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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 -- ADJUDICATION OF TRAFFIC
OFFENSES

Introduced By: Representative Donna M. Walsh

Date Introduced: February 16, 2012

Referred To: House 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.** -- (a) Every hearing for the adjudication of a traffic violation, as
4 provided by this chapter, shall be held before a judge or magistrate of the traffic tribunal or a
5 judge of the municipal court, where provided by law. The burden of proof shall be upon the state,
6 city, or town and no charge may be established except by clear and convincing evidence. A
7 verbatim recording shall be made of all proceedings. The chief magistrate of the traffic tribunal
8 may prescribe, by rule or regulation, the procedures for the conduct of the hearings and for pre-
9 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
12 made on the record. If the charges are not established, an order dismissing the charges shall be
13 entered. If a determination is made that a charge has been established or if an answer admitting
14 the charge has been received, an appropriate order shall be entered in the records of the traffic
15 tribunal.

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

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

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

18 (e) Unless a judge or magistrate shall determine that a substantial traffic safety hazard
19 would result from it, he or she shall, pursuant to the regulations of the traffic tribunal, delay for a
20 period of thirty (30) days the effective date of any suspension or revocation of a driver's license or
21 vehicle registration imposed pursuant to this chapter. However, the regulations may provide for
22 the immediate surrender of any item to be suspended or revoked and the issuance of appropriate
23 temporary documentation to be used during the thirty (30) day period. Any order for immediate
24 surrender of a driver's license or vehicle registration shall contain a 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 eliminate the minimum and maximum fees a judge or magistrate may
2 order a motorist to pay to attend a rehabilitative driving course, and would only authorize a judge
3 or magistrate to order the payment of a reasonable tuition to attend such course.

4 This act would take effect upon passage.

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