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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- REGULATION OF RENTAL OF
MOTORIZED BICYCLES, MOTOR SCOOTERS AND MOTORIZED TRICYCLES IN NEW
SHOREHAM

Introduced By: Representatives Carson, and Abney

Date Introduced: February 04, 2022

Referred To: House Municipal Government & Housing

(by request)

It is enacted by the General Assembly as follows:

1 SECTION 1. The title of Chapter 31-19.3 of the General Laws entitled "Regulation of
2 Rental of Motorized Bicycles, Motor Scooters and Motorized Tricycles in New Shoreham" is
3 hereby amended to read as follows:

4 ~~CHAPTER 31-19.3~~

5 ~~Regulation of Rental of Motorized Bicycles, Motor Scooters and Motorized Tricycles in New~~
6 ~~Shoreham~~

7 CHAPTER 31-19.3

8 REGULATION OF RENTAL OF MOTORIZED BICYCLES, MOTOR SCOOTERS AND
9 MOTORIZED TRICYCLES IN NEW SHOREHAM AND NEWPORT

10 SECTION 2. Sections 31-19.3-1, 31-19.3-3, 31-19.3-4, 31-19.3-5, 31-19.3-7, 31-19.3-8,
11 31-19.3-9 and 31-19.3-10 of the General Laws in Chapter 31-19.3 entitled "Regulation of Rental
12 of Motorized Bicycles, Motor Scooters and Motorized Tricycles in New Shoreham and Newport"
13 are hereby amended to read as follows:

14 **31-19.3-1. Purpose.**

15 The general assembly recognizes the importance of establishing procedures and standards
16 for the supervision and regulation of the rental of motorized bicycles, motor scooters and motorized
17 tricycles in the town of New Shoreham and the city of Newport. The establishment of these
18 procedures and standards is declared to be a reasonable exercise of the police power of the general

1 assembly and necessary to afford protection against the increasing number and severity of accidents
2 involving motorized bicycles, motor scooters and motorized tricycles, the noise, and the traffic
3 congestion that their presence creates within the town [or city](#). The general assembly further declares
4 that it is in the interest of the public health, safety, and welfare that the rental of motorized bicycles,
5 motor scooters and motorized tricycles in the town of New Shoreham [and city of Newport](#) be
6 supervised, regulated, and controlled in accordance with the provisions of this chapter.

7 **31-19.3-3. License required.**

8 No person, firm, or corporation shall offer for rent or lease or allow to be rented or leased
9 any motorized bicycle, motor scooter or motorized tricycle within the town of New Shoreham [or](#)
10 [the city of Newport](#), unless and until the town council of the town of New Shoreham [or the city](#)
11 [council of the city of Newport](#) issues a license in accordance with the provisions of this chapter.
12 However, any person, firm, or corporation holding a license to rent or lease motorized bicycles,
13 motor scooters or motorized tricycles which has been issued by the department of revenue shall be
14 permitted to continue to operate pursuant to the license; provided, that upon the expiration of the
15 license, the person, firm, or corporation shall be required to comply with the provisions of this
16 chapter in order to rent or lease motorized bicycles, motor scooters or motorized tricycles within
17 the town of New Shoreham [or the city of Newport](#).

18 **31-19.3-4. License application.**

19 (a) Any person requesting a license under this chapter shall apply for it to the town council
20 of the town of New Shoreham [or the city council of the city of Newport](#) upon a form specifying
21 any information that the town [or city](#) council shall require. The town [or city](#) council may require,
22 with the application or otherwise, information relating to the applicant's solvency, financial
23 standing, insurance coverage, or any other matter which the town [or city](#) council may deem
24 pertinent to safeguard the public interest, all of which shall be considered by the council in
25 determining the fitness of the applicant to be licensed pursuant to this chapter.

26 (b) The license shall be valid, unless sooner revoked or suspended, until the end of the
27 calendar year of the year in which issued. This license shall be renewable on or after the first of
28 each year.

29 (c) Any license issued by the town council of the town of New Shoreham [or the city](#)
30 [council of the city of Newport](#) under provisions of this chapter may set forth:

31 (1) The type of vehicle which the licensee is authorized to rent or lease.

32 (2) The location of the premises from which the license holder is authorized to rent or
33 lease the vehicles.

34 (3) The total number of motorized bicycles and/or motorized tricycles which the license

1 holder is authorized to rent or lease.

2 (4) The name and address of the license holder.

3 **31-19.3-5. Ordinances.**

4 (a) The town council of the town of New Shoreham [or the city council of city of Newport](#)
5 may enact reasonable ordinances establishing procedures and standards for the licensing,
6 supervision, regulation, and control of the rental of motorized bicycles, motor scooters and
7 motorized tricycles.

8 (b) An ordinance enacted pursuant to this section may:

9 (1) Establish a fee to be charged for the issuance or renewal of any license for the rental
10 of motorized bicycles, motor scooters and/or motorized tricycles the holder of the license is
11 authorized to rent or lease and shall not exceed the sum of forty dollars (\$40.00) per motorized
12 bicycle, motor scooters or motorized tricycle.

