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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- ELECTRONIC CONFIRMATION AND COMPLIANCE SYSTEM

Introduced By: Representative Robert B. Jacquard

Date Introduced: February 25, 2015

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 31 of the General Laws entitled "MOTOR AND OTHER
2 VEHICLES" is hereby amended by adding thereto the following chapter:

3 CHAPTER 21.3

4 ELECTRONIC CONFIRMATION AND COMPLIANCE SYSTEM

5 **31-21.3-1. Short title.** – This act shall be known and may be cited as the "Rhode Island
6 electronic confirmation and compliance system."

7 **31-21.3-2. Definitions.** – When used in this chapter:

8 (1) "Administrator" means the director of the division of motor vehicles;

9 (2) "Department" means the department of public safety;

10 (3) "Director" means the administrator of the department of public safety;

11 (4) "Division" means the division of motor vehicles (DMV);

12 (5) "Financial responsibility" means the ability to satisfy the requirements established in
13 chapter 31-31;

14 (6) "ICMVA" means the Insurance Industry Committee on Motor Vehicle
15 Administration;

16 (7) "NLETS" means the national law enforcement telecommunications system;

17 (8) "Noninvasive" means does not contain or display personal identifying information
18 including a name and address;

1 (9) "RILETS" means the Rhode Island law enforcement telecommunications system.

2 **31-21.3-3. Electronic insurance confirmation and compliance system.** – (a) The
3 director of the department of public safety and/or his or her designees shall contract with a third
4 party no later than ninety (90) days after enactment of this chapter to implement an electronic
5 automobile and commercial vehicle liability insurance confirmation and compliance system in the
6 state that shall include the following:

7 (1) A system to make both interstate and intrastate vehicle insurance and registration
8 status available to law enforcement for automated query at any time through the NLETS used by
9 law enforcement in this state and all others and which is fully interfaced with the RILETS system,
10 department's law enforcement message switch communications and hot file database system and
11 which is in turn linked to the division of motor vehicles (DMV);

12 (2) A system to make available by use of current connections, only so as to require no
13 modification to existing or planned DMV systems, the administrator of the division of motor
14 vehicles, a financial responsibility verification system for use when an entity or individual
15 registers a vehicle pursuant to chapter 31 of title 31, such system to be accessed via the division's
16 current connection with RILETS or directly via the internet or a combination of both when and in
17 the manner as the administrator of the division of motor vehicles may determine;

18 (3) A system to provide automobile and commercial vehicle insurance information to
19 emergency medical service providers;

20 (4) A verification system to provide courts with financial responsibility status for the
21 court date, the citation date, the day prior to the citation date, and a history of the vehicle's periods
22 of coverage, regarding both intrastate and whenever possible, interstate vehicles identified as non-
23 compliant;

24 (5) An automatic license plate recognition system to electronically capture license plate
25 images in two (2) seconds or less and noninvasively attempt verification of the insurance and
26 when possible, the registration status of the vehicle. If the vehicle is covered under an automobile
27 insurance policy or properly registered or there is no conclusive proof of non-compliance as
28 determined by a law enforcement officer, the automatic license plate recognition system shall
29 erase the record of the vehicle's license plate within one minute;

30 (6) A system to provide secure postal notification, telephone and internet-based help
31 desk, verification and secure collection services for the state regarding citations issued by this
32 system;

33 (7) A system that provides secure, dedicated, electronic portals with appropriate
34 information for authorized users as determined by the director;

1 (8) A system that provides a help desk service with live operators, but also a fax service
2 and internet-based response service so that citations can be challenged and any errors corrected in
3 support of the public, and also to reduce the burdens that might otherwise be placed upon the
4 traffic tribunal.

5 (b) All costs, including, but not limited to, development, manufacture, implementation,
6 maintenance, operation and purchasing shall be the burden of the third party and not the state.

7 **31-21.3-4. Mandatory reporting.** – (a) Each insurer that delivers, issues for delivery, or
8 renews automobile and commercial vehicle liability insurance policies in this state shall furnish to
9 NLETS acting for the department, on at least a daily basis, all of the following information
10 concerning vehicles owned by any persons or entity to whom it issued such policies of insurance
11 on the previous day and for whom/which any persons or entities on the previous day, cancelled
12 such policies or allowed such policies to lapse through failure to pay the premium due or for
13 whom/which such policies were otherwise cancelled or suspended by said insurer:

14 (1) The effective or termination date of the policy;

15 (2) The policy number;

16 (3) The vehicle identification number (or if a commercial policy, the asset identification
17 number or USDOT number) of the vehicle covered under the policy;

18 (4) The make, model, and model year of the vehicle covered under the policy;

19 (5) The zip code (but no other name or address elements) of residence of the
20 policyholder;

21 (6) Any lien holder identified in the policy and/or the federal lien holder identification
22 number;

23 (7) The level of insurance coverage expressed in the following categories: liability,
24 comprehensive, collision, and uninsured motorist coverage;

25 (8) Any other file elements as determined to be advantageous by the insurer; and

26 (9) Any other file elements determined to be necessary by the administrator.

