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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 MOTOR AND OTHER VEHICLES -- LIABILITY INSURANCE

Introduced By: Senators Ruggerio, Bates, DaPonte, McCaffrey, and Goodwin

Date Introduced: January 26, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 31 of the General Laws entitled "MOTOR AND OTHER
2 VEHICLES" is hereby amended by adding thereto the following chapter:

3 CHAPTER 47.4

4 ELECTRONIC VERIFICATION OF MOTOR VEHICLE INSURANCE STATUS

5 **31-47.4-1. Short title.** – This act shall be known and may be cited as the “Motor Vehicle
6 Insurance Verification Act of 2012.”

7 **31-47.4-2. Legislative findings.** -- Whereas, a significant number of motor vehicles are
8 operating on the public highways of Rhode Island without financial responsibility as defined by
9 Chapter 31-47 of the General Laws; and

10 Whereas, the operation of motor vehicles without financial responsibility substantially
11 increases the risk of harm to the motoring public; and

12 Whereas, there is currently technology which would enable law enforcement quickly and
13 accurately to identify motor vehicles operating on the public highways of Rhode Island without
14 financial responsibility, thereby significantly reducing the risk of harm to the motoring public;
15 and

16 Whereas, the general assembly finds that as a matter of public policy that the
17 implementation of such technology is in the best interests of public safety on the public highways
18 of Rhode Island.

19 **31-47.4-3. Use of results of electronic verification and compliance systems.** – (a)

1 Admissibility. – The results of the use of an electronic verification and compliance system
2 satisfying the requirements of this section and shall be admissible as prima facie evidence for the
3 purpose of establishing that the owner of the vehicle failed to maintain in full force and effect a
4 policy of financial responsibility as required.

5 **31-47.4-4. Action by the division when notified of a lapse in financial responsibility.**

6 – Action. – When the division or the vendor acting as agent for the division, receives evidence
7 that the owner of a motor vehicle registered or required to be registered in this state is operating
8 or allowing the motor vehicle to be operated on a public street, highway, or public vehicular area
9 and does not have financial responsibility for the operation of the vehicle, the division or vendor
10 acting as agent for the division shall send the owner a letter. The letter shall notify the owner of
11 the evidence and inform the owner that the owner shall respond to the letter within thirty (30)
12 days of the date on the letter and explain how the owner has met the duty to have continuous
13 financial responsibility for the vehicle. Based on the owner's response, the division shall take the
14 appropriate action listed:

15 (1) Division correction. – If the owner responds within the required time and the response
16 establishes that the owner's vehicle has not had a lapse in financial responsibility, the division
17 shall correct its records.

18 (2) Penalty only. – If the owner responds within the required time and the response
19 establishes all of the following, the division shall assess the owner a penalty in the amount set
20 forth in Rhode Island general laws 31-47-9.

21 **31-47.4-5. Use of electronic verification and compliance systems to verify and help**
22 **ensure financial responsibility. – (a) Authorization. – Electronic verification and compliance**
23 **systems may be used by law enforcement agencies and officers to electronically identify**
24 **motor vehicles operating on the public streets, highways and public vehicular areas without**
25 **financial responsibility as required pursuant to chapter 31-47.**

26 (b) Definition. – As used in this section, an electronic verification and compliance
27 system is a mobile device: (1) Consisting of an electronically automated scanner and sensor;
28 and (2) Capable of producing one or more digital images of the registration plate of a motor
29 vehicle violating the financial responsibility laws established pursuant to chapter 31-47.

30 (c) Minimum Standards. – An electronic verification and compliance system
31 authorized for use by this section shall produce at least one digital image that clearly shows a
32 recorded image of the vehicle registration number and state of issuance and the date, time,
33 and location of the violation.

34 (d) Use. – An electronic verification and compliance system authorized for use by

1 this section shall support equal protection and enforcement under the law regarding both
2 interstate and intrastate traffic and shall be approved by the department of attorney general.

3 (e) Penalties shall be assessed in accordance with section 31-47-9.