13 (2) Establish a maximum number of licenses which may be granted for the rental of
14 motorized bicycles, motor scooters and/or motorized tricycles.

15 (3) Establish hours during which motorized bicycles, motor scooters and/or motorized
16 tricycles may be rented.

17 (4) Establish a maximum number of motorized bicycles, motor scooters and/or motorized
18 tricycles which a license holder may rent or lease under the license.

19 (5) Provide that no motorized bicycle, motor scooters or motorized tricycle shall be rented
20 or leased in the town of New Shoreham [or city of Newport](#) unless the operator thereof has a valid
21 license issued under the provisions of § 31-10-1, or a similar license issued by a state other than
22 Rhode Island.

23 (6) Require all motorized bicycles, motor scooters and/or motorized tricycles to pass
24 inspection annually and be issued a certificate by a duly authorized state inspection facility
25 indicating that the vehicle has passed inspection to be conducted at inspection agencies which shall
26 be created and governed by rules and regulations promulgated by the department of revenue.

27 **31-19.3-7. Denial of license hearing.**

28 The town council of the town of New Shoreham [or the city council of the city of Newport](#)
29 may, without prior notice, deny any application for a license within thirty (30) days of the receipt
30 of the application, by written notice to the applicants stating grounds for the denial. On request by
31 the applicant who has been denied a license, the town council of the town of New Shoreham [or the](#)
32 [city council of the city of Newport](#) shall set the time and place of a hearing upon the denial, and it
33 shall hear the denial with reasonable promptness.

34 **31-19.3-8. Hearing on suspension or revocation of license.**

1 No license shall be suspended or revoked except after a hearing. The town [or city](#) council
2 shall give the licensee at least five (5) days written notice of the time and place of the hearing
3 together with the statement of grounds for the proposed action.

4 **31-19.3-9. Records of council.**

5 The town [or city](#) council shall keep minutes of its proceedings showing the vote of each
6 member upon any question or, if absent or failing to vote, indicating that fact, and shall keep records
7 of its examinations and other official actions, all of which shall be filed immediately in the office
8 of the town [or city](#) clerk and shall be a public record.

9 **31-19.3-10. Appeals to superior court.**

10 (a) Any person, firm, or corporation aggrieved by a decision of the town [or city](#) council
11 pursuant to § 31-19.3-6 or 31-19.3-7 may appeal to the superior court for Washington County [for](#)
12 [appeals pertaining to the town of New Shoreham and to the superior court for Newport County for](#)
13 [appeals pertaining to the city of Newport](#) by filing a complaint setting forth the reasons of appeal
14 within twenty (20) days after the decision has been filed in the office of the town [or city](#) clerk. The
15 town [or city](#) council shall file the original documents acted upon by it and constituting the record
16 of the case appealed from, or certified copies of them, together with any other facts that may be
17 pertinent, with the clerk of the court within ten (10) days after being served with a copy of the
18 complaint. When the complaint is filed by someone other than the original applicant or appellant,
19 the original applicant or appellant and the members of the town council shall be made parties to the
20 proceedings. The appeal shall not stay proceedings upon the decision appealed from, but the court
21 may, in its discretion, grant a stay on appropriate terms and make any other orders that it deems
22 necessary for an equitable disposition of the appeal.

23 (b) If, before the date set for the hearing in the superior court, application is made to the
24 court for leave to present additional evidence before the town [or city](#) council and it is shown to the
25 satisfaction of the court that the additional evidence is material and that there were good reasons
26 for the failure to present it at the hearing before the town [or city](#) council, the court may order that
27 the additional evidence be taken before the town [or city](#) council upon conditions determined by the
28 court. The town [or city](#) council may modify its findings and decision by reason of the additional
29 evidence and shall file that evidence and any modifications, new findings, or decisions with the
30 superior court.

31 (c) The review shall be conducted by the superior court without a jury. The court shall
32 consider the record of the hearing before the town [or city](#) council and if it shall appear to the court
33 that additional evidence is necessary for the proper disposition of the matter, it may allow any party
34 to the appeal to present the evidence in open court, which evidence along with the record shall

1 constitute the record upon which the determination of the court shall be made.

2 (d) The court shall not substitute its judgment for that of the town or city council as to the
3 weight of the evidence on questions of fact. The court may affirm the decision of the town or city
4 council or remand the case for further proceedings, or may reverse or modify the decision if
5 substantial rights of the appellant have been prejudiced because of findings, inferences, conclusions
6 or decisions which are:

7 (1) In violation of constitutional, statutory, or ordinance provisions;

8 (2) In excess of the authority granted to the town or city council by statute or ordinance;

9 (3) Made upon unlawful procedure;

10 (4) Affected by other error of law;

11 (5) Clearly erroneous in view of the reliable, probative, and substantial evidence of the
12 whole record; or

13 (6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted
14 exercise of discretion.

15 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- REGULATION OF RENTAL OF
MOTORIZED BICYCLES, MOTOR SCOOTERS AND MOTORIZED TRICYCLES IN NEW
SHOREHAM

- 1 This act would allow the city of Newport to regulate motorized tricycles in a similar manner
- 2 as the town of New Shoreham.
- 3 This act would take effect upon passage.

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