27 (b) The insurance commissioner and administrator will require insurers to submit the
28 information required under subsection (a) of this section to the department and to NLETS, which
29 is owned and controlled by this state and all other states, via electronic means or, if in the case of
30 a small insurer with fewer than ten thousand (10,000) policies, by either fax or electronic
31 spreadsheet as they may choose.

32 (c) The state shall incur no liability concerning the accuracy of any insurance policy data
33 reported pursuant to this section.

34 **31-21.3-5. Rules and regulations.** – The administrator shall adopt rules and regulations

1 to implement this chapter including rules to determine the method insurers must use to submit
2 information to the department and to NLETS under § 31-21.3-4(a) and which may include the use
3 of the IICMVA web-enabled standard, provided that no privacy data is used to obtain information
4 and that actual status is provided.

5 **31-21.3-6. Procedure -- Notice.** – (a) Except as expressly provided in this chapter, all
6 prosecutions based on evidence produced by this confirmation and compliance system shall
7 follow the procedures established in chapter 41.1 of this title, chapter 18 of title 8 of the general
8 laws and the rules promulgated by the chief magistrate of the traffic tribunal for the hearing of
9 civil traffic violations in the traffic tribunal. Provided, that in an action brought pursuant to the
10 provisions of this chapter, references in chapter 41.1 of this title to an "operator" shall apply to
11 the registered owner of the vehicle. A summons shall be issued by an officer solely based on
12 evidence obtained by use of a live digital video vehicle confirmation and compliance system. All
13 summons issued based on evidence obtained from a live digital video vehicle confirmation and
14 compliance system shall be issued within seven (7) days of the violation. Notwithstanding any
15 provisions of the general laws to the contrary, exclusive jurisdiction to hear and decide any
16 violation under this chapter shall be with the traffic tribunal.

17 (b) It shall be sufficient to commence a prosecution based on evidence obtained from a
18 live digital video vehicle confirmation and compliance system. A copy of the summons and
19 supporting documentation shall be mailed to the address of the registered owner kept on file by
20 the registry of motor vehicles pursuant to § 31-3-34. For purposes of this section, the date of
21 issuance shall be the date of mailing.

22 (c) The officer issuing the summons shall certify under penalties of perjury that the
23 evidence obtained from the live digital video vehicle confirmation and compliance system was
24 sufficient to demonstrate a violation of the motor vehicle code. Such certification shall be
25 sufficient in all prosecutions pursuant to this chapter to justify the entry of a default judgment
26 upon sufficient proof of actual notice in all cases where the citation is not answered within the
27 time period permitted.

28 (d) The summons shall contain all the information provided for on the uniform summons
29 as referred to in § 31-41.1-1 and the rules of procedure promulgated by the chief magistrate of the
30 traffic tribunal as well as the date, time, and location of the violation. In addition, the following
31 information shall be attached to or accompany the summons:

32 (1) Copies of two (2) or more photographs, or microphotographs, videos, or other
33 enforcement information approved by the officer that, based on inspection of recorded images,
34 the motor vehicle was being operated in violation of this chapter;

1 (2) A signed statement that the recorded images are evidence of a violation of this
2 chapter;

3 (3) A statement that the person who receives the summons under this chapter may either
4 pay the civil fine or elect to stand trial for the alleged violation;

5 (4) A signed affidavit by a person who witnessed the motor vehicle being operated in
6 violation of this chapter as he or she reviewed recorded images;

7 (5) The contact telephone numbers, addresses and both facsimile and internet addresses
8 to provide proof of compliance along with a statement of procedures and confirmation that the
9 record will be modified should proper proof be provided and pending charges dismissed; and

10 (6) A signed statement certified under the penalties of perjury by a trained law
11 enforcement officer that the summons and attachments required under this subsection were
12 mailed to the address of the registered owner kept on file by the registry of motor vehicles.

13 (e) Any summons issued pursuant to this chapter shall be issued by a law enforcement
14 officer authorized to issue a traffic violation summons pursuant to title 31.

15 **31-21.3-7. Driver/registered owner liability.** – (a) The registered owner of a motor
16 vehicle shall not operate or allow the motor vehicle to be operated in violation of this chapter.

17 (b) In all prosecutions of civil traffic violations based on evidence obtained from a live
18 digital video vehicle confirmation and compliance system as provided under this chapter, the
19 registered owner of the vehicle shall be responsible in all prosecutions of violations pursuant to
20 the provisions of this chapter, except as otherwise provided under this chapter.

