

2019 -- S 0832

LC002169

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--COURTS -- TRAFFIC TRIBUNAL

Introduced By: Senator Erin Lynch Prata

Date Introduced: April 30, 2019

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 8-8.2-2 of the General Laws in Chapter 8-8.2 entitled "Traffic
2 tribunal" is hereby amended to read as follows:

3 **8-8.2-2. Jurisdiction.**

4 (a) Notwithstanding any inconsistent provision of law, all probationary license hearings
5 as provided in § 31-10-26, all violations of the department of transportation, department of
6 environmental management or board of governors for higher education regulations regarding
7 parking, standing, or stopping in areas under the jurisdiction of said agencies, all violations of
8 state statutes relating to motor vehicles, littering and traffic offenses, except those traffic offenses
9 committed in places within the exclusive jurisdiction of the United States, and except driving so
10 as to endanger resulting in death, driving so as to endanger resulting in personal injury, driving
11 while under the influence of liquor or drugs, driving while under the influence of liquor or drugs
12 resulting in death, driving while under the influence of liquor or drugs resulting in serious bodily
13 injury, reckless driving and other offenses against public safety as provided in § 31-27-4, eluding
14 a law enforcement officer with a motor vehicle in a high speed pursuit, driving after denial,
15 suspension or revocation of license, and leaving the scene of an accident in violation of § 31-26-1
16 and § 31-26-2, and driving without the consent of the owner and possession of a stolen motor
17 vehicle in violation of § 31-9-1 and § 31-9-2, shall be heard and determined by the traffic tribunal
18 pursuant to the regulations promulgated by the chief magistrate of the traffic tribunal; provided,
19 however, the traffic tribunal shall not hear any parking, standing or stopping violations which

1 occur in any city or town which has established its own municipal court and has jurisdiction over
2 such violations. Nothing contained herein shall abrogate the powers of the Rhode Island family
3 court under the provisions of chapter 1 of title 14.

4 (b) Notwithstanding any inconsistent provision of law, the traffic tribunal shall have
5 concurrent jurisdiction to hear and determine, pursuant to rules and regulations promulgated by
6 the chief magistrate of the traffic tribunal, all violations of any ordinances, rules and regulations
7 governing the public waters and the speed, management and control of all vessels and the size,
8 type and location and use of all anchorages and moorings within the jurisdiction of the towns of
9 North Kingstown, South Kingstown, Portsmouth, Middletown, Narragansett and Tiverton
10 enforced and supervised by the harbormaster and referred to the traffic tribunal, and the terms
11 "traffic violations" and "traffic infraction" when used in this chapter shall include the aforesaid
12 violations and such violations shall be adjudicated in accordance with the provisions of this
13 chapter. Nothing contained herein shall abrogate the powers of the Rhode Island coastal
14 management council under the provisions of chapter 23 of title 46.

15 (c) Notwithstanding any inconsistent provision of law, the traffic tribunal shall have
16 jurisdiction to hear and determine, pursuant to rules and regulations promulgated by the chief
17 magistrate of the Rhode Island traffic tribunal, all civil violations for §§ 20-1-12, 20-11-20, [20-](#)
18 [13-16](#), 20-16-17, 23-22.5-9, 32-2-4, subparagraphs 21-28-4.01(c)(2)(iii) and 21-28-4.01(c)(2)(iv)
19 and subsection 46-22-19(1) as set forth in § 42-17.10-1.

20 (d) A party aggrieved by a final order of the traffic tribunal appeals panel shall be entitled
21 to a review of the order by a judge of the district court. Unless otherwise provided in the rules of
22 procedure of the district court, such review shall be on the record and appellate in nature. The
23 district court shall by rules of procedure establish procedures for review of an order entered by
24 the appeals panel of the traffic tribunal.

25 (e) Violations of any statute, rule, ordinance or regulation referenced in this section are
26 subject to fines enumerated in § 31-41.1-4, except for violations of subparagraphs 21-28-
27 4.01(c)(2)(iii) and 21-28-4.01(c)(2)(iv).

28 SECTION 2. Section 20-13-16 of the General Laws in Chapter 20-13 entitled "Hunting
29 and Hunting Safety" is hereby amended to read as follows:

30 **20-13-16. Harassment of hunters, trappers, and fishers prohibited.**

31 (a) No person shall obstruct or interfere with the lawful taking of wildlife by another
32 person at the location where the activity is taking place with intent to prevent the lawful taking.

33 (b) A person violates this section when he or she intentionally or knowingly:

34 (1) Drives or disturbs wildlife for the purpose of disrupting the lawful taking of wildlife

- 1 where another person is engaged in the process of lawfully taking wildlife;
- 2 (2) Blocks, impedes, or otherwise harasses another person who is engaged in the process
- 3 of lawfully taking wildlife;
- 4 (3) Uses natural or artificial visual, aural, olfactory, or physical stimuli to affect wildlife
- 5 behavior in order to hinder or prevent the lawful taking of wildlife;
- 6 (4) Erects barriers with the intent to deny ingress or egress to areas where the lawful
- 7 taking of wildlife may occur;
- 8 (5) Interjects himself or herself into the line of fire;
- 9 (6) Affects the condition or placement of personal or public property intended for use in
- 10 the lawful taking of wildlife in order to impair its usefulness or prevent its use; or
- 11 (7) Enters or remains upon private lands without the permission of the owner, or the
- 12 owner's agent, with intent to violate this section.

13 (c) A violation of this section is a civil violation for which a ~~forfeiture~~ fine of not less

14 than one hundred dollars (\$100) nor more than five hundred dollars (\$500) may be adjudged.

15 (d) The traffic tribunal shall have jurisdiction to hear and determine all violations

16 specified in this section.

17 SECTION 3. Section 42-17.10-1 of the General Laws in Chapter 42-17.10 entitled

18 "Enforcement of Certain Natural Resource Violations" is hereby amended to read as follows:

19 **42-17.10-1. Civil Violations -- Jurisdiction -- Penalties.**

20 In order to handle minor environmental offenses in a fair and expeditious manner, the

21 following environmental offenses are declared to be civil violations and shall be within the

22 jurisdiction of the Rhode Island traffic tribunal. Penalties assessed for violations shall correspond

23 to the fines described.

24	20-1-12	Fixing of seasons and bag limits	\$100.00
25	20-11-20	Fresh water fishing – Penalties	\$100.00
26	<u>20-13-16</u>	<u>Harassment of hunters, trappers, and fishers</u>	<u>\$100.00, not to</u>
27			<u>exceed \$500.00</u>
28	20-16-17	Prohibition against hunting/killing otter	\$100.00
29	23-22.5-9	Swimming in breachways prohibited	not to exceed
30			fifty dollars \$50.00
31	32-2-4	Parks and recreational areas – Rules and Regulations	
32		Enforcement – Power of director	not to exceed one hundred
33			dollars \$100.00
34	46-22-19(1)	Regulation of boats – Penalties	not to exceed one hundred

1

dollars \$100.00

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SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO COURTS AND CIVIL PROCEDURE--COURTS -- TRAFFIC TRIBUNAL

1 This act would vest jurisdiction over the adjudication of violations relating to obstructing
2 and interfering with the lawful taking of wildlife with the Rhode Island traffic tribunal, and would
3 set forth the relevant penalties related thereto.

4 This act would take effect upon passage.

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