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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES

Introduced By: Senators McKenney, Raptakis, Sosnowski, Tikoian, and Burke

Date Introduced: March 01, 2024

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 31-27-2, 31-27-2.1 and 31-27-2.8 of the General Laws in Chapter  
2 31-27 entitled "Motor Vehicle Offenses" are hereby amended to read as follows:

3           **31-27-2. Driving under influence of liquor or drugs.**

4           (a) Whoever drives or otherwise operates any vehicle in the state while under the influence  
5 of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in chapter 28 of  
6 title 21, or any combination of these, shall be guilty of a misdemeanor, except as provided in  
7 subsection (d)(3), and shall be punished as provided in subsection (d) of this section.

8           (b)(1) Any person charged under subsection (a), whose blood alcohol concentration is eight  
9 one-hundredths of one percent (.08%) or more by weight, as shown by a chemical analysis of a  
10 blood, breath, or urine sample, shall be guilty of violating subsection (a). This provision shall not  
11 preclude a conviction based on other admissible evidence, including the testimony of a drug  
12 recognition expert or evaluator, certified pursuant to training approved by the Rhode Island  
13 department of transportation office on highway safety. Proof of guilt under this section may also  
14 be based on evidence that the person charged was under the influence of intoxicating liquor, drugs,  
15 toluene, or any controlled substance defined in chapter 28 of title 21, or any combination of these,  
16 to a degree that rendered the person incapable of safely operating a vehicle. The fact that any person  
17 charged with violating this section is, or has been, legally entitled to use alcohol or a drug shall not  
18 constitute a defense against any charge of violating this section.

19           (2) [Deleted by P.L. 2021, ch. 170, § 1 and P.L. 2021, ch. 171, § 1.]

1 (c) In any criminal prosecution for a violation of subsection (a), evidence as to the amount  
2 of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of title 21, or  
3 any combination of these, in the defendant's blood at the time alleged as shown by a chemical  
4 analysis of the defendant's breath, blood, saliva or urine or other bodily substance, shall be  
5 admissible and competent, provided that evidence is presented that the following conditions have  
6 been complied with:

7 (1) The defendant has consented to the taking of the test upon which the analysis is made.  
8 Evidence that the defendant had refused to submit to the test shall not be admissible unless the  
9 defendant elects to testify.

10 (2) A true copy of the report of the test result was hand delivered at the location of the test  
11 or mailed within seventy-two (72) hours of the taking of the test to the person submitting to a breath  
12 test.

13 (3) Any person submitting to a chemical test of blood, urine, saliva or other body fluids  
14 shall have a true copy of the report of the test result mailed to him or her within thirty (30) days  
15 following the taking of the test.

16 (4) The test was performed according to methods and with equipment approved by the  
17 director of the department of health of the state of Rhode Island and by an authorized individual.

18 (5) Equipment used for the conduct of the tests by means of breath analysis had been tested  
19 for accuracy within thirty (30) days preceding the test by personnel qualified as hereinbefore  
20 provided, and breathalyzer operators shall be qualified and certified by the department of health  
21 within three hundred sixty-five (365) days of the test.

22 (6) The person arrested and charged with operating a motor vehicle while under the  
23 influence of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of  
24 title 21 or any combination of these in violation of subsection (a), was afforded the opportunity to  
25 have an additional chemical test. The officer arresting or so charging the person shall have informed  
26 the person of this right and afforded him or her a reasonable opportunity to exercise this right, and  
27 a notation to this effect is made in the official records of the case in the police department. Refusal  
28 to permit an additional chemical test shall render incompetent and inadmissible in evidence the  
29 original report.

30 (d)(1)(i) Every person found to have violated subsection (b)(1) shall be sentenced as  
31 follows: for a first violation whose blood alcohol concentration is eight one-hundredths of one  
32 percent (.08%), but less than one-tenth of one percent (.1%), by weight, or who has a blood presence  
33 of any scheduled controlled substance as defined in chapter 28 of title 21, shall be subject to a fine  
34 of not less than one hundred dollars (\$100), nor more than three hundred dollars (\$300); shall be

1 required to perform ten (10) to sixty (60) hours of public community restitution, and/or shall be  
2 imprisoned for up to one year. The sentence may be served in any unit of the adult correctional  
3 institutions in the discretion of the sentencing judge and/or shall be required to attend a special  
4 course on driving while intoxicated or under the influence of a controlled substance; provided,  
5 however, that the court may permit a servicemember or veteran to complete any court-approved  
6 counseling program administered or approved by the Veterans' Administration, and his or her  
7 driver's license shall be suspended for thirty (30) days up to one hundred eighty (180) days. ~~The~~  
8 Following the initial suspension of the person's operator's license the sentencing judge or  
9 magistrate ~~may~~ shall prohibit that person from operating a motor vehicle, pursuant to subsection  
10 (d)(9) or (d)(10) of this section, that is not equipped with an ignition interlock system and/or blood  
11 and urine testing as provided in § 31-27-2.8 for a period of six (6) months.