4 (f) Notification of Violation. – The division of motor vehicles shall issue to the registered
5 owner of a motor vehicle cited for a financial responsibility violation detected by an electronic
6 verification and compliance system a notice of the violation containing all of the information
7 listed in this subsection. The notice shall be delivered by first-class United States mail at the
8 address on the current registration of the vehicle's owner. The notice of the violation shall contain
9 all of the following:

10 (1) The vehicle registration number and state of issuance.

11 (2) The date, time, and location of the violation.

12 (3) The process for paying the civil penalty or contesting the owner's responsibility for
13 the violation.

14 (4) Image of the vehicle license plate.

15 (h) Liability. – The registered owner of a vehicle cited for a financial responsibility
16 violation detected by an electronic verification and compliance system shall be responsible for
17 any penalty imposed under this section unless, within thirty (30) days of the date on the letter of
18 notification of violation, the owner provides to the division of motor vehicles or the system
19 vendor acting as agent to the division of motor vehicles, a sworn affidavit containing the
20 information listed in one of the subdivisions of this subsection. If the registered owner fails to pay
21 the civil penalty or fails to respond to the notice within thirty (30) days of the date on the letter of
22 notice of violation, the owner waives the right to contest responsibility for the violation, is subject
23 to the civil penalty of three hundred dollars (\$300), and shall have the registered owner's driving
24 license and registration revoked indefinitely until the civil penalty is paid and proof of financial
25 responsibility is provided to the division.

26 The sworn affidavit shall contain one of the following:

27 (1) The name and address of the person or persons who had or may have had actual
28 physical control of the vehicle at the time of the violation, accompanied with a certificate from an
29 insurance company certifying that the vehicle was insured at the date and time of the violation.
30 The division of motor vehicles or the system vendor acting as agent to the division of motor
31 vehicles shall also provide the record of current insurance status as recorded electronically from
32 transmission of insurer data.

33 (2) A statement that at the time of the violation the vehicle was under the control of a
34 person unknown to the owner, without the owner's permission. A statement provided under this

1 subdivision shall be accompanied by documentation verifying that the owner reported to
2 appropriate law enforcement officials the theft or other loss of the vehicle before the date of the
3 violation.

4 (i) Appeal. – A person dissatisfied with the decision of the division may appeal the
5 decision to the traffic tribunal by filing a notice of the appeal with the clerk of traffic tribunal
6 within thirty (30) days of notification of a final decision by the division. An appeal under this
7 section is for a trial de novo before the district court.

8 (j) Revocation Period. – The revocation period for a revocation based on a response that
9 establishes that a vehicle owner does not have financial responsibility is indefinite and ends when
10 the owner pays all assessed fines, penalties, and restoration fees and obtains financial
11 responsibility or transfers the vehicle to an owner who has financial responsibility. The minimum
12 revocation period for a revocation based on a response that establishes the occurrence of an
13 accident during a lapse in financial responsibility or the knowing operation of a vehicle without
14 financial responsibility is thirty (30) days. The revocation period for a revocation based on failure
15 of a vehicle owner to respond is indefinite and ends when the owner responds and pays all
16 assessed fines, penalties, and restoration fees and obtains financial responsibility or transfers the
17 vehicle to an owner who has financial responsibility.

18 (k) Revocation notice. – When the division revokes the registration of an owner's vehicle,
19 it shall notify the owner of the revocation. The notice shall inform the owner of the following:

20 (1) That the owner shall return the vehicle's registration plate and registration card to the
21 division.

22 (2) That the vehicle's registration plate and registration card are subject to seizure by a
23 law enforcement officer.

24 (3) That the registration of the vehicle cannot be renewed while the registration is
25 revoked.

26 (4) That the owner shall pay any penalties assessed, a restoration fee, and the fee for a
27 registration plate when the owner applies to the division to register a vehicle whose registration
28 was revoked.

29 (5) That the owner's driving license is revoked until the owner pays all assessed fines,
30 penalties, and restoration fees and obtains financial responsibility or transfers the vehicle to an
31 owner who has financial responsibility.

