to this statute:

- (1) Any violation within the original jurisdiction of superior or district court;
- (2) A refusal to submit to a chemical test of breath, blood or urine pursuant to section 31-27-2.1;
- (3) Any violation involving a school bus;
- (4) Any violation involving an accident where there has been property damage or personal injury;
- (5) Any speeding violation in excess of fourteen miles per hour (14 m.p.h.) above the posted speed limit;
- (6) Any violation involving child restraints in motor vehicles pursuant to section 31-22-2;

(7) Any violation committed by a holder of a commercial license as defined in section 31-10.3-3 or any violation committed in a commercial motor vehicle as defined in section 31-10.3-3 by an operator who does not hold a commercial license.

(e) If the charge is dismissed pursuant to this section, records of the dismissal shall be

1 maintained for a period of three (3) years.

2 (f) The judge or magistrate shall have the discretion to waive court costs and fees when
3 dismissing a violation pursuant to this section.

4 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 -- RHODE ISLAND UNIFORM
COMMERCIAL DRIVER'S LICENSE ACT

1 This act would make technical amendments updating the name of the Federal Motor
2 Carrier Safety Administration, deleting references to repealed provisions of federal law and
3 regulations, and clarifying the continuance of any federal regulations that may be revised from
4 time to time in connection with the Federal Commercial Motor Vehicle Safety Act. These
5 changes would be necessary to remain in full compliance with the federal laws.

6 This act would take effect upon passage.

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