12 (ii) Every person convicted of a first violation whose blood alcohol concentration is one-  
13 tenth of one percent (.1%) by weight or above, but less than fifteen hundredths of one percent  
14 (.15%), or whose blood alcohol concentration is unknown, shall be subject to a fine of not less than  
15 one hundred (\$100) dollars, nor more than four hundred dollars (\$400), and shall be required to  
16 perform ten (10) to sixty (60) hours of public community restitution and/or shall be imprisoned for  
17 up to one year. The sentence may be served in any unit of the adult correctional institutions in the  
18 discretion of the sentencing judge. The person's driving license shall be suspended for a period of  
19 three (3) months to twelve (12) months. The sentencing judge shall require attendance at a special  
20 course on driving while intoxicated or under the influence of a controlled substance and/or  
21 alcoholic or drug treatment for the individual; provided, however, that the court may permit a  
22 servicemember or veteran to complete any court-approved counseling program administered or  
23 approved by the Veterans' Administration. ~~The~~ Following the initial suspension of the person's  
24 operator's license the sentencing judge or magistrate may prohibit that person from operating a  
25 motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8, for  
26 a period of not less than six (6) months and up to a period of twenty-four (24) months.

27 (iii) Every person convicted of a first offense whose blood alcohol concentration is fifteen  
28 hundredths of one percent (.15%) or above, or who is under the influence of a drug, toluene, or any  
29 controlled substance as defined in subsection (b)(1), shall be subject to a fine of five hundred dollars  
30 (\$500) and shall be required to perform twenty (20) to sixty (60) hours of public community  
31 restitution and/or shall be imprisoned for up to one year. The sentence may be served in any unit  
32 of the adult correctional institutions in the discretion of the sentencing judge. The person's driving  
33 license shall be suspended for a period of three (3) months to eighteen (18) months. The sentencing  
34 judge shall require attendance at a special course on driving while intoxicated or under the influence

1 of a controlled substance and/or alcohol or drug treatment for the individual; provided, however,  
2 that the court may permit a servicemember or veteran to complete any court-approved counseling  
3 program administered or approved by the Veterans' Administration. ~~The~~ Following the initial  
4 suspension of the person's operator's license the sentencing judge or magistrate shall prohibit that  
5 person from operating a motor vehicle, pursuant to subsection (d)(9) or (d)(10) of this section, that  
6 is not equipped with an ignition interlock system and/or blood and urine testing as provided in §  
7 31-27-2.8 for a period of not less than nine (9) months and up to a period of twenty-four (24)  
8 months.

9 (2)(i) Every person convicted of a second violation within a five-year (5) period with a  
10 blood alcohol concentration of eight one-hundredths of one percent (.08%) or above, but less than  
11 fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown, or  
12 who has a blood presence of any controlled substance as defined in chapter 28 of title 21, and every  
13 person convicted of a second violation within a five-year (5) period, regardless of whether the prior  
14 violation and subsequent conviction was a violation and subsequent conviction under this statute  
15 or under the driving under the influence of liquor or drugs statute of any other state, shall be subject  
16 to a mandatory fine of four hundred dollars (\$400). The person's driving license shall be suspended  
17 for a period of one year to two (2) years, and the individual shall be sentenced to not less than ten  
18 (10) days, nor more than one year, in jail. The sentence may be served in any unit of the adult  
19 correctional institutions in the discretion of the sentencing judge; however, not less than forty-eight  
20 (48) hours of imprisonment shall be served consecutively. The sentencing judge shall require  
21 alcohol or drug treatment for the individual; provided, however, that the court may permit a  
22 servicemember or veteran to complete any court-approved counseling program administered or  
23 approved by the Veterans' Administration and following the initial suspension of the person's  
24 operator's license shall prohibit that person from operating a motor vehicle, pursuant to subsection  
25 (d)(9) or (d)(10) of this section, that is not equipped with an ignition interlock system and/or blood  
26 and urine testing as provided in § 31-27-2.8 for a period of not less than twelve (12) months and  
27 up to a period of twenty-four (24) months.

