

2014 -- H 7831

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LC004442  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - HEARINGS

Introduced By: Representatives Walsh, and Craven

Date Introduced: March 04, 2014

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-41.1-6 of the General Laws in Chapter 31-41.1 entitled  
2 "Adjudication of Traffic Offenses" is hereby amended to read as follows:

3 **31-41.1-6. Hearings.** -- (a) Every hearing for the adjudication of a traffic violation, as  
4 provided by this chapter, shall be held before a judge or magistrate of the traffic tribunal or a  
5 judge of the municipal court, where provided by law. The burden of proof shall be upon the state,  
6 city, or town and no charge may be established except by clear and convincing evidence. A  
7 verbatim recording shall be made of all proceedings. The chief magistrate of the traffic tribunal  
8 may prescribe, by rule or regulation, the procedures for the conduct of the hearings and for pre-  
9 hearing discovery.

10 (b) After due consideration of the evidence and arguments, the judge or magistrate shall  
11 determine whether the charges have been established, and appropriate findings of fact shall be  
12 made on the record. If the charges are not established, an order dismissing the charges shall be  
13 entered. If a determination is made that a charge has been established or if an answer admitting  
14 the charge has been received, an appropriate order shall be entered in the records of the traffic  
15 tribunal.

16 (c) An order entered after the receipt of an answer admitting the charge or where a  
17 determination is made that the charge has been established shall be civil in nature, and shall be  
18 treated as an adjudication that a violation has been committed. A judge or magistrate may include  
19 in the order the imposition of any penalty authorized by any provisions of this title for the

1 violation, including, but not limited to, license suspension and/or in the case of a motorist under  
2 the age of twenty (20), community service, except that no penalty for it shall include  
3 imprisonment. A judge or magistrate may order the suspension or revocation of a license or of a  
4 registration in the name of the defendant in accordance with any provisions of this title which  
5 authorize the suspension or revocation of a license or of a registration, or may order the  
6 suspension of the license and the registration of the defendant for the willful failure to pay a fine  
7 previously imposed. In addition, after notice and opportunity to be heard, a judge or magistrate  
8 may order the suspension of the registration of the vehicle with which the violation was  
9 committed, if the defendant has willfully failed to pay a fine previously imposed.

10 (d) A judge or magistrate may, as authorized by law, order a motorist to attend a  
11 rehabilitative driving course operated under the jurisdiction of a college or university accredited  
12 by the state of Rhode Island, or the trained personnel of the department of revenue. An order to  
13 attend a course may also include a provision to pay reasonable tuition for the course to the  
14 institution in an amount ~~not to exceed twenty five dollars (\$25.00)~~ determined by the judiciary  
15 and the institution. The order shall contain findings of fact. Failure to comply with an order of  
16 attendance may, after notice and hearing, result in the suspension or revocation of a person's  
17 license or registration.

18 (e) Unless a judge or magistrate shall determine that a substantial traffic safety hazard  
19 would result from it, he or she shall, pursuant to the regulations of the traffic tribunal, delay for a  
20 period of thirty (30) days the effective date of any suspension or revocation of a driver's license or  
21 vehicle registration imposed pursuant to this chapter. However, the regulations may provide for  
22 the immediate surrender of any item to be suspended or revoked and the issuance of appropriate  
23 temporary documentation to be used during the thirty (30) day period. Any order for immediate  
24 surrender of a driver's license or vehicle registration shall contain a statement of reasons for it.

25 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 provide that the tuition for a rehabilitative driving course would be
- 2           determined by the judiciary and the institution conducting the course.
- 3           This act would take effect upon passage.

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