

2016 -- H 7679

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LC004842
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- SUSPENSION OR REVOCATION OF
LICENSES -- VIOLATIONS

Introduced By: Representatives DeSimone, Regunberg, Lima, and Almeida

Date Introduced: February 24, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-11-18 of the General Laws in Chapter 31-11 entitled
2 "Suspension or Revocation of Licenses - Violations" is hereby amended to read as follows:

3 **31-11-18. Driving after denial, suspension, or revocation of license. --** (a) Any person
4 who drives a motor vehicle on any highway of this state who never applied for a license, or who
5 drives after his or her application for a license has been refused, or after his or her license has
6 expired or who otherwise drives without a license, or at a time when his or her license to operate
7 is suspended, revoked, or cancelled, for reasons other than those provided for in § 31-11-18.1,
8 shall be guilty of a ~~misdemeanor~~ a civil violation and punished according to this section.

9 (b) The division of motor vehicles, upon receiving a record of the conviction of any
10 person upon a charge of driving a motor vehicle while the license of the person was suspended,
11 ~~shall~~ may suspend the person's license for an additional three (3) months. Upon receiving a record
12 of second violation, the division of motor vehicles ~~shall~~ may suspend the license for an additional
13 six (6) months. Any subsequent conviction ~~shall~~ may result in license revocation. Upon receiving
14 a record of conviction of any person upon a charge of driving after his or her application for a
15 license has been refused, or upon a charge of driving by one who never applied for a license or
16 who otherwise drives without a license, or after his or her license has expired or has been revoked
17 or canceled, the division of motor vehicles shall not issue a new license for an additional period
18 of one year from and after the date the person would otherwise have been entitled to apply for a

1 new license.

2 (c) Upon a first conviction under this section, a fine of not less than two hundred fifty
3 dollars (\$250) nor more than five hundred dollars (\$500) shall be imposed, ~~and imprisonment for~~
4 ~~a term not to exceed thirty (30) days may be imposed~~. For the second and any subsequent
5 conviction, a fine of not less than three hundred fifty dollars (\$350) nor more than one thousand
6 dollars (\$1,000) may be imposed ~~and an imprisonment for up to one year may be imposed~~. The
7 imposition of fines may be in addition to the suspension of license that may be imposed by the
8 court.

9 (d) Notwithstanding the provisions of subsection (a) of this section, any person driving
10 after his or her license has expired shall be issued a summons to appear in ~~district court~~ [the Rhode](#)
11 [Island traffic tribunal](#) not fewer than ten (10) days after the issuance of the summons, and shall
12 not be taken into custody based solely on this charge. Any person who shall cause his or her
13 expired license to be reinstated by the division of motor vehicles within ten (10) days after
14 issuance of the summons may present proof of reinstatement at the headquarters of the charging
15 police department. Presentation of proof of reinstatement within ten (10) days after the issuance
16 of the summons shall cause the summons to be voided and shall otherwise constitute a complete
17 defense to the charge of driving after expiration of license and a bar to prosecution for that
18 charge. Any summons or records relating to the summons shall be expunged pursuant to the
19 provisions of chapter 1.3 of title 12. For the purposes of this subsection, each of the several state
20 police barracks shall be considered as a separate police headquarters.

21 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 make driving on a suspended or expired license, or without a license a
2 civil infraction and would transfer jurisdiction to the RI Traffic Tribunal. It would also make any
3 license suspension as a penalty discretionary and not mandatory.

4 This act would take effect upon passage.

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