28 (ii) Every person convicted of a second violation within a five-year (5) period whose blood  
29 alcohol concentration is fifteen hundredths of one percent (.15%) or above, by weight as shown by  
30 a chemical analysis of a blood, breath, or urine sample, or who is under the influence of a drug,  
31 toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to mandatory  
32 imprisonment of not less than six (6) months, nor more than one year; a mandatory fine of not less  
33 than one thousand dollars (\$1,000); and a mandatory license suspension for a period of two (2)  
34 years from the date of completion of the sentence imposed under this subsection. The sentencing

1 judge shall require alcohol or drug treatment for the individual; provided, however, that the court  
2 may permit a servicemember or veteran to complete any court approved counseling program  
3 administered or approved by the Veterans' Administration. ~~The~~ [Following the initial suspension of](#)  
4 [the person's operator's license the](#) sentencing judge or magistrate shall prohibit that person from  
5 operating a motor vehicle, pursuant to subsection (d)(9) or (d)(10) of this section, that is not  
6 equipped with an ignition interlock system and/or blood and urine testing as provided in § 31-27-  
7 2.8 [for a period of not less than eighteen \(18\) months and up to a period of twenty-four \(24\) months.](#)

8 (3)(i) Every person convicted of a third or subsequent violation within a five-year (5)  
9 period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above,  
10 but less than fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is  
11 unknown or who has a blood presence of any scheduled controlled substance as defined in chapter  
12 28 of title 21, regardless of whether any prior violation and subsequent conviction was a violation  
13 and subsequent conviction under this statute or under the driving under the influence of liquor or  
14 drugs statute of any other state, shall be guilty of a felony and be subject to a mandatory fine of  
15 four hundred (\$400) dollars. The person's driving license shall be suspended for a period of two  
16 (2) years to three (3) years, and the individual shall be sentenced to not less than one year and not  
17 more than three (3) years in jail. The sentence may be served in any unit of the adult correctional  
18 institutions in the discretion of the sentencing judge; however, not less than forty-eight (48) hours  
19 of imprisonment shall be served consecutively. The sentencing judge shall require alcohol or drug  
20 treatment for the individual; provided, however, that the court may permit a servicemember or  
21 veteran to complete any court-approved counseling program administered or approved by the  
22 Veterans' Administration, and [following the initial suspension of the person's operator's license](#)  
23 [the sentencing judge or magistrate](#) shall prohibit that person from operating a motor vehicle,  
24 pursuant to subsection (d)(9) or (d)(10) of this section, that is not equipped with an ignition  
25 interlock system and/or blood and urine testing as provided in § 31-27-2.8 [for a period of not less](#)  
26 [than twelve \(12\) months and up to a period of forty-eight \(48\) months.](#)

27 (ii) Every person convicted of a third or subsequent violation within a ten-year (10) period  
28 whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by weight as  
29 shown by a chemical analysis of a blood, breath, or urine sample, or who is under the influence of  
30 a drug, toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to  
31 mandatory imprisonment of not less than three (3) years, nor more than five (5) years; a mandatory  
32 fine of not less than one thousand dollars (\$1,000), nor more than five thousand dollars (\$5,000);  
33 and a mandatory license suspension for a period of three (3) years from the date of completion of  
34 the sentence imposed under this subsection. The sentencing judge shall require alcohol or drug

1 treatment for the individual. ~~The~~ [Following the initial suspension of the person's operator's license](#)  
2 [the](#) sentencing judge or magistrate shall prohibit that person from operating a motor vehicle,  
3 pursuant to subsection (d)(9) or (d)(10) of this section, that is not equipped with an ignition  
4 interlock system and/or blood and urine testing as provided in § 31-27-2.8 [for a period of up to](#)  
5 [forty-eight \(48\) months](#).

6 (iii) In addition to the foregoing penalties, every person convicted of a third or subsequent  
7 violation within a five-year (5) period, regardless of whether any prior violation and subsequent  
8 conviction was a violation and subsequent conviction under this statute or under the driving under  
9 the influence of liquor or drugs statute of any other state, shall be subject, in the discretion of the  
10 sentencing judge, to having the vehicle owned and operated by the violator seized and sold by the  
11 state of Rhode Island, with all funds obtained by the sale to be transferred to the general fund.

