

2018 -- H 7956 SUBSTITUTE A

LC005209/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - ADJUDICATION OF TRAFFIC OFFENSES

Introduced By: Representatives Craven, Diaz, Kennedy, Williams, and McEntee

Date Introduced: March 15, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-41.1-4 of the General Laws in Chapter 31-41.1 entitled
2 "Adjudication of Traffic Offenses" is hereby amended to read as follows:

3 **31-41.1-4. Schedule of violations.**

4 (a) The penalties for violations of the enumerated sections, listed in numerical order,
5 correspond to the fines described. However, those offenses for which punishments may vary
6 according to the severity of the offense, or punishment that require the violator to perform a
7 service, shall be heard and decided by the traffic tribunal or municipal court. The following
8 violations may be handled administratively through the method prescribed in this chapter. This
9 list is not exclusive and jurisdiction may be conferred on the traffic tribunal with regard to other
10 violations.

11 **VIOLATIONS SCHEDULE**

12	Sections of		Total
13	General Laws		Fine
14	8-8.2-2	DOT, DEM, or other agency and department violations	\$85.00
15	24-10-17	Soliciting rides in motor vehicles	85.00
16	24-10-18	Backing up prohibited	85.00
17	24-10-20	Park and ride lots	85.00
18	24-12-37	Nonpayment of toll	100.00

1	31-3-12	Visibility of plates	85.00
2	31-3-18	Display of plates	85.00
3	31-3-32	Driving with expired registration	85.00
4	31-3-34	Failure to notify division of change of address	85.00
5	31-3-35	Notice of change of name	85.00
6	31-3-40	Temporary plates – dealer issued	85.00
7	31-4-3	Temporary registration – twenty (20) day bill of sale	85.00
8	31-10-10	Rules as to armed forces license	85.00
9	31-10-30	Driving on expired license	85.00
10	31-10-32	Notice of change of address	85.00
11	31-10.1-4	No motorcycle helmet (operator)	85.00
12	31-10.1-5	Motorcycle handlebar violation	85.00
13	31-10.1-6	No motorcycle helmet (passenger)	85.00
14	31-10.1-7	Inspection of motorcycle required	85.00
15	31-12-12	Local motor vehicle ordinance	85.00
16	31-13-04	Obedience to devices	85.00
17	31-13-6(3)(i)	Eluding traffic light	85.00
18	31-13-09	Flashing signals	85.00
19	31-13-11	Injury to signs or devices	85.00
20	31-14-1	Reasonable and prudent speed	95.00
21	31-14-03	Condition requiring reduced speed	95.00
22	31-14-09	Below minimum speed	95.00
23	31-14-12	Speed limit on bridges and structures	95.00
24	31-15-1	Leaving lane of travel	85.00
25	31-15-2	Slow traffic to right	85.00
26	31-15-3	Operator left of center	85.00
27	31-15-4	Overtaking on left	85.00
28	31-15-5(a)	Overtaking on right	85.00
29	31-15-6	Clearance for overtaking	85.00
30	31-15-7	Places where overtaking prohibited	85.00
31	31-15-8	No passing zone	85.00
32	31-15-9	One way highways	85.00
33	31-15-10	Rotary traffic islands	85.00
34	31-15-11	Laned roadway violation	85.00

1	31-15-12	Following too closely	85.00
2	31-15-12.1	Entering intersection	100.00
3	31-15-13	Crossing center section of divided highway	85.00
4	31-15-14	Entering or leaving limited access roadways	85.00
5	31-15-16	Use of emergency break-down lane for travel	85.00
6	31-15-17	Crossing bicycle lane	85.00
7	31-15-18	Unsafe passing of person operating a bicycle	85.00
8	31-16-1	Care in starting from stop	85.00
9	31-16-2	Manner of turning at intersection	85.00
10	31-16-4	U turn where prohibited	85.00
11	31-16-5	Turn signal required	85.00
12	31-16-6	Time of signaling turn	85.00
13	31-16-7	Failure to give stop signal	85.00
14	31-16-8	Method of giving signals	85.00
15	31-16.1-3	Diesel vehicle idling rules first offense not to exceed	100.00
16		second and subsequent offense not to exceed	500.00
17	31-17-1	Failure to yield right of way	85.00
18	31-17-2	Vehicle turning left	85.00
19	31-17-3	Yield right of way (intersection)	85.00
20	31-17-4	Obedience to stop signs	85.00
21	31-17-5	Entering from private road or driveway	85.00
22	31-17-8	Vehicle within right of way, rotary	85.00
23	31-17-9	Yielding to bicycles on bicycle lane	85.00
24	31-18-3	Right of way in crosswalks first violation	85.00
25		second violation or any subsequent violation	\$100.00
26	31-18-5	Crossing other than at crosswalks	85.00
27	31-18-8	Due care by drivers	85.00
28	31-18-12	Hitchhiking	85.00
29	31-18-18	Right of way on sidewalks	85.00
30	31-19-3	Traffic laws applied to bicycles	85.00
31	31-19-20	Sale of new bicycles	85.00
32	31-19-21	Sale of used bicycles	85.00
33	31-19.1-2	Operating motorized bicycle on an interstate highway	85.00
34	31-19.2-2	Operating motorized tricycle on an interstate highway	85.00

