

2021 -- H 5978

LC002196

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- ADJUDICATION OF TRAFFIC OFFENSES

Introduced By: Representatives Edwards, Solomon, Casimiro, Alzate, Newberry, Baginski, and Potter

Date Introduced: February 26, 2021

Referred To: House Judiciary

(Judiciary)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-41.1-6 of the General Laws in Chapter 31-41.1 entitled
2 "Adjudication of Traffic Offenses" is hereby amended to read as follows:

3 **31-41.1-6. Hearings.**

4 (a) Every hearing for the adjudication of a traffic violation, as provided by this chapter,
5 shall be held before a judge or magistrate of the traffic tribunal or a judge of the municipal court,
6 where provided by law. The burden of proof shall be upon the state, city, or town and no charge
7 may be established except by clear and convincing evidence. A verbatim recording shall be made
8 of all proceedings. The chief magistrate of the traffic tribunal may prescribe, by rule or regulation,
9 the procedures for the conduct of the hearings and for pre-hearing discovery.

10 (b) After due consideration of the evidence and arguments, the judge or magistrate shall
11 determine whether the charges have been established, and appropriate findings of fact shall be made
12 on the record. If the charges are not established, an order dismissing the charges shall be entered.
13 If a determination is made that a charge has been established or if an answer admitting the charge
14 has been received, an appropriate order shall be entered in the records of the traffic tribunal.

15 (c) An order entered after the receipt of an answer admitting the charge or where a
16 determination is made that the charge has been established shall be civil in nature, and shall be
17 treated as an adjudication that a violation has been committed. A judge or magistrate may include
18 in the order the imposition of any penalty authorized by any provisions of this title for the violation,

1 including, but not limited to, license suspension and/or in the case of a motorist under the age of
2 twenty (20), community service, except that no penalty for it shall include imprisonment. A judge
3 or magistrate may order the suspension or revocation of a license or of a registration in the name
4 of the defendant in accordance with any provisions of this title which authorize the suspension or
5 revocation of a license or of a registration, or may order the suspension of the license and the
6 registration of the defendant for the willful failure to pay a fine previously imposed. In addition,
7 after notice and opportunity to be heard, a judge or magistrate may order the suspension of the
8 registration of the vehicle with which the violation was committed, if the defendant has willfully
9 failed to pay a fine previously imposed.

10 (d) A judge or magistrate may, as authorized by law, order a motorist to attend a
11 rehabilitative driving course operated under the jurisdiction of a college or university accredited by
12 the state of Rhode Island, or the trained personnel of the department of revenue. An order to attend
13 a course may also include a provision to pay reasonable tuition for the course ~~to the institution in~~
14 ~~an amount not to exceed twenty five dollars (\$25.00)~~. The order shall contain findings of fact.
15 Failure to comply with an order of attendance may, after notice and hearing, result in the suspension
16 or revocation of a person's license or registration.

17 (e) Unless a judge or magistrate ~~shall determine~~ determines that a substantial traffic safety
18 hazard would result from it, he or she ~~shall, pursuant to the regulations of the traffic tribunal,~~ may
19 ~~delay for a period of~~ not to exceed thirty (30) days the effective date of any suspension or revocation
20 of a driver's license or vehicle registration imposed pursuant to this chapter. However, the
21 regulations may provide for the immediate surrender of any item to be suspended or revoked and
22 the issuance of appropriate temporary documentation to be used during the thirty (30) day period.
23 Any order for immediate surrender of a driver's license or vehicle registration shall contain a
24 statement of reasons for it.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would remove the twenty five dollar (\$25.00) limit on tuition for a motorist to
2 attend a driver education course, and would allow a judge or magistrate to delay the imposition of
3 a suspension or revocation of a driver's license or registration for a period up to thirty (30) days.
4 This act would take effect upon passage.

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