

2021 -- H 5377

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES

Introduced By: Representatives Alzate, Felix, Batista, Williams, Biah, Morales, and Giraldo

Date Introduced: February 05, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 31-27 of the General Laws entitled "Motor Vehicle Offenses" is
2 hereby amended by adding thereto the following section:

3 **31-27-24.1. Probationary licenses.**

4 (a) Notwithstanding any other provisions of this chapter, any person who has had their
5 motor vehicle operator's license suspended or revoked for violations of this chapter, or has been
6 declared a habitual offender of the motor vehicle laws, shall be entitled to apply to the district court
7 for a probationary license entitling them to drive for the enumerated purposes outlined in this
8 section.

9 (b) No person who has been convicted of offenses in §§ 31-27-1 through 31-27-2.7 shall
10 be eligible for probationary licenses authorized under this section. This prohibition shall not affect
11 the provisions afforded these offenders under § 31-27-2.8.

12 (c) Any person who applies for a probationary license under this section shall provide proof
13 that they have completed a defensive driving course as mandated by and made a condition of any
14 penalties imposed; have completed any alcohol or substance abuse classes as ordered, if any, by
15 the sentencing judge; have submitted a sworn affidavit that they do not excessively use alcohol or
16 illegally use controlled substances; and have provided proof of liability insurance for any motor
17 vehicle owned, used or intended to be used during the term of the probationary license.

18 (d) The district court (the "court") may issue a probationary license to those persons who
19 have had their operator's license suspended or revoked only upon a finding that the suspension or

1 revocation would cause an extreme hardship to the applicant. For purposes of this section, extreme
2 hardship means that the person would be prohibited from:

3 (1) Going to their place of employment, usual place of occupation or performing the normal
4 duties of their occupation;

5 (2) Receiving scheduled medical care or obtaining prescription drugs;

6 (3) Attending college, graduate school or any other school at which they are regularly
7 enrolled as a student;

8 (4) Attending regularly scheduled sessions or meetings of support groups, counseling
9 sessions, therapy sessions or other meetings with organizations that the court recognizes as
10 legitimate groups; or

11 (5) Attending under court order, any driver education classes.

12 (e) A probationary operator's license shall be endorsed with such conditions and
13 restrictions as the court deems necessary to ensure that such license will be used only to avoid
14 conditions of extreme hardship. Such conditions and limitations may include the following:

15 (1) Specific places between which the licensee may be allowed to operate a motor vehicle;

16 (2) Routes to be followed to work, school, medical care provider(s), counselor or any other
17 destination permitted by the court;

18 (3) Times of travel;

19 (4) The specific vehicles that the licensee may operate; or

20 (5) Such other restrictions as the court may require.

21 (f) A probationary license, if approved by the court, shall be issued for a period not to
22 exceed three (3) years.

23 (g) Any person who violates the conditions of their probationary license shall have the
24 probationary license suspended immediately. Upon suspension, the court shall schedule a hearing
25 to determine whether said probationary license shall be revoked for the period originally ordered
26 by the court.

27 (h) Any person who violates the conditions of their probationary license shall be guilty of
28 a misdemeanor and shall be sentenced for a period of up to one year imprisonment and/or a fine of
29 up to one thousand dollar (\$1000).

30 (i) Application for a probationary license shall be made upon such forms as the court may
31 prescribe and shall be signed by the applicant before a person authorized to administer oaths.

1 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 permit the district court to issue probationary operator's licenses to those
2 persons who have had their licenses suspended, under certain conditions and for reasons of extreme
3 hardship. Those persons convicted of alcoholic related offenses or those whose violations involved
4 injury or death to any other person would not be eligible for such probationary licenses.

5 This act would take effect upon passage.

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