12 (4) Whoever drives or otherwise operates any vehicle in the state while under the influence  
13 of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in chapter 28 of  
14 title 21, or any combination of these, when his or her license to operate is suspended, revoked, or  
15 cancelled for operating under the influence of a narcotic drug or intoxicating liquor, shall be guilty  
16 of a felony punishable by imprisonment for not more than three (3) years and by a fine of not more  
17 than three thousand dollars (\$3,000). The court shall require alcohol and/or drug treatment for the  
18 individual; provided, the penalties provided for in this subsection (d)(4) shall not apply to an  
19 individual who has surrendered his or her license and served the court-ordered period of suspension,  
20 but who, for any reason, has not had his or her license reinstated after the period of suspension,  
21 revocation, or suspension has expired; provided, further, the individual shall be subject to the  
22 provisions of subsection (d)(2)(i), (d)(2)(ii), (d)(3)(i), (d)(3)(ii), or (d)(3)(iii) regarding subsequent  
23 offenses, and any other applicable provision of this section.

24 (5)(i) For purposes of determining the period of license suspension, a prior violation shall  
25 constitute any charge brought and sustained under the provisions of this section or § 31-27-2.1.

26 (ii) Any person over the age of eighteen (18) who is convicted under this section for  
27 operating a motor vehicle while under the influence of alcohol, other drugs, or a combination of  
28 these, while a child under the age of thirteen (13) years was present as a passenger in the motor  
29 vehicle when the offense was committed shall be subject to immediate license suspension pending  
30 prosecution. Any person convicted of violating this section shall be guilty of a misdemeanor for a  
31 first offense and may be sentenced to a term of imprisonment of not more than one year and a fine  
32 not to exceed one thousand dollars (\$1,000). Any person convicted of a second or subsequent  
33 offense shall be guilty of a felony offense and may be sentenced to a term of imprisonment of not  
34 more than five (5) years and a fine not to exceed five thousand dollars (\$5,000). The sentencing

1 judge shall also order a license suspension of up to two (2) years, require attendance at a special  
2 course on driving while intoxicated or under the influence of a controlled substance, and alcohol  
3 or drug education and/or treatment. The individual may also be required to pay a highway  
4 assessment fee of no more than five hundred dollars (\$500) and the assessment shall be deposited  
5 in the general fund.

6 (6)(i) Any person convicted of a violation under this section shall pay a highway  
7 assessment fine of five hundred dollars (\$500) that shall be deposited into the general fund. The  
8 assessment provided for by this subsection shall be collected from a violator before any other fines  
9 authorized by this section.

10 (ii) Any person convicted of a violation under this section shall be assessed a fee of eighty-  
11 six dollars (\$86).

12 (7)(i) If the person convicted of violating this section is under the age of eighteen (18)  
13 years, for the first violation he or she shall be required to perform ten (10) to sixty (60) hours of  
14 public community restitution and the juvenile's driving license shall be suspended for a period of  
15 six (6) months, and may be suspended for a period up to eighteen (18) months. [Following the initial  
16 suspension of the person's operator's license the sentencing judge or magistrate shall prohibit the  
17 person from operating a motor vehicle that is not equipped with an ignition interlock system as  
18 provided in § 31-27-2.8 for a period of twelve \(12\) months.](#) The sentencing judge shall also require  
19 attendance at a special course on driving while intoxicated or under the influence of a controlled  
20 substance and alcohol or drug education and/or treatment for the juvenile. The juvenile may also  
21 be required to pay a highway assessment fine of no more than five hundred dollars (\$500) and the  
22 assessment imposed shall be deposited into the general fund.

23 (ii) If the person convicted of violating this section is under the age of eighteen (18) years,  
24 for a second or subsequent violation regardless of whether any prior violation and subsequent  
25 conviction was a violation and subsequent conviction under this statute or under the driving under  
26 the influence of liquor or drugs statute of any other state, he or she shall be subject to a mandatory  
27 suspension of his or her driving license until such time as he or she is twenty-one (21) years of age  
28 and may, in the discretion of the sentencing judge, also be sentenced to the Rhode Island training  
29 school for a period of not more than one year and/or a fine of not more than five hundred dollars  
30 (\$500). [Following the initial suspension of the person's operator's license the sentencing judge or  
31 magistrate shall prohibit the person from operating a motor vehicle that is not equipped with an  
32 ignition interlock system as provided in § 31-27-2.8 for a period of twenty-four \(24\) months.](#)

33 (8) Any person convicted of a violation under this section may undergo a clinical  
34 assessment at the community college of Rhode Island's center for workforce and community

1 education. Should this clinical assessment determine problems of alcohol, drug abuse, or  
2 psychological problems associated with alcoholic or drug abuse, this person shall be referred to an  
3 appropriate facility, licensed or approved by the department of behavioral healthcare,  
4 developmental disabilities and hospitals, for treatment placement, case management, and  
5 monitoring. In the case of a servicemember or veteran, the court may order that the person be  
6 evaluated through the Veterans' Administration. Should the clinical assessment determine  
7 problems of alcohol, drug abuse, or psychological problems associated with alcohol or drug abuse,  
8 the person may have their treatment, case management, and monitoring administered or approved  
9 by the Veterans' Administration.