1	31-20-1	Failure to stop at railroad crossing	85.00
2	31-20-2	Driving through railroad gate	85.00
3	31-20-9	Obedience to stop sign	85.00
4	31-21-4	Places where parking or stopping prohibited	85.00
5	31-21-14	Opening of vehicle doors	85.00
6	31-21-18	Electric vehicle charging station restriction	85.00
7	31-22-2	Improper backing up	85.00
8	31-22-4	Overloading vehicle	85.00
9	31-22-5	Violation of safety zone	85.00
10	31-22-6	Coasting	85.00
11	31-22-7	Following fire apparatus	85.00
12	31-22-8	Crossing fire hose	85.00
13	31-22-9	Throwing debris on highway – snow removal	85.00
14	31-22-11.5	Improper use of school bus– not to exceed five hundred dollars	
15		for each day of improper use	(\$500)
16	31-22-22(a)	No child restraint	85.00
17	31-22-22(a)	Child restraint/seat belt but not in any rear seating position	85.00
18	31-22-22(b), (f)	No seat belt – passenger	40.00
19	31-22-22(g)	No seat belt – operator	40.00
20	31-22-23	Tow trucks – proper identification	275.00
21	31-22-24	Operation of interior lights	85.00
22	31-23-1(b)(2)	U.S. department of transportation motor carrier safety rules	
23		and regulations	Not less than \$85.00
24			or more than \$500.00
25	31-23-1(e)(6)	Removal of an "out of service vehicle" sticker	125.00
26	31-23-1(e)(7)	Operation of an "out of service vehicle"	100.00
27	31-23-2(b)	Installation or adjustment of unsafe or prohibited parts,	
28		equipment, or accessories:	
29		(first offense)	250.00
30		(second offense)	500.00
31		(third and subsequent offenses)	1,000.00
32	31-23-4	Brake equipment required	85.00
33	31-23-8	Horn required	85.00
34	31-23-10	Sirens prohibited	85.00

1	31-23-13	Muffler required	85.00
2	31-23-13.1	Altering height or operating a motor vehicle with an	
3		altered height	85.00
4	31-23-14	Prevention of excessive fumes or smoke	85.00
5	31-23-16	Windshield and window stickers (visibility)	85.00
6	31-23-17	Windshield wipers	85.00
7	31-23-19	Metal tires prohibited	85.00
8	31-23-20	Protuberances on tires	85.00
9	31-23-26	Fenders and wheel flaps required	85.00
10	31-23-27	Rear wheel flaps on buses, trucks and trailer	85.00
11	31-23-29	Flares or red flag required over four thousand pounds	
12		(4,000 lbs.)	85.00
13	31-23-40	Approved types of seat belt requirements	85.00
14	31-23-42.1	Special mirror – school bus	85.00
15	31-23-43	Chocks required (1 pair) – over four thousand pounds	
16		(4,000 lbs.)	85.00
17	31-23-45	Tire treads – defective tires	85.00
18	31-23-47	Slow moving emblem required	85.00
19	31-23-49	Transportation of gasoline – passenger vehicle	85.00
20	31-23-51	Operating bike or motor vehicle wearing ear phones	
21		(first offense)	85.00
22		second offense	95.00
23		for the third and each subsequent offense	140.00
24	31-24-1 through 31-24-54	Times when lights required	85.00
25	31-25-03	Maximum width of one hundred and two inches (102")	
26		exceeded	85.00
27	31-25-04	Maximum height of one hundred sixty-two inches (162")	
28		exceeded	85.00
29	31-25-06	Maximum number and length of coupled vehicles	500.00
30	31-25-07	Load extending three feet (3') front, six feet (6') rear	
31		exceeded	85.00
32	31-25-9	Leaking load	85.00
33	31-25-11	Connections between coupled vehicles	85.00
34	31-25-12	Towing chain, twelve inch (12") square flag required	85.00

