

2023 -- H 6028 SUBSTITUTE A

LC002077/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- ACCIDENTS AND ACCIDENT REPORTS

Introduced By: Representatives Serpa, and Cardillo

Date Introduced: March 01, 2023

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-26-1 of the General Laws in Chapter 31-26 entitled "Accidents
2 and Accident Reports" is hereby amended to read as follows:

3 **31-26-1. Duty to stop in accidents resulting in personal injury.**

4 (a) The driver of any vehicle knowingly involved in an accident resulting in injury to,
5 serious bodily injury to, or death of any person shall immediately stop the vehicle at the scene of
6 the accident or as close to it as possible, but shall then immediately return to and in every event
7 shall remain at the scene of the accident until he or she has fulfilled the requirements of § 31-26-
8 3. A stop shall be made without obstructing traffic more than is necessary.

9 (b) Any person knowingly failing to stop or to comply with the requirements under
10 circumstances which result in injury to any person shall upon conviction be punished by a
11 mandatory loss of license for at least one year and not more than five (5) years and imprisonment
12 for not more than five (5) years and/or fined up to five thousand dollars (\$5,000).

13 (c)(1) Any person knowingly failing to stop or to comply with the requirements under
14 circumstances which result in serious bodily injury to any person shall upon conviction be punished
15 as follows:

16 (i) ~~Every person convicted of a first violation shall be punished~~ by imprisonment for not
17 less than one year and for not more than ~~ten (10)~~ fifteen (15) years and by a fine of not less than
18 one thousand dollars (\$1,000), nor more than five thousand dollars (\$5,000). The sentencing judge

1 shall have the discretion to sentence the person to any unit of the adult correctional institutions.
2 Additionally, the license of the person shall be revoked for a period of ~~up to~~ at least two (2) years
3 and not more than ten (10) years. The license privilege shall not be reinstated until evidence
4 satisfactory to the administrator of the division of motor vehicles establishes that no grounds exist
5 which would authorize refusal to issue a license and until the person gives proof of financial
6 responsibility pursuant to chapter 32 of this title.

7 ~~(ii) For a second or subsequent conviction under this subsection within a five (5) year~~
8 ~~period, a person shall be punished by imprisonment for not less than two (2) years nor more than~~
9 ~~fifteen (15) years and by a fine of not less than three thousand dollars (\$3,000) nor more than ten~~
10 ~~thousand dollars (\$10,000). The sentencing judge shall have the discretion to sentence the person~~
11 ~~to any unit of the adult correctional institutions. Additionally, the license of the person shall be~~
12 ~~revoked for a period of up to four (4) years. The license privilege shall not be reinstated until~~
13 ~~evidence satisfactory to the administrator of the division of motor vehicles establishes that no~~
14 ~~grounds exist which would authorize refusal to issue a license and until the person gives proof of~~
15 ~~financial responsibility pursuant to chapter 32 of this title.~~

16 (2) As used in this subsection, "serious bodily injury" means physical injury that creates a
17 substantial risk of death or causes serious physical disfigurement or protracted loss or impairment
18 of the function of any bodily member or organ.

19 (d) Any person knowingly failing to stop or to comply with the requirements under
20 circumstances which result in the death of any person, shall upon conviction be punished pursuant
21 to the provisions of this subsection ~~as follows:~~

22 ~~(1) Every person convicted of a first violation of this subsection shall be punished~~ by
23 imprisonment in the state prison for not less than ~~two (2)~~ five (5) years and for not more than ~~fifteen~~
24 ~~(15)~~ thirty (30) years, in any unit of the adult correctional institutions in the discretion of the
25 sentencing judge, by a fine of not less than five thousand dollars (\$5,000) nor more than ten
26 thousand dollars (\$10,000), and his or her license to operate a motor vehicle shall be revoked for a
27 period of ~~three (3) years. The~~ at least five (5) years and may be permanently revoked. If less than a
28 permanent revocation is imposed, the license privilege shall not be reinstated until evidence
29 satisfactory to the administrator of the division of motor vehicles establishes that no grounds exist
30 which would authorize the refusal to issue a license, and until the person gives proof of financial
31 responsibility pursuant to chapter 32 of this title.

