

2012 -- H 7207

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LC00651
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- THE MEDEIROS/CARPENTER SAFE
DRIVING ACT

Introduced By: Representatives McLaughlin, Costa, Fellela, Tomasso, and E Coderre

Date Introduced: January 19, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. This act shall be entitled "The Medeiros/Carpenter Safe Driving Act."

2 SECTION 2. Sections 31-27-1 and 31-27-1.1 of the General Laws in Chapter 31-27
3 entitled "Motor Vehicle Offenses" are hereby amended to read as follows:

4 **31-27-1. Driving so as to endanger, resulting in death.** -- (a) When the death of any
5 person ensues as a proximate result of an injury received by the operation of any vehicle in
6 reckless disregard of the safety of others, including violations of ~~section~~ [sections](#) 31-27-22 [and](#)
7 [31-38-1](#), the person so operating the vehicle shall be guilty of "driving so as to endanger,
8 resulting in death".

9 (b) Any person charged with the commission of this offense shall upon conviction be
10 imprisoned for not more than ten (10) years and have his or her license to operate a motor vehicle
11 suspended for no more than five (5) years, [and shall also be required to provide restitution to the](#)
12 [estate of the decedent for the injuries caused, including, but not limited to, pain and suffering, in](#)
13 [an amount not to exceed one million dollars \(\\$1,000,000\).](#)

14 [\(c\) For the purposes of this section, in any case where a person charged with the](#)
15 [commission of this offense is also found to have committed a violation under the provisions of](#)
16 [chapter 31-8, "Offenses Against Registration and Certificate of Title Laws," and/or a violation](#)
17 [under the provisions of chapter 31-32, "Proof of Financial Responsibility for the Future," such](#)
18 [violation under chapter 31-8 and/or chapter 31-32 shall create a rebuttable presumption that said](#)

1 [person was operating the vehicle involved in a reckless manner.](#)

2 **31-27-1.1. Driving so as to endanger, resulting in personal injury.** -- (a) When the
3 serious bodily injury of any person ensues as a proximate result of the operation of any vehicle in
4 reckless disregard of the safety of others, including violations of ~~section~~ [sections](#) 31-27-22 [and](#)
5 [31-38-1](#), the person so operating the vehicle shall be guilty of "driving so as to endanger,
6 resulting in serious bodily injury".

7 (b) "Serious bodily injury" means physical injury that creates a substantial risk of death
8 or causes serious permanent disfigurement or protracted loss or impairment of the function of any
9 bodily member or organ.

10 (c) Any person charged with a violation of this section shall upon conviction be
11 imprisoned for not more than five (5) years and have his or her license to operate a motor vehicle
12 suspended for no more than three (3) years, [and shall also be required to provide restitution to the](#)
13 [person so injured for the injuries caused, including, but not limited to, pain and suffering, in an](#)
14 [amount not to exceed one million dollars \(\\$1,000,000\).](#)

15 [\(c\) For the purposes of this section, in any case where a person charged with the](#)
16 [commission of this offense is also found to have committed a violation under the provisions of](#)
17 [chapter 31-8, "Offenses Against Registration and Certificate of Title Laws," and/or a violation](#)
18 [under the provisions of chapter 31-32, "Proof of Financial Responsibility for the Future," such](#)
19 [violation under chapter 31-8 and/or chapter 31-32 shall create a rebuttable presumption that said](#)
20 [person was operating the vehicle involved in a reckless manner.](#)

21 SECTION 3. 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 -- THE MEDEIROS/CARPENTER SAFE
DRIVING ACT

1 This act would create the “Medeiros/Carpenter Safe Driving Act” which would enable
2 the court to consider whether an operator was driving an unsafe motor vehicle when determining
3 if he/she was driving so as to endanger, resulting in death or serious bodily injury.

4 This act would take effect upon passage

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