1	31-25-12.1	Tow truck – use of lanes	
2		(first offense)	85.00
3		second offense	95.00
4		for the third and each subsequent offense	100.00
5	31-25-14(d)(1)	Maximum weight and tandem axles	125.00
6	31-25-14(d)(2)	Maximum weight and tandem axles	125.00
7	31-25-14(d)(3)	Maximum weight and tandem axles	125.00
8	31-25-16(c)(2)	Maximum weight shown in registration per thousand lbs.	
9		overweight or portion thereof	85.00
10	31-25-16(c)(3)	Maximum weight shown in registration per thousand lbs.	
11		overweight or portion thereof.	125.00
12	31-25-16(c)(4)	Maximum weight shown in registration	1,025.00
13		plus per thousand pounds overweight or portion thereof	\$125.00
14	31-25-17	Identification of trucks and truck-tractors	
15		(first offense)	85.00
16		(second offense)	95.00
17		for the third and subsequent offenses	125.00
18	31-25-24	Carrying and inspection of excess load limit	175.00
19	31-25-27(c)	Maximum axle	
20		(first offense)	3,000.00
21		not to exceed	5,000.00
22		for each and every subsequent offense	
23	31-25-30	Maximum axle Pawtucket River Bridge and Sakonnet River	
24		Bridge	
25		(first offense)	3,000.00
26		not to exceed	5,000.00
27		for each and every subsequent offense	
28	31-27-2.3	Refusal to take preliminary breath test	85.00
29	31-28-7(d)	Wrongful use of handicapped parking placard	500.00
30	31-28-7(f)	Handicapped parking space violation:	
31		First offense	100.00
32		Second offense	175.00
33		Third offense and subsequent offenses	325.00
34	31-28-7.1(e)	Wrongful use of institutional handicapped parking	

1		placard	125.00
2	31-33-2	Failure to file accident report	85.00
3	31-36.1-17	No fuel tax stamp (out-of-state)	85.00
4		and not exceeding for subsequent offense	(\$100)
5	31-38-3	No inspection sticker	85.00
6	31-38-4	Violation of inspection laws	85.00
7	31-41.3-15	Automated school-zone-speed-enforcement system	
8		(First offense)	50.00
9		(Second offense)	50.00
10		(Third and subsequent offenses)	95.00
11	31-47.2-06	Heavy-duty vehicle emission inspections:	
12		First offense	125.00
13		Second offense	525.00
14		Third and subsequent offenses	1,025.00
15	37-15-7	Littering	not less than 55.00
16		not more than five hundred dollars (\$500)	
17	39-12-26	Public carriers violation	300.00
18		SPEEDING Fine	
19			Fine
20	(A)	One to ten miles per hour (1-10 mph) in excess of posted speed limit	\$ 95.00
21	(B)	Eleven miles per hour (11 mph) in excess of posted speed limit with a fine	
22		of ten dollars (\$10.00) per mile in excess of speed limit shall be assessed.	205.00
23			minimum

24 (b) In addition to any other penalties provided by law, a judge may impose the following
25 penalties for speeding:

26 (1) For speeds up to and including ten miles per hour (10 mph) over the posted speed
27 limit on public highways, a fine as provided for in subsection (a) of this section for the first
28 offense; ten dollars (\$10.00) per mile for each mile in excess of the speed limit for the second
29 offense if within twelve (12) months of the first offense; and fifteen dollars (\$15.00) per mile for
30 each mile in excess of the speed limit for the third and any subsequent offense if within twelve
31 (12) months of the first offense. In addition, the license may be suspended up to thirty (30) days.

32 (2) For speeds in excess of ten miles per hour (10 mph) over the posted speed limit on
33 public highways, a mandatory fine of ten dollars (\$10.00) for each mile over the speed limit for
34 the first offense; fifteen dollars (\$15.00) per mile for each mile in excess of the speed limit for the

1 second offense if within twelve (12) months of the first offense; and twenty dollars (\$20.00) per
2 mile for each mile in excess of the speed limit for the third and subsequent offense if within
3 twelve (12) months of the first offense. In addition, the license may be suspended up to sixty (60)
4 days.