32 ~~(2) Every person convicted of a second or subsequent violation of this subsection within a~~
33 ~~five (5) year period shall be punished by imprisonment in the state prison for not less than five (5)~~
34 ~~years and for not more than twenty (20) years, in any unit of the adult correctional institutions in~~

1 ~~the discretion of the sentencing judge, by a fine of not less than ten thousand dollars (\$10,000) nor~~
2 ~~more than twenty thousand dollars (\$20,000) and his or her license to operate a motor vehicle shall~~
3 ~~be revoked for a period of five (5) years. The license privilege shall not be reinstated until evidence~~
4 ~~satisfactory to the administrator of the division of motor vehicles establishes that no grounds exist~~
5 ~~which would authorize the refusal to issue a license, and until the person gives proof of financial~~
6 ~~responsibility pursuant to chapter 32 of this title.~~

7 (e) This section shall apply in its entirety to any driver of a motor vehicle knowingly
8 involved in an accident with a pedestrian or a person riding a bicycle.

9 SECTION 2. Sections 31-27-1, 31-27-1.1, 31-27-2.2 and 31-27-2.6 of the General Laws
10 in Chapter 31-27 entitled "Motor Vehicle Offenses" are hereby amended to read as follows:

11 **31-27-1. Driving so as to endanger, resulting in death.**

12 (a) When the death of any person ensues as a proximate result of an injury received by the
13 operation of any vehicle in reckless disregard of the safety of others, including violations of § 31-
14 27-22, the person so operating the vehicle shall be guilty of "driving so as to endanger, resulting in
15 death".

16 (b) Any person charged with the commission of this offense shall upon conviction be
17 imprisoned for not more than ~~ten (10)~~ thirty (30) years and have his or her license to operate a
18 motor vehicle ~~suspended for no more than five (5) years~~ revoked for a period of at least five (5)
19 years, and may be permanently revoked. If less than a permanent revocation is imposed, the license
20 privilege shall not be reinstated until evidence satisfactory to the administrator of the division of
21 motor vehicles establishes that no grounds exist which would authorize the refusal to issue a
22 license, and until the person gives proof of financial responsibility pursuant to chapter 32 of this
23 title.

24 **31-27-1.1. ~~Driving so as to endanger, resulting in serious personal injury~~ Driving so**
25 **as to endanger, resulting in serious personal bodily injury.**

26 (a) When the serious bodily injury of any person ensues as a proximate result of the
27 operation of any vehicle in reckless disregard of the safety of others, including violations of § 31-
28 27-22, the person so operating the vehicle shall be guilty of "driving so as to endanger, resulting in
29 serious bodily injury".

30 (b) "Serious bodily injury" means physical injury that creates a substantial risk of death or
31 causes serious permanent disfigurement or protracted loss or impairment of the function of any
32 bodily member or organ.

33 (c) Any person charged with a violation of this section shall upon conviction be imprisoned
34 for not more than ~~five (5)~~ fifteen (15) years and have his or her license to operate a motor vehicle

1 suspended for ~~no more than three (3) years~~ a period of at least two (2) years and not more than ten
2 (10) years.

3 **31-27-2.2. Driving under the influence of liquor or drugs, resulting in death.**

4 (a) When the death of any person other than the operator ensues as a proximate result of an
5 injury received by the operation of any vehicle, the operator of which is under the influence of any
6 intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of title 21, or any
7 combination of these, the person so operating the vehicle shall be guilty of “driving under the
8 influence of liquor or drugs, resulting in death”.

9 (b) Any person charged with the commission of the offense set forth in subsection (a) of
10 this section shall, upon conviction, be punished ~~as follows:~~

11 ~~(1)(i) Every person convicted of a first violation shall be punished~~ by imprisonment in the
12 state prison for not less than five (5) years and for not more than ~~fifteen (15)~~ thirty (30) years, in
13 any unit of the adult correctional institutions in the discretion of the sentencing judge, by a fine of
14 not less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000) and his
15 or her license to operate a motor vehicle shall be revoked for a period of at least five (5) years. ~~The~~
16 , and may be permanently revoked. If less than a permanent revocation is imposed, the license
17 privilege shall not be reinstated until evidence satisfactory to the administrator of the division of
18 motor vehicles establishes that no grounds exist which would authorize the refusal to issue a
19 license, and until the person gives proof of financial responsibility pursuant to chapter 32 of this
20 title.

