

2022 -- S 3031

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- APPLICABILITY OF TRAFFIC  
REGULATIONS

Introduced By: Senator Michael J. McCaffrey

Date Introduced: June 17, 2022

Referred To: Senate Housing & Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-12-12 of the General Laws in Chapter 31-12 entitled  
2 "Applicability of Traffic Regulations" is hereby amended to read as follows:

3 **31-12-12. Powers of local authorities.**

4 (a) The provisions of chapters 12 -- 27 of this title shall not be deemed to prevent local  
5 authorities with respect to streets and highways under their jurisdiction and within the reasonable  
6 exercise of the police power from:

7 (1) Regulating the standing or parking of vehicles;

8 (2) Regulating traffic by means of police officers or traffic control signals;

9 (3) Regulating or prohibiting processions or assemblages on the highways;

10 (4) Designating particular highways as one-way highways and requiring that all vehicles  
11 on them be moved in one specific direction;

12 (5) Regulating the speed of vehicles in public parks;

13 (6) Designating any highway as a through highway and requiring that all vehicles stop  
14 before entering or crossing the highway or designating any intersection as a stop intersection and  
15 requiring all vehicles to stop at one or more entrances to the stop intersection;

16 (7) Restricting the use of highways as authorized in §§ 31-25-25 and 31-25-26;

17 (8) Regulating the operation of bicycles and requiring the registration and licensing of  
18 bicycles, including the requirement of a registration fee;

1 (9) Regulating or prohibiting the turning of vehicles or specified types of vehicles at  
2 intersections;

3 (10) Altering the prima facie speed limits as authorized by these chapters;

4 (11) Adopting any other traffic regulations that are specifically authorized by chapters 12  
5 -- 27 of this title.

6 (b) The city council of the city of Woonsocket is authorized and empowered to enact  
7 ordinances providing that the chief of police, or the police officers as he or she may from time to  
8 time designate, may impound, by means of a "Denver boot" or other immobilization device, or  
9 cause to be impounded, through the agency of a person or persons in the employ of the city of  
10 Woonsocket or the police department, or by independent contractor, any vehicle parked or standing  
11 on any part of any way under the control of the city, if in the calendar year in which the vehicle is  
12 so impounded and in the preceding calendar year, the aggregate of five (5) or more notices of  
13 violation of any ordinances adopted for the regulation of parking of motor vehicles whether adopted  
14 prior to or subsequent to the passage of this chapter), have been affixed to the vehicle. The  
15 ordinance shall provide for a post-impoundment hearing which shall be held between the time of  
16 impoundment and not more than seven (7) days afterwards, at which any defense may be asserted.  
17 The ordinance may impose liability for the reasonable cost of the impoundment on the owner of  
18 the vehicle, and may provide that if a vehicle is so impounded, the vehicle shall be held until all  
19 fines and charges lawfully imposed for the impoundment have been paid. The police department  
20 shall promptly mail written notice to the registered owner of the impounded vehicle, directed to the  
21 address furnished by the division of motor vehicles of motor vehicles or comparable agency of the  
22 state in which the vehicle is registered, stating the date on which the vehicle was impounded, the  
23 location at which it was impounded, and a statement that it will be released on the payment of all  
24 fines and charges lawfully imposed for the impoundment If, after thirty (30) days of mailing of the  
25 notice to the registered owner as provided for in this subsection, the owner has not paid all fines  
26 and charges imposed for the impounding, the vehicle so impounded shall be deemed to have been  
27 abandoned and may be disposed of in accordance with §§ 31-22-14, 31-22-15, 31-22-17 and 31-  
28 22-18, first applying the proceeds to pay all fines and charges imposed for the impoundment.  
29 Vehicles owned by the state or a political subdivision of it; by the United States or any  
30 instrumentality of it; or registered by a member of a foreign diplomatic corps or by a foreign  
31 consular officer who is a citizen of the United States and bearing a distinctive number plate or  
32 otherwise conspicuously marked as so owned or registered; and vehicles and persons described in  
33 §§ 31-28-4, 31-28-6 and 31-28-7; shall not, however, be subject to impoundment. Violations of  
34 this section are subject to fines enumerated in § 31-41.1-4.

