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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 - MOTOR VEHICLE OFFENSES

Introduced By: Senators DiPalma, Ottiano, Sosnowski, and Archambault

Date Introduced: February 28, 2013

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-27-2.7 of the General Laws in Chapter 31-27 entitled "Motor  
2 Vehicle Offenses" is hereby amended to read as follows:

3 **31-27-2.7. Driving while impaired.** -- (a) A person under the age of twenty-one (21) but  
4 at least eighteen (18) years of age who takes a test, as provided for in section 31-27-2, at the  
5 request of a law enforcement officer who believes the person to be driving under the influence of  
6 alcohol, shall be determined to have been driving while impaired if the test determines the  
7 person's blood alcohol concentration to be at least two-hundredths of one percent (.02%) but less  
8 than ~~one-tenth of one percent (.1%)~~ eight one hundredths of one percent (.08%) by weight.

9 (b) Should, after a hearing in district court, it be determined that: the results of the test  
10 are admissible in that it meets all of the conditions, as set forth in section 31-27-2; and the person  
11 has been afforded his or her rights as set forth in section 31-27-2; then the judge shall order as  
12 follows:

13 (1) A fine of not more than two hundred and fifty dollars (\$250) and thirty (30) hours of  
14 community restitution. The fine shall be deposited in the general fund.

15 (2) The person's driving license shall be suspended for not less than one nor more than  
16 three (3) months on a first violation, provided the person also shall attend a special course in  
17 driving while intoxicated and provided that the person shall also attend an alcohol and/or drug  
18 treatment program if ordered by the district court judge. Failure or refusal of the person to attend  
19 the course and/or alcohol or drug treatment program shall result in the person's driving license

1 being suspended until such time as the course and/or treatment program has been completed.

2 (3) On a second and subsequent violation of the section, the person shall be fined not  
3 more than two hundred and fifty dollars (\$250) together with a highway safety assessment of  
4 three hundred dollars (\$300) and shall be required to perform up to sixty (60) hours of community  
5 restitution. The person's driving license shall be suspended for not less than three (3) months nor  
6 more than six (6) months. The sentencing judge shall also require the person to attend a special  
7 course in driving while intoxicated and also attend an alcohol and/or drug treatment program.

8 (c) No suspension, assessments, driving while intoxicated school, or alcohol and/or drug  
9 treatment programs under this section can be suspended, shortened, altered, or changed.

10 (d) Any violation of the section shall not be considered a criminal offense.

11 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 decrease the maximum blood alcohol concentration for a person eighteen  
2 (18) years to twenty (20) years when charged for driving while impaired from less than one-tenth  
3 of one percent (.1%) to less than eight one-hundredths of one percent (.08%) by weight.

4           This act would take effect upon passage.

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