

2013 -- H 5779

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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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, MacBeth, Phillips, Bennett, and Hull

Date Introduced: February 28, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 **31-27-1. Driving so as to endanger, resulting in death.** – (a) This section and section  
4 31-27-1.1 shall be known and may be cited as the “Medeiros/Carpenter Safe Driving Act.”

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

9 ~~(b)~~(c) 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 (d) 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 (d) 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 2. 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

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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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