1           (c) The city council of the city of Warwick is authorized and empowered to enact  
2 ordinances providing that the chief of police, or the police officers as he or she may from time to  
3 time designate, may impound unregistered off-road recreational vehicles and snowmobiles that are  
4 unlawfully used on public roads and, after notice and hearing in the Warwick municipal court, may  
5 destroy such vehicles and snowmobiles so impounded. Further, the city council of the city of  
6 Warwick is authorized and empowered to enact ordinances prohibiting gasoline filling stations  
7 from selling gasoline and gasoline products to unregistered off-road recreational vehicles and  
8 snowmobiles.

9           SECTION 2. Section 45-2-19 of the General Laws in Chapter 45-2 entitled "General  
10 Powers" is hereby amended to read as follows:

11           **45-2-19. City of Warwick -- Municipal court.**

12           (a) The city council of the city of Warwick may establish a municipal court and confer  
13 upon the court original jurisdiction, notwithstanding any other provisions of the general laws, to  
14 hear and determine causes involving the violation of any ordinance, including minimum housing  
15 ordinances, of the city and any violation of the provisions of chapter 24.3 of this title, entitled the  
16 Rhode Island Housing Maintenance and Occupancy Code; provided, that any defendant found  
17 guilty of any offense, excluding violations of the minimum housing ordinances or chapter 24.3  
18 within the jurisdiction of the court, may, within five (5) days of the conviction, file an appeal from  
19 the conviction to the superior court and be entitled in the latter court to a trial de novo; and provided  
20 further, that any defendant found guilty of any violation of a minimum housing ordinance, or of  
21 chapter 24.3, may, within five (5) days of the conviction, file an appeal from the conviction to the  
22 third division of the district court and be entitled to a trial de novo in accordance with §§ 8-8-3(a)(4)  
23 and 8-8-3.2.

24           (b) With respect to violations of either municipal ordinances dealing with minimum  
25 housing or chapter 24.3 of this title dealing with housing maintenance and occupancy, the city  
26 council may also confer upon the municipal court, in furtherance of the court's jurisdiction, the  
27 power to proceed according to equity:

- 28           (1) To restrain, prevent, enjoin, abate, or correct a violation;  
29           (2) To order the repair, vacation, or demolition of any dwelling existing in violation;  
30           (3) To otherwise compel compliance with all of the provisions of the ordinances and  
31 statutes; or  
32           (4) To utilize and apply the provisions set forth in chapter 44 of title 34 (Abandoned  
33 Property).

34           (c) The mayor of the city is authorized and empowered to appoint a judge of the municipal

1 court with the advice and consent of the city or town council. The city council is authorized and  
2 empowered to enact ordinances governing the operation and procedure to be followed in the court  
3 and to establish a schedule of fees and costs. The municipal court may impose a sentence not to  
4 exceed thirty (30) days in jail and impose a fine not in excess of five hundred dollars (\$500), or  
5 both. [The municipal court may also order the destruction of any vehicle impounded in accordance](#)  
6 [with any ordinance enacted pursuant to § 31-12-12\(c\).](#) The court is empowered to administer oaths,  
7 compel the attendance of witnesses, and punish persons for contempt.

8 SECTION 3. 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 allow the city council of the city of Warwick to enact ordinances authorizing  
2 the Warwick police department to impounded off-road non-registered vehicles that are unlawfully  
3 used on public streets. Additionally, after a hearing in the Warwick municipal court, the impounded  
4 off-road non-registered vehicles might be ordered destroyed. The city council would also be  
5 allowed to enact ordinances prohibiting off-road non-registered vehicles from purchasing fuel at  
6 gas stations.

7           This act would take effect upon passage.

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