32 (1) Notwithstanding the penalty and restoration fee provisions of this section, any
33 monetary penalty or restoration fee shall be waived for any person who, at the time of notification
34 of a lapse in coverage, was deployed as a member of the United States armed forces outside of

1 the continental United States for a total of forty-five (45) or more days.

2 Any person qualifying under this subsection shall:

3 (1) Have an affirmative defense to any criminal charge based upon the failure to return
4 any registration card or registration plate to the division;

5 (2) Upon re-registration, receive without cost from the division all necessary registration
6 cards or plates; and

7 (3) Upon notice of revocation, be permitted to transfer the vehicle's registration
8 immediately to his or her spouse, child, or spouse's child, notwithstanding the provisions of
9 subsection (d) of this section.

10 **31-47.4-6. Penalties.** – Violations of this chapter shall be in accordance with the
11 provisions of section 34-47-9.

12 **31-47.4-7. Implementation.** – The division of motor vehicles shall implement the use of
13 such technology. The division shall first issue a request for information to evaluate private service
14 providers' capabilities regarding electronic verification and compliance and compliance system
15 services from private service providers offering such technology. If only one source is available it
16 will initiate negotiations. If there are multiple companies capable of meeting the department's
17 requirements, it shall next develop and issue a request for proposals for contracts to provide
18 electronic verification and compliance system services from private service providers offering
19 such technology.

20 The division shall set as minimum standards the following:

21 (1) Provide a sufficient number of electronic control devices with the capacity to identify
22 at least eighty percent (80%) of the motor vehicles being operated on public streets and highways
23 and public vehicular areas without financial responsibility during a twelve (12) month cycle.

24 (2) All such devices must be mobile, not fixed and law enforcement vehicle-mounted.
25 There can be no connection with or support for any form of electronic red light or speeding
26 system.

27 Citations can be issued only by sworn officers.

28 (3) Provide to law enforcement agencies and officers technological equipment that has
29 the capacity to identify motor vehicles being operated without financial responsibility within five
30 (5) seconds from the time such motor vehicles are identified.

31 (4) Provide technological capability, which would enable the division of motor vehicles
32 to take the appropriate action in real time, after a motor vehicle is identified as operating on the
33 public streets and highways and public vehicular areas without financial responsibility.

34 (5) Have technological capability that would enable the division of motor vehicles and/or

1 the agent acting for the division of motor vehicles, to notify the owner within five (5) days that
2 such motor vehicle was operating on the public highways of Rhode Island without financial
3 responsibility.

4 (6) Provide such technological capability to the division of motor vehicles for a duration
5 of not less than five (5) years.

6 (7) Not receive any public funding until such technology is implemented and operational.

7 (8) System success must be measurable both in revenue generated and over time, a
8 significant decline in the number of uninsured vehicles on the state's streets and roads. One basis
9 for evaluating potential vendors shall be the level of revenue anticipated and the willingness of
10 the vendor to guarantee revenue.

11 (9) Provide a twenty-four (24) hour public help desk in multiple languages and ensure
12 that all involvement with those receiving citations are entirely respectful.

13 (10) Ensure that no vendor acting as an agent for the government has access to any name
14 or address prior to being provided to it by the government and identified as owner of a non-
15 compliant vehicle.

16 (11) Require that vehicles from other states and from Canadian provinces can be
17 identified for the purpose of vehicle insurance and valid citations are processed using a
18 comprehensive compliance system.

19 (12) Require of the vendor that no charges or fees be required of any insurer complying
20 with requirements as directed by the division of motor vehicles and/or the department of business
21 regulation.

22 **31-47.4-8. Severability.** – If any provision of this chapter or the application thereof to
23 any person or circumstances is held invalid, such invalidity shall not affect other provisions or
24 applications of the chapter, which can be given effect without the invalid provision or application,
25 and to this end the provisions of this chapter are declared to be severable.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING MOTOR AND OTHER VEHICLES -- LIABILITY INSURANCE

1 This act would establish and electronic verification system for scanning license plates and
2 matching them with motor vehicle liability insurance records for enforcement of the mandatory
3 motor vehicle insurance law.

4 This act would take effect upon passage.

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