

2018 -- S 2463

LC004329

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES-MOTOR VEHICLES REPARATIONS  
ACT

Introduced By: Senators Nesselbush, Lombardo, Ciccone, Jabour, and Pearson

Date Introduced: February 15, 2018

Referred To: Senate Judiciary

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.**

4 (a) Any owner of a motor vehicle which is required to be registered in this state who shall  
5 ~~knowingly~~ operate the motor vehicle or ~~knowingly~~ permit it to be operated in this state without  
6 having in full force and effect the financial security required by the provisions of this chapter, and  
7 any other person who shall operate in this state any motor vehicle which is required to be  
8 registered in this state ~~with the knowledge that the owner of it~~ who knew or should have known  
9 that the motor vehicle does not have in full force and effect financial security, except a person  
10 who, at the time of operation of the motor vehicle, had in effect an operator's policy of liability  
11 insurance, as defined in this chapter, with respect to his or her operation of the vehicle, may be  
12 subject to a ~~mandatory~~ suspension of license and registration. Every owner or other person, while  
13 operating a motor vehicle which is required to be registered in this state, shall have in their  
14 possession evidence of financial security as required by the provisions of this chapter and shall  
15 display such evidence upon demand by any peace officer or inspector of the division of motor  
16 vehicles. Violation of this section may result in penalties as follows:

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

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

3 (3) For a third and subsequent offense, a suspension of six (6) months up to one year.  
4 Additionally, any person violating this section a third or subsequent time shall be punished as a  
5 civil violation and may be fined one thousand dollars (\$1,000).

6 (b) An order of suspension and impoundment of a license or registration, or both, shall  
7 state that date on or before which the person is required to surrender the person's license or  
8 certificate of registration and registration plates. The person is deemed to have surrendered the  
9 license or certificate of registration and registration plates, in compliance with the order, if the  
10 person does either of the following:

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

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

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

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

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

29 SECTION 2. Section 31-3-1 of the General Laws in Chapter 31-3 entitled "Registration  
30 of Vehicles" is hereby amended to read as follows:

31 **31-3-1. Operation of unregistered vehicle.**

32 It is a civil violation for any person to operate, or for an owner ~~knowingly~~ to permit to be  
33 operated, upon any highway any vehicle ~~of a type~~ required to be registered ~~under this chapter in~~  
34 this state which is not registered and for which the appropriate fee has not been paid ~~or not~~

1 ~~registered as required in any other state.~~ Any violation of this section shall be punished by a fine  
2 of not more than five hundred dollars (\$500).

3 SECTION 3. Section 31-8-1 of the General Laws in Chapter 31-8 entitled "Offenses  
4 Against Registration and Certificate of Title Laws" is hereby amended to read as follows:

5 **31-8-1. Operation of vehicles without evidences of registration.**

6 No person shall operate, nor shall an owner ~~knowingly~~ permit to be operated, upon any  
7 highway or bicycle trail or path, any vehicle required to be registered pursuant to this title unless  
8 there has been issued for it a valid registration card and unless there is attached to it and displayed  
9 on it, when and as required by chapters 3 -- 9 of this title, a valid registration plate or plates issued  
10 for it by the division of motor vehicles for the current registration year except as otherwise  
11 expressly permitted in those chapters. Any violation of this section shall be punishable by a fine  
12 of ~~eighty five dollars (\$85.00)~~ not more than five hundred dollars (\$500).

13 SECTION 4. 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 penalize a motorist for two (2) separate violations if they are driving an  
2 unregistered motor vehicle and without insurance or proof of insurance. It would remove the  
3 requirement that the operator knew that the vehicle was uninsured by making it a strict liability  
4 offense. This act would also abolish the knowledge element for operating an unregistered vehicle.

5           This act would take effect upon passage.

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