

2019 -- H 5079

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES

Introduced By: Representatives Lombardi, and Hull

Date Introduced: January 10, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 31-38-3 and 31-38-4 of the General Laws in Chapter 31-38  
2 entitled "Inspection of Motor Vehicles" are hereby amended to read as follows:

3 **31-38-3. Owners and drivers to comply with inspection laws.**

4 (a) No seller at retail or person driving a vehicle shall refuse to submit the vehicle to an  
5 inspection and test as required by § 31-38-2.

6 (b) Every seller at retail, or owner, ~~or driver~~, upon receiving a notice as provided in § 31-  
7 38-2, shall comply with it and shall within five (5) days forward the approved notice to the  
8 department of revenue. In the event of noncompliance with this subsection, the vehicle shall not  
9 be operated on any highways of this state.

10 (c) Any vehicle which is found to be in such unsafe condition as to the brakes, steering,  
11 or other equipment as to be hazardous to permit it to be sold or driven from the place of  
12 inspection, then the vehicle shall not be permitted to be operated under its own power. The  
13 registration shall be immediately suspended by the department of revenue and the plates and  
14 certificates immediately returned to the department of revenue.

15 (d) In the event repair or adjustment of any vehicle or its equipment is found necessary  
16 upon inspection, the seller at retail or owner of the vehicle may obtain the repair or adjustment at  
17 any place he or she may choose, but in every event an approval shall be obtained, otherwise the  
18 vehicle shall not be operated upon the highways of this state.

19 (e) Violations of this section are subject to fines enumerated in § 31-41.1-4. In no event

1 shall the operator of a vehicle that is not inspected as required by subsection (a) of this section, be  
2 subject to any fine pursuant to § 31-41.1-4 or any other penalty for the failure of the owner to  
3 have the vehicle inspected, provided that the operator is not the registered or title owner of said  
4 vehicle. Any citations issued for a violation of this chapter shall be issued to the seller at retail or  
5 the registered and/or titled owner.

6 **31-38-4. Director of department of revenue to require periodic inspection.**

7 (a)(1) The director of revenue shall at least once each year, but not more frequently than  
8 twice each year, or on the schedule defined pursuant to chapter 47.1 of this title require that every  
9 vehicle, trailer, semitrailer, and pole trailer registered in this state or upon a retail seller's premise,  
10 be inspected and that an official certificate of inspection and approval be obtained for the vehicle,  
11 provided, that the director of revenue shall require the first inspection of any new motor vehicle  
12 within two (2) years from the date of purchase or before the vehicle accumulates twenty-four  
13 thousand (24,000) miles whichever occurs first.

14 (2) The inspections shall be made and the certificates obtained with respect to the  
15 mechanism, brakes, and equipment of the vehicle as shall be designated by the director of  
16 department of revenue.

17 (3) The director of the department of revenue is authorized to make necessary rules and  
18 regulations for the administration and enforcement of this chapter including, but not limited to,  
19 upgraded standards of operation and standards for mechanical testing equipment, and to designate  
20 any period or periods of time during which sellers at retail and owners of any vehicles, subject to  
21 this chapter, shall display upon the vehicles certificates of inspection and approval, or shall  
22 produce these certificates upon demand of any proper officer or employee of the department of  
23 revenue designated by the director of the department of revenue. In addition, the director shall  
24 require each inspection facility to file a copy of their active garage keeper's legal liability  
25 insurance policy and maintain a minimum of twenty-five thousand dollars (\$25,000) liability  
26 coverage. Said coverage shall be purchased for the purpose of insuring against any damage  
27 sustained to a vehicle while under the control of the inspection facility.

28 (b) The director of the department of revenue may authorize the acceptance in this state  
29 of a certificate of inspection and approval issued in another state having an inspection law similar  
30 to this chapter, and may extend the time within which a certificate shall be obtained.

31 (c) The director of the department of revenue, or the director's designee, may suspend the  
32 registration of any vehicle which he or she determines is in such unsafe condition as to constitute  
33 a menace to safety, or which, after notice and demand, is not equipped as required in this chapter  
34 or for which a required certificate of inspection and approval has not been obtained.

1 (d) The director of the department of revenue shall provide for a staggered inspection  
2 system by regulations.

3 (e) Violations by any seller at retail or any owner of a motor vehicle, of this section are  
4 subject to fines enumerated in § 31-41.1-4. In no event shall the operator of a vehicle that is not  
5 inspected as required by subsection (a)(3) of this section, be subject to any fine pursuant to § 31-  
6 41.1-4 or any other penalty for the failure of the owner to have the vehicle inspected, provided  
7 that the operator is not the registered or title owner of said vehicle. Any citations issued for a  
8 violation of this chapter shall be issued to the registered and/or titled owner.

9 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 the owner of any vehicle not inspected as required by §§ 31-38-3 or  
2 31-38-4 responsible for any fines or penalties imposed as a result of non-inspection and would  
3 prohibit any law enforcement officer from citing the operator of said vehicle.

4           This act would take effect upon passage.

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