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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: Senators Goodwin, Pichardo, Ciccone, Metts, and Ruggerio

Date Introduced: March 05, 2014

Referred To: Senate 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

5 shall follow the procedures established in chapter 41.1 of this title, chapter 8 18 of title 8 these

6 general laws, except the provision providing for payments to the state in sections §§8-18-4 and 8-

7 18-6, and the rules promulgated by the chief magistrate of the traffic tribunal for the hearing of

8 civil traffic violations. A summons may be issued by an officer solely based on evidence obtained

9 by use of an automated, traffic-violation-detection system. All summons issued based on

10 evidence obtained from an automated, traffic-violation-detection system shall be issued within

11 fourteen (14) days of 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, nor after July 1, 2015.

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,

1   the 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

9   the general laws and the rules of procedure promulgated by the chief magistrate of the traffic

10   tribunal 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 provide that the state would not require cities or towns to make payments

2   to the state for implementing an automatic traffic violation monitoring systems after July 1, 2015.

3   This act would take effect upon passage.

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