

2012 -- S 2139

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LC00490
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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 -- ACCIDENTS AND ACCIDENT
REPORTS

Introduced By: Senator William A. Walaska

Date Introduced: January 18, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-26-1 of the General Laws in Chapter 31-26 entitled "Accidents
2 and Accident Reports" is hereby amended to read as follows:

3 **31-26-1. Duty to stop in accidents resulting in personal injury.** -- (a) The driver of any
4 vehicle knowingly involved in an accident resulting in injury to, serious bodily injury to, or death
5 of any person shall immediately stop the vehicle at the scene of the accident or as close to it as
6 possible, but shall then immediately return to and in every event shall remain at the scene of the
7 accident until he or she has fulfilled the requirements of section 31-26-3. A stop shall be made
8 without obstructing traffic more than is necessary.

9 (b) Any person knowingly failing to stop or to comply with the requirements under
10 circumstances which result in injury to any person shall upon conviction be punished by a
11 mandatory loss of license for at least one year and not more than five (5) years and imprisonment
12 for not more than five (5) years and/or fined up to five thousand dollars (\$5,000).

13 (c) (1) Any person knowingly failing to stop or to comply with the requirements under
14 circumstances which result in serious bodily injury to any person shall upon conviction be
15 punished as follows:

16 (i) Every person convicted of a first violation shall be punished by imprisonment for not
17 less than one year and for not more than ten (10) years and by a fine of not less than one thousand
18 dollars (\$1,000), nor more than five thousand dollars (\$5,000). The sentencing judge shall have

1 the discretion to sentence the person to any unit of the adult correctional institutions.
2 Additionally, the license of the person ~~may~~ shall be revoked for a period of ~~up to~~ two (2) years to
3 five (5) years. The license privilege shall not be reinstated until evidence satisfactory to the
4 administrator of the division of motor vehicles establishes that no grounds exist which would
5 authorize refusal to issue a license and until the person gives proof of financial responsibility
6 pursuant to chapter 32 of this title.

7 (ii) For a second or subsequent conviction under this subsection within a five (5) year
8 period, a person shall be punished by imprisonment for not less than two (2) years nor more than
9 fifteen (15) years and by a fine of not less than three thousand dollars (\$3,000) nor more than ten
10 thousand dollars (\$10,000). The sentencing judge shall have the discretion to sentence the person
11 to any unit of the adult correctional institutions. Additionally, the license of the person ~~may~~ shall
12 be revoked for a period of ~~up to four (4)~~ three (3) years to ten (10) years. The license privilege
13 shall not be reinstated until evidence satisfactory to the administrator of the division of motor
14 vehicles establishes that no grounds exist which would authorize refusal to issue a license and
15 until the person gives proof of financial responsibility pursuant to chapter 32 of this title.

16 (2) As used in this subsection, "serious bodily injury" means physical injury that creates
17 a substantial risk of death or causes serious physical disfigurement or protracted loss or
18 impairment of the function of any bodily member or organ.

19 (d) Any person knowingly failing to stop or to comply with the requirements under
20 circumstances which result in the death of any person, shall upon conviction be punished
21 pursuant to the provisions of this subsection as follows:

22 (1) Every person convicted of a first violation of this subsection shall be punished by
23 imprisonment in the state prison for not less than two (2) years and for not more than fifteen (15)
24 years, in any unit of the adult correctional institutions in the discretion of the sentencing judge, by
25 a fine of not less than five thousand dollars (\$5,000) nor more than ten thousand dollars
26 (\$10,000), and his or her license to operate a motor vehicle shall be revoked for a period of three
27 (3) years to ten (10) years. The license privilege shall not be reinstated until evidence satisfactory
28 to the administrator of the division of motor vehicles establishes that no grounds exist which
29 would authorize the refusal to issue a license, and until the person gives proof of financial
30 responsibility pursuant to chapter 32 of this title.

31 (2) Every person convicted of a second or subsequent violation of this subsection within
32 a five (5) year period shall be punished by imprisonment in the state prison for not less than five
33 (5) years and for not more than twenty (20) years, in any unit of the adult correctional institutions
34 in the discretion of the sentencing judge, by a fine of not less than ten thousand dollars (\$10,000)

1 nor more than twenty thousand dollars (\$20,000) and his or her license to operate a motor vehicle
2 shall be revoked for a period of five (5) years to ten (10) years. The license privilege shall not be
3 reinstated until evidence satisfactory to the administrator of the division of motor vehicles
4 establishes that no grounds exist which would authorize the refusal to issue a license, and until
5 the person gives proof of financial responsibility pursuant to chapter 32 of this title.

6 (e) This section shall apply in its entirety to any driver of a motor vehicle knowingly
7 involved in an accident with a person riding a bicycle.

8 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 provide for the mandatory minimum two year revocation of an operator's
2 license when convicted of leaving the scene of an accident resulting in serious bodily injury.
3 Further, this act would significantly increase the amount of time an operator's license would be
4 revoked when convicted of leaving the scene of an accident resulting in death and leaving the
5 scene of an accident resulting in serious bodily injury.

6 This act would take effect upon passage.

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