

2015 -- S 0713

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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 OFFENSES

Introduced By: Senators Archambault, Lombardi, McCaffrey, Jabour, and Nesselbush

Date Introduced: March 18, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-27-2.8 of the General Laws in Chapter 31-27 entitled "Motor
2 Vehicle Offenses" is hereby amended to read as follows:

3 **31-27-2.8. Ignition interlock system imposed as part of sentence -- Requirements.**

4 **[Effective January 1, 2015.] --** (a) Any person convicted under the provisions of § 31-27-2(d)1,
5 2 or 3 (1)(i) or (ii), or whose violation is sustained under the provisions of § 31-27-2.1(b)(1), may
6 be prohibited by the sentencing judge or magistrate from operating a motor vehicle that is not
7 equipped with an ignition interlock system.

8 (b) Notwithstanding any other provisions contained in this chapter, after a finding of
9 eligibility, any mandatory period of license suspension ~~may~~ shall be reduced by the imposition of
10 an ignition interlock system ordered by the court or traffic tribunal as follows:

11 (1) For a violation of § 31-27-2(d)(1), a person shall be subject to a minimum thirty-day
12 (30) license suspension and an imposition of an ignition interlock system for three (3) months to
13 one year.

14 (2) For a violation of § 31-27-2.1(b)(1), a person shall be subject to a minimum thirty-
15 day (30) license suspension and an imposition of an ignition interlock system for a period of six
16 (6) months to two (2) years.

17 (3) For a violation of § 31-27-2(d)(2), a person shall be subject to a minimum forty-five-
18 day (45) license suspension and an imposition of an ignition interlock system for a period of six
19 (6) months to two (2) years.

1 (4) For a violation of § 31-27-2.1(b)(2), a person shall be subject to a minimum sixty-day
2 (60) license suspension and an imposition of an ignition interlock system for a period of one to
3 four (4) years.

4 (5) For a violation of § 31-27-2(d)(3), a person shall be subject to a minimum sixty-day
5 (60) license suspension and imposition of an ignition interlock system for a period of one to four
6 (4) years.

7 (6) For a violation of § 31-27-2.1(b)(3), a person shall be subject to a minimum ninety-
8 day (90) license suspension and imposition of an ignition interlock system for a period of two (2)
9 to ten (10) years.

10 (7) In any case where a person is convicted of a first offense under the provisions of §
11 31-27-2(d)(1), or a second offense under the provisions of § 31-27-2(d)(2), or under § 31-27-
12 2.1(b)(1), the sentencing judge or magistrate ~~may~~ shall grant the person a conditional hardship
13 license during ~~the~~ any period of license suspension, subject to the additional conditions set forth
14 below. Said hardship license shall be valid only for twelve (12) hours per day to get to and from
15 employment, or for any other valid reasons set forth in the request for hardship. A hardship
16 license shall only be granted in conjunction with the installation of an ignition interlock device.
17 Any conditional driving privileges must be set by the sentencing judge or magistrate after a
18 hearing in which the motorist must provide proof of employment status and hours of
19 employment, or any other legitimate reasons justifying a hardship license. These shall include,
20 but not be limited to, schooling, medical appointments, therapy treatment, child care, any
21 unemployment training, or any other reasonable valid requests set forth by sworn affidavit and
22 accompanied by supporting documentation. Any individual who violates the requirements of this
23 subsection shall be subject to the penalties enumerated in § ~~31-27-18.1~~ 31-11-18.1.

24 (c) Any person convicted of an offense of driving under the influence of liquor or drugs
25 resulting in death, § 31-27-2.2; driving under the influence of liquor or drugs resulting in serious
26 bodily injury, § 31-27-2.6; driving to endanger resulting in death, § 31-27-1; or driving to
27 endanger resulting in serious bodily injury, § 31-27-1.1; may, in addition to any other penalties
28 provided by law, be prohibited from operating a motor vehicle that is not equipped with an
29 approved ignition interlock system for one to five (5) years.

30 (d) Any person who operates a motor vehicle with a suspended license and the reason for
31 the suspension was due to a conviction of driving under the influence of drugs or alcohol or a
32 sustained violation or conviction of refusal to submit to a chemical test, shall be subject to the
33 imposition of an ignition interlock system for six (6) months to be ordered by the court or the
34 traffic tribunal.

1 (e) When the court orders the use of an ignition interlock system, the judge or magistrate
2 shall cause an appropriate notation to be made on the person's record that clearly sets forth the
3 requirement for and the period of the use of the ignition interlock system.

4 (f) In addition to the requirements of subsection (e) of this section, the court or traffic
5 tribunal shall:

6 (1) Require proof of the installation of the ignition interlock system and periodic
7 reporting by the person for the purpose of verification of the proper operation of the ignition
8 interlock system;

9 (2) Require the person to have the ignition interlock system monitored for the proper use
10 and accuracy by a person, firm, corporation, or other association to be approved by the division of
11 motor vehicles at least once every six (6) months, or more frequently as the circumstances may
12 require; and

13 (3) Require the person to pay the reasonable cost of leasing or buying, monitoring, and
14 maintenance of the ignition interlock system.

15 (g) If a person is required, in the course of the person's employment, to operate a motor
16 vehicle owned or provided by the person's employer, the person may operate that motor vehicle
17 in the course of the person's employment without installation of an ignition interlock system if the
18 court makes specific findings expressly permitting the person to operate, in the course of the
19 person's employment, a motor vehicle that is not equipped with an ignition interlock system.

20 (h) Any person subject to an ignition interlock order who violates such order shall be
21 guilty of a misdemeanor punishable by up to one year imprisonment, or a fine of up to one
22 thousand dollars (\$1,000), or both. For the purposes of this subsection, a violation of the interlock
23 order, includes, but is not limited to:

24 (1) Altering, tampering, or in any way attempting to circumvent the operation of an
25 ignition interlock system that has been installed in the motor vehicle of a person under this
26 section;

27 (2) Operating a motor vehicle that is not equipped with an ignition interlock system; or

28 (3) Soliciting or attempting to have another person start a motor vehicle equipped with
29 an ignition interlock system for the purpose of providing an operable motor vehicle to a person
30 who is prohibited from operating a motor vehicle that is not equipped with an ignition interlock
31 system.

32 (i) Any person who attempts to start, or starts, a motor vehicle equipped with an ignition
33 interlock system, tampers with, or in any way attempts to circumvent, the operation of an ignition
34 interlock system that has been installed in the motor vehicle for the purpose of providing an

1 operable motor vehicle to a person who is prohibited from operating a motor vehicle that is not
2 equipped with an ignition interlock system, shall be guilty of a misdemeanor punishable by up to
3 one year imprisonment or a fine of up to one thousand dollars (\$1,000), or both.

4 SECTION 2. This act shall take effect upon passage and shall be retroactive to January 1,
5 2015.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - MOTOR VEHICLE OFFENSES

1 This act would expand the class of individuals that meet the requirements of an interlock
2 ignition device once they are adjudicated of DUI or Refusal to Submit to a Chemical test.

3 This act would take effect upon passage and would be retroactive to January 1, 2015.

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