5 (c) Except for a technology surcharge assessed in accordance with § 8-15-11, any person
6 charged with a violation who pays the fine administratively pursuant to chapter 41.1 of title 31
7 shall not be subject to any additional costs or assessments, including, but not limited to, the
8 hearing fee established in § 8-18-4.

9 SECTION 2. Section 31-41.3-4 of the General Laws in Chapter 31-41.3 entitled
10 "Automated School-Zone-Speed-Enforcement System Act of 2016" is hereby amended to read as
11 follows:

12 **31-41.3-4. Automated school-zone-speed-enforcement system operational**
13 **requirements and certification.**

14 No automated school-zone-speed-enforcement system shall be used in the state of Rhode
15 Island unless the system has been approved and certified for use in the state by the director of the
16 department of transportation. The director of the department of transportation, in cooperation with
17 the state police, shall require that any automated school-zone-speed-enforcement system
18 approved and certified for use in the state of Rhode Island meets the following requirements:

19 (1) All automated school-zone-speed-enforcement systems operated under this chapter
20 shall record the speed of vehicles within plus or minus one mile per hour of the actual speed.

21 (2) All automated school-zone-speed-enforcement systems operated under this chapter
22 shall record at least two (2) photographic images of the vehicle exceeding the speed limit, one of
23 which shall include the license plate attached to the rear of the vehicle.

24 (3) All automated school-zone-speed-enforcement systems operated under this chapter
25 shall, at the time of violation, imprint upon the photographic images of vehicles exceeding the
26 speed limit:

27 (i) The date and time of the violation; and

28 (ii) The identity of the street, or school zone being monitored, and location upon that
29 street, or within that school zone, including the direction of travel and lane of travel; this
30 requirement may be met with code designations; and

31 (iii) The posted or lawfully designated speed limit for the street or school zone being
32 monitored; and

33 (iv) The monitored speed of the vehicle identified in the photographic images as
34 exceeding the posted or lawfully designated school zone speed limit; and

1 (v) The consecutive event number of each photograph taken.

2 (4) At least one hundred feet (100') prior to entering an automated school-zone area
3 where a speed-enforcement system is being operated, and on each approach to that area, four (4)
4 signs each measuring three feet (3') in height by four feet (4') in width shall be erected in
5 locations where the view is unobstructed warning motorists that they will be entering an area
6 monitored by an automated speed-zone-enforcement system and that violators of speed
7 limitations may be prosecuted. The automated school-zone-speed-enforcement system shall be
8 operational only from seven o'clock a.m. (7:00 a.m.) to four o'clock p.m. (4:00 p.m.) on school
9 days of the promulgated one hundred eighty (180) day school calendar year adopted in the
10 applicable community.

11 (5) It shall be the vendor's responsibility to furnish an annual report with all pertinent data
12 to the speaker of the house and the senate president.

13 SECTION 3. Chapter 31-41.3 of the General Laws entitled "Automated School-Zone-
14 Speed-Enforcement System Act of 2016" is hereby amended by adding thereto the following
15 section:

16 **31-41.3-15. Penalties.**

17 (a) Every person found to have violated the provisions of this chapter shall receive the
18 following penalties:

19 (1) For a first or second offense a fine of fifty dollars (\$50.00).

20 (2) For a third or subsequent offense a fine of ninety-five dollars (\$95.00).

21 (b) A violation of this chapter shall not be considered a driving violation for purposes of
22 the motorist's driving record.

23 (c) Every three (3) years from the date of a motorist's first offense under this chapter, the
24 court shall expunge all previous offenses during that three (3) year period.

25 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO MOTOR AND OTHER VEHICLES - ADJUDICATION OF TRAFFIC
OFFENSES

1 This act would provide for a specific signage size of three feet (3') by four feet (4') at
2 automated school-zone-speed-enforcement system locations, would provide for graduated
3 monetary fines for violations, would provide that a person's court records for violations be
4 expunged every three (3) years from the date of a motorist's first offense, and would provide that
5 violations under this act not be reflected on a person's driving record.

6 This act would take effect upon passage.

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