

2019 -- S 0164

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LC000572
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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-MOTOR VEHICLES REPARATIONS
ACT

Introduced By: Senators Nesselbush, Lombardi, Sheehan, Conley, and Ciccone

Date Introduced: January 24, 2019

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 owner-operator knew that the vehicle was uninsured by making it a strict
4 liability offense. This act would also abolish the knowledge element for operating an unregistered
5 vehicle.

6 This act would take effect upon passage.

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