21 ~~(ii)(1)~~ (1) In addition, the person convicted may be required to successfully complete alcohol
22 or drug treatment in a program of their choice, at their own expense, as authorized by a judge of
23 the superior court, and may successfully complete the program before any license to operate a
24 motor vehicle is renewed.

25 ~~(2) Every person convicted of a second or subsequent violation within a five (5) year period~~
26 ~~in this state or any other state, provided the out of state conviction was based on the same blood~~
27 ~~alcohol concentration as set forth in § 31-27-2 shall be punished by imprisonment in the state prison~~
28 ~~for not less than ten (10) years and for not more than twenty (20) years, in any unit of the adult~~
29 ~~correctional institutions in the discretion of the sentencing judge, by a fine of not less than ten~~
30 ~~thousand dollars (\$10,000) nor more than twenty thousand dollars (\$20,000) and his or her license~~
31 ~~to operate a motor vehicle shall be revoked for a period of five (5) years. In addition, the person~~
32 ~~convicted may be required to successfully complete alcohol or drug treatment, at their own expense,~~
33 ~~in a program established by the director of the department of corrections. The license privilege shall~~
34 ~~not be reinstated whether the convictions occurred in this or any other state until evidence~~

1 ~~satisfactory to the superior court, following a hearing establishes that no grounds exist which would~~
2 ~~authorize the refusal to issue a license, and until the person gives proof of financial responsibility~~
3 ~~pursuant to chapter 32 of this title.~~

4 **31-27-2.6. Driving under the influence of liquor or drugs, resulting in serious bodily**
5 **injury.**

6 (a) When serious bodily injury of any person other than the operator is caused by the
7 operation of any motor vehicle, the operator of which is under the influence of any intoxicating
8 liquor, toluene, or any controlled substance as defined in chapter 28 of title 21 or any combination
9 of these, the person so operating the vehicle shall be guilty of driving under the influence of liquor
10 or drugs, resulting in serious bodily injury.

11 (b) As used in this section, “serious bodily injury” means physical injury that creates a
12 substantial risk of death or causes serious physical disfigurement or protracted loss or impairment
13 of the function of any bodily member or organ.

14 (c) Any person charged with the commission of the offense set forth in subsection (a) of
15 this section shall, upon conviction, be punished by imprisonment for not less than one year and for
16 not more than ~~ten (10)~~ fifteen (15) years and by a fine of not less than one thousand dollars (\$1,000)
17 nor more than five thousand dollars (\$5,000). The sentencing judge shall have the discretion to
18 sentence the person to any unit of the adult correctional institutions. The license of the person may
19 be revoked for a period of ~~up to two (2)~~ at least two (2) years and not more than ten (10) years. The
20 license privilege shall not be reinstated until evidence satisfactory to the administrator of the
21 division of motor vehicles establishes that no grounds exist which would authorize refusal to issue
22 a license and until the person gives proof of financial responsibility pursuant to chapter 32 of this
23 title. In addition, the person convicted may be required to successfully complete alcohol or drug
24 treatment, at their own expense, in a program established by the director of the department of
25 corrections.

26 ~~(d) For a second or subsequent conviction under this section within a five (5) year period,~~
27 ~~a person shall be punished by imprisonment for not less than two (2) years nor more than fifteen~~
28 ~~(15) years and by a fine of not less than three thousand dollars (\$3,000) nor more than ten thousand~~
29 ~~dollars (\$10,000). The sentencing judge shall have the discretion to sentence the person to any unit~~
30 ~~of the adult correctional institutions. In addition, the person convicted may be required to~~
31 ~~successfully complete alcohol or drug treatment, at their own expense, in a program established by~~
32 ~~the director of the department of corrections. The license of the person may be revoked for a period~~
33 ~~of up to four (4) years. The license privilege shall not thereafter be reinstated until evidence~~
34 ~~satisfactory to the administrator of the division of motor vehicles establishes that no grounds exist~~

1 ~~which would authorize refusal to issue a license and until the person gives proof of financial~~
2 ~~responsibility pursuant to chapter 32 of this title.~~

3 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 -- ACCIDENTS AND ACCIDENT
REPORTS

- 1 This act would provide for a single, increased range of penalties for all driving offenses
- 2 which result in serious bodily injury or death.
- 3 This act would take effect upon passage.

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