21 (c) In the event that the registered owner of the vehicle operated in violation of this
22 chapter was not the operator of the vehicle at the time of the violation, the registered owner shall
23 be responsible for the violation;

24 **31-21.3-8. Fines revenue allocation.** – (a) The state shall not pay the cost of the
25 implementation and administration of the electronic verification system created by this chapter.

26 (b) Only the revenue generated by the fines imposed through the use of the license plate
27 recognition system referenced in § 31-21.3-3 shall be shared equally by the state and the third
28 party.

29 SECTION 2. Section 31-8-1 of the General Laws in Chapter 31-8 entitled "Offenses
30 Against Registration and Certificate of Title Laws" is hereby amended to read as follows:

31 **31-8-1. Operation of vehicles without evidences of registration.** -- No person shall
32 operate, nor shall an owner knowingly permit to be operated, upon any highway or bicycle trail or
33 path, any vehicle required to be registered pursuant to this title unless there has been issued for it
34 a valid registration card and unless there is attached to it and displayed on it, when and as

1 required by chapters 3 -- 9 of this title, a valid registration plate or plates issued for it by the
2 division of motor vehicles for the current registration year except as otherwise expressly
3 permitted in those chapters. Any violation of this section shall be punishable by a fine ~~of eighty-~~
4 ~~five dollars (\$85.00)~~ for a first offense of three hundred fifty dollars (\$350). The fine for a second
5 offense shall be six hundred dollars (\$600). The fine for a third and subsequent offense shall be
6 seven hundred fifty dollars (\$750).

7 SECTION 3. Section 31-47-9 of the General Laws in Chapter 31-47 entitled "Motor
8 Vehicle Repairs Act" is hereby amended to read as follows:

9 **31-47-9. Penalties.** -- (a) Any owner of a motor vehicle registered in this state who shall
10 knowingly operate the motor vehicle or knowingly permit it to be operated in this state without
11 having in full force and effect the financial security required by the provisions of this chapter, and
12 any other person who shall operate in this state any motor vehicle registered in this state with the
13 knowledge that the owner of it does not have in full force and effect financial security, except a
14 person who, at the time of operation of the motor vehicle, had in effect an operator's policy of
15 liability insurance, as defined in this chapter, with respect to his or her operation of the vehicle,
16 may be subject to a mandatory suspension of license and registration as follows:

17 (1) For a first offense, a suspension of up to ~~three (3)~~ two (2) months and ~~may~~ shall be
18 fined ~~one hundred dollars (\$100) up to five hundred dollars (\$500)~~ three hundred fifty dollars
19 (\$350);

20 (2) For a second offense, a suspension of six (6) months; and ~~may~~ shall be fined ~~five~~
21 ~~hundred dollars (\$500)~~ six hundred dollars (\$600); and

22 (3) For a third and subsequent offense, a suspension of up to one year. Additionally, any
23 person violating this section a third or subsequent time shall be punished as a civil violation and
24 ~~may~~ shall be fined ~~one thousand dollars (\$1,000)~~ seven hundred fifty dollars (\$750).

25 (b) An order of suspension and impoundment of a license or registration, or both, shall
26 state that date on or before which the person is required to surrender the person's license or
27 certificate of registration and registration plates. The person is deemed to have surrendered the
28 license or certificate of registration and registration plates, in compliance with the order, if the
29 person does either of the following:

30 (1) On or before the date specified in the order, personally delivers the license or
31 certificate of registration and registration plates, or causes the delivery of those items, to the
32 administrator of the division of motor vehicles or court, whichever issued the order;

33 (2) Mails the license or certificate of registration and registration plates to the
34 administrator of the division of motor vehicles, in an envelope or container bearing a postmark

1 showing a date no later than the date specified in the order.

2 (c) The administrator of the division of motor vehicles shall not restore any operating
3 privileges or registration rights suspended under this section or return any license, certificate of
4 registration, or registration plates impounded under this section unless the rights are not subject to
5 suspension or revocation under any other law and unless the person, in addition to complying
6 with all other conditions required by law for reinstatement of operating privileges or registration
7 rights, complies with all of the following:

8 (1) Pays a reinstatement fee of thirty dollars (\$30.00). The reinstatement fee may be
9 increased, upon approval of the administrator of the division of motor vehicles, up to an amount
10 not exceeding fifty dollars (\$50.00); and

11 (2) Files and maintains proof of financial security. To facilitate the administration of this
12 chapter the clerk of the courts shall notify the administrator of the division of motor vehicles of
13 all persons against whom judgments have been entered arising out of a motor vehicle collision.

14 SECTION 4. 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 -- ELECTRONIC CONFIRMATION AND
COMPLIANCE SYSTEM

1 This act would create an electronic automobile and commercial vehicle liability insurance
2 confirmation and compliance system in the state. The act would also provide for mandatory fines
3 for operating a vehicle without evidence of registration and for operating without having financial
4 security in full force and effect.

5 This act would take effect upon passage.

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