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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 period of license suspension~~ immediately upon a plea or admission of guilt, and
14 after a finding of need under this section. In any case where a person is convicted of a second
15 offense under the provisions of § 31-27-2(d)(2), the sentencing judge or magistrate may grant the
16 person a conditional hardship license immediately upon a plea or admission of guilt, and after a
17 finding of need under this section. Said hardship license shall be valid only for twelve (12) hours
18 per day to get to and from employment, necessary medical appointments, job training, schooling,
19 or any other valid reason approved in advance by the sentencing judge or magistrate. A hardship
20 license shall only be granted in conjunction with the installation of an ignition interlock device.
21 Any conditional driving privileges must be set by the sentencing judge or magistrate after a
22 hearing in which the motorist must provide proof of employment status and hours of
23 employment, or any other legitimate reasons justifying a hardship license. These shall include,
24 but not be limited to, any unemployment training, schooling, medical appointments, therapy
25 treatments, or any other valid requests set forth by sworn affidavit. Once said hardship period has
26 concluded, the motorist must still be subject to the conditions of the ignition interlock system as
27 set forth under this section for the period of time as directed by the court. Nothing in this section
28 shall be construed to require a mandatory period of suspension prior to the issuance of a hardship
29 license. Any individual who violates the requirements of this subsection shall be subject to the
30 penalties enumerated in § ~~31-27-18.1~~ 31-11-18.1.

31 (c) Any person convicted of an offense of driving under the influence of liquor or drugs
32 resulting in death, § 31-27-2.2; driving under the influence of liquor or drugs resulting in serious
33 bodily injury, § 31-27-2.6; driving to endanger resulting in death, § 31-27-1; or driving to
34 endanger resulting in serious bodily injury, § 31-27-1.1; may, in addition to any other penalties

1 provided by law, be prohibited from operating a motor vehicle that is not equipped with an
2 approved ignition interlock system for one to five (5) years.

3 (d) Any person who operates a motor vehicle with a suspended license during the period
4 of suspension and the reason for the suspension was due to a conviction of driving under the
5 influence of drugs or alcohol or a sustained violation or conviction of refusal to submit to a
6 chemical test, shall be subject ~~to the imposition of an ignition interlock system for six (6) months~~
7 ~~to be ordered by the court or the traffic tribunal~~ to the further use of the ignition interlock system
8 for a period of six (6) months in addition to the penalties enumerated in § 31-11-18.1.

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

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

14 (1) Require proof of the installation of the ignition interlock system and periodic
15 reporting by the person for the purpose of verification of the proper operation of the ignition
16 interlock system;

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

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

23 (4) The reporting requirements under this subsection shall be the responsibility of the
24 probation department or Justice Assistance, if the individual is under their control, or the motorist
25 if they are not monitored as a condition of their plea or finding of guilt.

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

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

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

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

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

9 (i) Any person who attempts to start, or starts, a motor vehicle equipped with an ignition
10 interlock system, tampers with, or in any way attempts to circumvent, the operation of an ignition
11 interlock system that has been installed in the motor vehicle for the purpose of providing an
12 operable motor vehicle to a person who is prohibited from operating a motor vehicle that is not
13 equipped with an ignition interlock system, shall be guilty of a misdemeanor punishable by up to
14 one year imprisonment or a fine of up to one thousand dollars (\$1,000), or both.

15 SECTION 2. Section 31-49-3 of the General Laws in Chapter 31-49 entitled "Ignition
16 Interlock Systems" is hereby amended to read as follows:

17 **31-49-3. Rules and regulations. [Effective January 1, 2015.]** -- (a) The rules and
18 regulations adopted pursuant to § 31-49-2 shall include requirements that ignition interlock
19 systems:

20 (1) Do not impede the safe operation of the vehicle;

21 (2) Minimize opportunities to be bypassed;

22 (3) Correlate accurately with established measures of blood alcohol levels;

23 (4) Work accurately and reliably in an unsupervised environment;

24 (5) Require a proper and accurate measure of blood alcohol levels;

25 (6) Resist tampering and provide evidence of attempted tampering;

26 (7) Are difficult to circumvent, and require premeditation to circumvent;

27 (8) Minimize inconvenience to a sober user;

28 (9) Are manufactured by a party responsible for installation, user training, service, and
29 maintenance;

30 (10) Operate reliably over the range of motor vehicle environments or motor vehicle
31 manufacturing standards;

32 (11) Are manufactured by a person who is adequately insured for products liability; and

33 (12) Provide the option for an electronic log of the driver's experience with the system.

34 (b) ~~Prior to the reinstatement of an unrestricted license, the~~ [The](#) division of motor

1 vehicles shall review the person's ~~driving record and~~ compliance with the ignition interlock order
2 to ensure that the person has fulfilled the specific requirements as set forth by the sentencing
3 judge or magistrate. Upon verification that said conditions have been satisfied, a motorist's
4 license shall be reinstated. ~~demonstrated behavior that warrants the reinstatement of his or her~~
5 ~~license.~~

6 SECTION 3. This act shall take effect upon passage and shall be retroactive to January 1,
7 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 require a judge or magistrate to grant a hardship license immediately upon
2 the finding or admission of guilt to driving under the influence or refusal to submit to a chemical
3 test, subject to a finding of need.

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

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