

2013 -- S 0356

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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 - SUSPENSION OR REVOCATION OF
LICENSES - VIOLATIONS

Introduced By: Senators Raptakis, and Walaska

Date Introduced: February 13, 2013

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-11-18.1 of the General Laws in Chapter 31-11 entitled
2 "Suspension or Revocation of Licenses - Violations" is hereby amended to read as follows:

3 **31-11-18.1. Driving after denial, revocation, or suspension for certain violations. --**

4 (a) Any person who drives a motor vehicle on any highway of this state who never applied for a
5 license or who drives after his or her application for a license has been refused, or after his or her
6 license has expired or who otherwise drives without a license or at a time when his or her license
7 to operate is suspended, revoked, or cancelled, for: (1) operating under the influence of a narcotic
8 drug or intoxicating liquor; (2) refusing to submit to a chemical test; (3) reckless driving; ~~(3)~~(4)
9 manslaughter from the operation of a motor vehicle or operating so as to endanger resulting in
10 death; or ~~(4)~~ (5) three (3) moving violations within a one-year period; shall be guilty of a
11 misdemeanor for the first and second offenses and shall be deemed guilty of a felony for the third
12 or subsequent offenses.

13 (b) The division of motor vehicles upon receiving a record of the conviction of any
14 person upon a charge of driving a motor vehicle while the license of the person was suspended,
15 for reasons set forth in this section shall suspend the person's license or deny the person's
16 application for any length of time that it shall deem proper but in no case less than an additional
17 three (3) months. Upon receiving a record of conviction of a second violation of driving a motor
18 vehicle while the license of that person was suspended for reasons set forth in this section, the

1 division of motor vehicles shall suspend the person's license or deny the person's application for
2 any length of time that it shall deem proper but in no case less than an additional six (6) months.
3 Any subsequent conviction shall result in license revocation. Upon receiving a record of the
4 conviction of any person upon a charge of driving after his or her application for a license had
5 been refused, or after his or her license had been revoked or cancelled for reasons set forth in this
6 section, the division of motor vehicles shall not issue a new license for an additional period of one
7 year from and after the date the person would otherwise have been entitled to apply for a new
8 license.

9 (c) (1) Upon a first conviction under this section a mandatory fine of five hundred dollars
10 (\$500) shall be imposed, and if the person was driving after his or her application for a license
11 had been refused, or at a time when his or her license to operate was suspended, revoked, or
12 cancelled for operating under the influence of a controlled substance or intoxicating liquor, or his
13 or her refusal to submit to a chemical test, reckless driving, manslaughter from the operation of a
14 motor vehicle, or operation so as to endanger, death resulting, the person shall be imprisoned for
15 a minimum of ten (10) days.

16 (2) A mandatory fine of five hundred dollars (\$500) for a second conviction under this
17 section within a five (5) year period shall be imposed, and if the person was driving after his or
18 her application for a license had been refused, or at a time when his or her license to operate was
19 suspended, revoked, or cancelled for operating under the influence of a controlled substance or
20 intoxicating liquor or his or her refusal to submit to a chemical test, reckless driving,
21 manslaughter from the operation of a motor vehicle, or operation so as to endanger, death
22 resulting, the person shall be imprisoned for a minimum of six (6) months to one year.

23 (3) For any subsequent conviction within a five (5) year period, a fine of one thousand
24 dollars (\$1,000) shall be imposed and the person may be imprisoned for up to one year or be
25 required to participate in a public service program designated and approved by the court. If the
26 person was driving after his or her application for a license had been refused or at a time when his
27 or her license to operate was suspended, revoked, or cancelled for: (i) operating under the
28 influence of a controlled substance or intoxicating liquor; (ii) his or her refusal to submit to a
29 chemical test; (iii) reckless driving; (iv) manslaughter from the operation of a motor vehicle; or
30 (v) operating so as to endanger, death resulting; the person shall be imprisoned for a minimum of
31 one year. Jurisdiction for violations of this section is given to the district court and the court shall
32 have full authority to impose any sentence authorized for violations of this section.

33 (d) No fines, suspensions, treatment, or jail provided for under this section can be
34 suspended.

1 (e) When any law enforcement officer arrests a person for driving a motor vehicle while
2 the license of the person was suspended, revoked or cancelled for any of the reasons set forth in
3 subdivisions 31-11-18.1(a)(1) or 31-11-18.1(a)(2), and the vehicle so driven is owned in whole or
4 in part by the person so arrested, the license plates of that vehicle shall be confiscated by the
5 arresting officer and shall be impounded for a period of not less than ninety (90) days; provided,
6 however, that if the charges hereunder are dropped or dismissed for any reason, the license plates
7 shall thereupon be returned to their owner, and in no event shall such impoundment continue
8 beyond the duration of any sentence imposed under this section; and, provided, further, that if a
9 court determines that such impoundment would cause undue hardship to dependents of the
10 offender, the court may order the division of motor vehicles to issue a temporary substitute
11 license plate to that vehicle under such terms and for such time as the court deems necessary to
12 achieve substantial justice.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO MOTOR AND OTHER VEHICLES - SUSPENSION OR REVOCATION OF
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1 This act would require that the license plates of a vehicle be confiscated by a law
2 enforcement officer if the owner was arrested for driving while their license was suspended,
3 revoked or cancelled for refusing to submit to a chemical test or for operating under the influence
4 of a narcotic drug or intoxicating liquor.

5 This act would take effect upon passage.

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