

2015 -- S 0398

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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 - MOTOR VEHICLE REPARATIONS
ACT

Introduced By: Senators Archambault, Jabour, Lombardi, Conley, and Raptakis

Date Introduced: February 25, 2015

Referred To: Senate Commerce

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-47-9 of the General Laws in Chapter 31-47 entitled "Motor
2 Vehicle Reparations Act" is hereby amended to read as follows:

3 **31-47-9. Penalties.** -- (a) Any owner of a motor vehicle registered in this state who shall
4 knowingly operate the motor vehicle or knowingly permit it to be operated in this state without
5 having in full force and effect the financial security required by the provisions of this chapter, and
6 any other person who shall operate in this state any motor vehicle registered in this state with the
7 knowledge that the owner of it does not have in full force and effect financial security, except a
8 person who, at the time of operation of the motor vehicle, had in effect an operator's policy of
9 liability insurance, as defined in this chapter, with respect to his or her operation of the vehicle,
10 may be subject to a mandatory suspension of license and registration as follows:

11 (1) For a first offense, a suspension of up to three (3) months and may be fined one
12 hundred dollars (\$100) up to five hundred dollars (\$500);

13 (2) For a second offense, a suspension of six (6) months; and may be fined five hundred
14 dollars (\$500); and

15 (3) For a third and subsequent offense, a suspension of up to one year. Additionally, any
16 person violating this section a third or subsequent time shall be punished as a civil violation and
17 may be fined one thousand dollars (\$1,000).

18 (b) An order of suspension and impoundment of a license or registration, or both, shall

1 state that date on or before which the person is required to surrender the person's license or
2 certificate of registration and registration plates. The person is deemed to have surrendered the
3 license or certificate of registration and registration plates, in compliance with the order, if the
4 person does either of the following:

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

8 (2) Mails the license or certificate of registration and registration plates to the
9 administrator of the division of motor vehicles, in an envelope or container bearing a postmark
10 showing a date no later than the date specified in the order.

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

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

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

23 (d) An owner, pursuant to subsection (a) above, shall be presumed to have knowledge
24 that the vehicle did not have the required financial security, if he or she has been previously
25 charged under this section within the six (6) months immediately preceding a new charge. This
26 presumption may be rebutted by admissible and competent evidence.

27 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 create a rebuttable presumption that an owner of a motor vehicle is in
2 noncompliance with financial security if he or she has previously been charged with the same
3 violation within six (6) months preceding the new charge.

4 This act would take effect upon passage.

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