

2014 -- H 8032

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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 - AUTOMATED TRAFFIC VIOLATION  
MONITORING SYSTEMS

Introduced By: Representatives Ajello, Slater, Carnevale, and Cimini

Date Introduced: April 09, 2014

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-41.2-4 of the General Laws in Chapter 31-41.2 entitled  
2 "Automated Traffic Violation Monitoring Systems" is hereby amended to read as follows:

3 **31-41.2-4. Procedure -- Notice. --** (a) Except as expressly provided in this chapter, all  
4 prosecutions based on evidence produced by an automated traffic violation detection system shall  
5 follow the procedures established in chapter 41.1 of this title, chapter 8-18 of these general laws,  
6 except the provision providing for payments to the state in sections 8-18-4 and 8-18-6, and the  
7 rules promulgated by the chief magistrate of the traffic tribunal for the hearing of civil traffic  
8 violations. A summons may be issued by an officer solely based on evidence obtained by use of  
9 an automated traffic violation detection system. All summons issued based on evidence obtained  
10 from an automated traffic violation detection system shall be issued within fourteen (14) days of  
11 the violation.

12 (b) Notwithstanding any rule, regulation, or other provision of the general or public laws  
13 to the contrary, no city or town shall be required to make payments to the state in implementing  
14 any provision of this chapter ~~until July 1, 2013~~.

15 (c) It shall be sufficient to commence a prosecution based on evidence obtained from an  
16 automated traffic violation detection system that a copy of the summons and supporting  
17 documentation be mailed to the address of the registered owner kept on file by the registry of  
18 motor vehicles pursuant to section 31-3-34 of these general laws. For purposes of this section, the

1 date of issuance shall be the date of mailing.

2 (d) The officer issuing the summons shall certify under penalties of perjury that the  
3 evidence obtained from the automated traffic violation detection system was sufficient to  
4 demonstrate a violation of the motor vehicle code. Such certification shall be sufficient in all  
5 prosecutions pursuant to this chapter to justify the entry of a default judgment upon sufficient  
6 proof of actual notice in all cases where the summons is not answered within the time period  
7 permitted.

8 (e) The summons shall be the uniform summons as referred to in section 31-41.1-1 of the  
9 general laws and the rules of procedure promulgated by the chief magistrate of the traffic tribunal  
10 subject to the approval of the supreme court pursuant to section 8-6-2.

11 (f) In addition to the summons, the following information shall be attached to the  
12 summons:

13 (1) Copies of two (2) or more photographs, or microphotographs, or other recorded  
14 images taken as proof of the violation; and

15 (2) A signed statement by a trained law enforcement officer that, based on inspection of  
16 recorded images, the motor vehicle was being operated in violation of section 31-13-4 of this  
17 subtitle; and

18 (3) A statement that recorded images are evidence of a violation of this chapter; and

19 (4) A statement that the person who receives a summons under this chapter may either  
20 pay the civil penalty in accordance with the provisions of section 31-41.1-3, or elect to stand trial  
21 for the alleged violation.

22 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 eliminate July 1, 2013 as the cut-off date after which the state may not  
2 require cities or towns to make payments to the state for implementing automatic traffic violation  
3 monitoring systems.

4           This act would take effect upon passage.

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