

2013 -- S 0045 SUBSTITUTE A

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LC00181/SUB A
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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 - ACCIDENTS AND ACCIDENT
REPORTS

Introduced By: Senators E O'Neill, Jabour, Lombardi, Archambault, and Conley

Date Introduced: January 16, 2013

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 31-26-1 and 31-26-2 of the General Laws in Chapter 31-26
2 entitled "Accidents and Accident Reports" are 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~~ two (2) years, and for not more than ten (10) ~~year~~ years, and by a fine of not
18 less than ~~one thousand dollars (\$1,000)~~ five thousand dollars (\$5,000), nor more than ~~five~~

1 ~~thousand dollars (\$5,000)~~ ten thousand dollars (\$10,000). The sentencing judge shall have the
2 discretion to sentence the person to any unit of the adult correctional institutions. Additionally,
3 the license of the person shall be revoked for a period of ~~up to~~ no less than two (2) years, and no
4 more than five (5) years. The license privilege shall not be reinstated until evidence satisfactory to
5 the administrator of the division of motor vehicles establishes that no grounds exist which would
6 authorize refusal to issue a license and until the person gives proof of financial responsibility
7 pursuant to chapter 32 of this title, and all liens and judgments are satisfied.

8 (ii) For a second or subsequent conviction under this subsection ~~within a five (5) year~~
9 ~~period~~, a person shall be punished by imprisonment for not less than ~~two (2)~~ five (5) years, nor
10 more than ~~fifteen (15)~~ twenty-five (25) years, and by a fine of not less than ~~three thousand dollars~~
11 ~~(\$3,000)~~ ten thousand dollars (\$10,000), nor more than ~~ten thousand dollars (\$10,000)~~ thirty
12 thousand dollars (\$30,000). The sentencing judge shall have the discretion to sentence the person
13 to any unit of the adult correctional institutions. Additionally, the license of the person shall be
14 revoked for a period of ~~up to four (4) years~~ not less than five (5) years, and no more than ten (10)
15 years. The license privilege shall not be reinstated until evidence satisfactory to the administrator
16 of the division of motor vehicles establishes that no grounds exist which would authorize refusal
17 to issue a license, and until the person gives proof of financial responsibility pursuant to chapter
18 32 of this title.

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

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

25 (1) Every person convicted of a first violation of this subsection shall be punished by
26 imprisonment in the state prison for not less than ~~two (2)~~ five (5) years, and for not more than
27 ~~fifteen (15)~~ thirty (30) years, in any unit of the adult correctional institutions in the discretion of
28 the sentencing judge, by a fine of not less than ~~five thousand dollars (\$5,000)~~ fifteen thousand
29 dollars (\$15,000), nor more than ~~ten thousand dollars (\$10,000)~~ fifty thousand dollars (\$50,000),
30 and his or her license to operate a motor vehicle shall be revoked for a period of ~~three (3)~~ not less
31 than ten (10) years. The license privilege shall not be reinstated until evidence satisfactory to the
32 administrator of the division of motor vehicles establishes that no grounds exist which would
33 authorize the refusal to issue a license, and until the person gives proof of financial responsibility
34 pursuant to chapter 32 of this title.

1 (2) Every person convicted of a second or subsequent violation of this subsection ~~within~~
2 ~~a five (5) year period~~ shall be punished by imprisonment in the state prison for not less than ~~five~~
3 ~~(5) twenty (20)~~ years, and for not more than ~~twenty (20) sixty (60)~~ years, in any unit of the adult
4 correctional institutions in the discretion of the sentencing judge, by a fine of not less than ~~ten~~
5 ~~thousand dollars (\$10,000)~~ thirty thousand dollars (\$30,000), nor more than ~~twenty thousand~~
6 ~~dollars (\$20,000)~~ one hundred thousand dollars (\$100,000) and his or her license to operate a
7 motor vehicle shall be revoked permanently. ~~for a period of five (5) years. The license privilege~~
8 ~~shall not be reinstated until evidence satisfactory to the administrator of the division of motor~~
9 ~~vehicles establishes that no grounds exist which would authorize the refusal to issue a license, and~~
10 ~~until the person gives proof of financial responsibility pursuant to chapter 32 of this title.~~

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

13 **31-26-2. Duty to stop in accidents resulting in damage to vehicle. --** The driver of any
14 vehicle knowingly involved in an accident resulting only in damage to a vehicle which is driven
15 or attended by any person shall immediately stop the vehicle at the scene of the accident or as
16 close to it as possible, but shall immediately return to and in every event shall remain at the scene
17 of the accident until he or she has fulfilled the requirements of section 31-26-3. A stop shall be
18 made without obstructing traffic more than is necessary. Any person failing to stop or comply
19 with these requirements under the circumstances shall be guilty of a ~~misdemeanor~~ felony, and
20 shall be punished by a fine of not less than ~~five hundred dollars (\$500)~~ one thousand dollars
21 (\$1,000), nor more than ~~one thousand dollars (\$1,000)~~ five thousand dollars (\$5,000), and/or his
22 or her driver's license or operating privilege in the state may be suspended for a period ~~up to six~~
23 ~~(6) months~~ up to one year, and/or he or she may be imprisoned for a period not to exceed ~~6~~
24 ~~months~~ one year.

25 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 - ACCIDENTS AND ACCIDENT
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- 1 This act would increase the penalties and fines for the various motor vehicle offenses
- 2 involving leaving the scene of an accident.
- 3 This act would take effect upon passage.

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