

2022 -- S 2503

LC003245

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- SUSPENSION AND REVOCATION  
OF LICENSES--VIOLATIONS

Introduced By: Senators Archambault, F Lombardi, McCaffrey, Coyne, and Ruggerio

Date Introduced: March 01, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-11-18 of the General Laws in Chapter 31-11 entitled "Suspension  
2 or Revocation of Licenses - Violations" is hereby amended to read as follows:

3 **31-11-18. Driving after denial, suspension, or revocation of license.**

4 (a) Any person who drives a motor vehicle on any highway of this state who never applied  
5 for a license, or who drives after his or her application for a license has been refused, or after his  
6 or her license has expired, or who otherwise drives without a license, or at a time when his or her  
7 license to operate is suspended, revoked, or cancelled, for reasons other than those provided for in  
8 § 31-11-18.1, may be guilty of a misdemeanor.

9 (b) Upon a first violation under this section, a civil penalty of not ~~less than two hundred~~  
10 ~~fifty dollars (\$250), nor more than five hundred dollars (\$500),~~ more than one hundred fifty dollars  
11 (\$150) shall be imposed. For the second violation, a civil penalty of not ~~less than three hundred~~  
12 ~~fifty dollars (\$350), nor more than five hundred dollars (\$500),~~ may more than two hundred fifty  
13 dollars (\$250) shall be imposed. For a third violation, a civil penalty of not more than three hundred  
14 fifty dollars (\$350) shall be imposed. All violations under this section shall be heard in the traffic  
15 tribunal.

16 (c) Any person convicted of a ~~third~~ fourth or a subsequent violation of subsection (a) shall  
17 be guilty of a misdemeanor and may, in the discretion of the sentencing judge, be ~~imprisoned for a~~  
18 ~~term not exceeding ninety (90) days,~~ fined not less than five hundred dollars (\$500) nor more than

1 one thousand dollars (\$1,000), ~~or both~~. The sentencing judge may also impose a sentence of  
2 imprisonment for a term of not more than ten (10) days or home confinement for a term of not more  
3 than twenty (20) days upon consideration of relevant sentencing factors and circumstances,  
4 including whether or not the person's history indicates that they are a danger to the public.  
5 Additionally, the sentencing judge may suspend the person's license for a period not to exceed  
6 ~~ninety (90) days~~ one year. All violations under this section shall be heard in the district court.

7 (d) Notwithstanding the provisions of subsection (a), any person driving after his or her  
8 license has expired shall be issued a summons to appear in ~~district court~~ the traffic tribunal not  
9 fewer than ten (10) days after the issuance of the summons, and shall not be taken into custody  
10 based solely on this charge absent a warrant. Any person who shall cause his or her expired license  
11 to be reinstated by the division of motor vehicles within ten (10) days after issuance of the summons  
12 may present proof of reinstatement at the headquarters of the charging police department.  
13 Presentation of proof of reinstatement within ten (10) days after the issuance of the summons shall  
14 cause the summons to be voided and shall otherwise constitute a complete defense to the charge of  
15 driving after expiration of license and a bar to prosecution for that charge. Any convictions under  
16 subsection (c) shall be expunged pursuant to the provisions of chapter 1.3 of title 12. For the  
17 purposes of this subsection, each of the several state police barracks shall be considered as a  
18 separate police headquarters.

19 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 reduce the civil penalty for the first and second offenses for driving without  
2 a license or suspended license, would make a third violation a civil offense and a fourth offense a  
3 misdemeanor punishable by a fine or, by up to ten (10) days in jail or twenty (20) days home  
4 confinement if the sentencing judge finds, considering relevant sentencing factors, that offender is  
5 a danger to the community. It would also increase a license suspension for a fourth or subsequent  
6 offense to up to a year. Jurisdiction for civil offenses would be in the traffic tribunal and for criminal  
7 offenses jurisdiction would be in district court.

8           This act would take effect upon passage.

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