10 (9) Notwithstanding any other sentencing and disposition provisions contained in this  
11 chapter, if the judge or magistrate makes a finding beyond a reasonable doubt that a motorist was  
12 operating a vehicle in the state while under the influence of drugs, toluene, or any controlled  
13 substance as evidenced by the presence of controlled substances on or about the person or vehicle,  
14 or other reliable indicia or articulable conditions thereof, but not intoxicating liquor based on a  
15 preliminary breath test, results from a breathalyzer that indicates no blood alcohol concentration,  
16 or both, the judge or magistrate may exercise his or her discretion and eliminate the requirement of  
17 an ignition interlock system; provided, that blood and/or urine testing is mandated as a condition  
18 to operating a motor vehicle as provided in § 31-27-2.8 [for a period of not less than six \(6\) months](#)  
19 [and up to a period of twenty-four \(24\) months](#).

20 (10) Notwithstanding any other sentencing and disposition provisions contained in this  
21 chapter, if the judge or magistrate makes a finding beyond a reasonable doubt that a motorist was  
22 operating a vehicle in the state while under the influence of drugs, toluene, or any controlled  
23 substance as evidenced by the presence of controlled substances on or about the person or vehicle,  
24 or other reliable indicia or articulable conditions thereof and intoxicating liquor based on a  
25 preliminary breath test, results from a breathalyzer that indicates blood alcohol concentration, or  
26 both, the judge or magistrate ~~may~~ [shall](#) require an ignition interlock system in addition to blood  
27 and/or urine testing as a condition to operating a motor vehicle as provided in § 31-27-2.8. [The](#)  
28 [ignition interlock system requirement shall be for a period of time as mandated in subsections](#)  
29 [\(d\)\(1\)\(i\), \(d\)\(1\)\(ii\), \(d\)\(1\)\(iii\), \(d\)\(2\)\(i\), \(d\)\(2\)\(ii\), \(d\)\(3\)\(i\) and \(d\)\(3\)\(ii\) of this section](#).

30 (e) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per  
31 one hundred cubic centimeters (100 cc) of blood.

32 (f)(1) There is established an alcohol and drug safety unit within the division of motor  
33 vehicles to administer an alcohol safety action program. The program shall provide for placement  
34 and follow-up for persons who are required to pay the highway safety assessment. The alcohol and



1 drug safety action program will be administered in conjunction with alcohol and drug programs  
2 licensed by the department of behavioral healthcare, developmental disabilities and hospitals.

3 (2) Persons convicted under the provisions of this chapter shall be required to attend a  
4 special course on driving while intoxicated or under the influence of a controlled substance, and/or  
5 participate in an alcohol or drug treatment program, which course and programs must meet the  
6 standards established by the Rhode Island department of behavioral healthcare, developmental  
7 disabilities and hospitals; provided, however, that the court may permit a servicemember or veteran  
8 to complete any court-approved counseling program administered or approved by the Veterans'  
9 Administration. The course shall take into consideration any language barrier that may exist as to  
10 any person ordered to attend, and shall provide for instruction reasonably calculated to  
11 communicate the purposes of the course in accordance with the requirements of the subsection.  
12 Any costs reasonably incurred in connection with the provision of this accommodation shall be  
13 borne by the person being retrained. A copy of any violation under this section shall be forwarded  
14 by the court to the alcohol and drug safety unit. In the event that persons convicted under the  
15 provisions of this chapter fail to attend and complete the above course or treatment program, as  
16 ordered by the judge, then the person may be brought before the court, and after a hearing as to  
17 why the order of the court was not followed, may be sentenced to jail for a period not exceeding  
18 one year.

19 (3) The alcohol and drug safety action program within the division of motor vehicles shall  
20 be funded by general revenue appropriations.

21 (g) The director of the department of health is empowered to make and file with the  
22 secretary of state regulations that prescribe the techniques and methods of chemical analysis of the  
23 person's body fluids or breath and the qualifications and certification of individuals authorized to  
24 administer this testing and analysis.

25 (h) Jurisdiction for misdemeanor violations of this section shall be with the district court  
26 for persons eighteen (18) years of age or older and to the family court for persons under the age of  
27 eighteen (18) years. The courts shall have full authority to impose any sentence authorized and to  
28 order the suspension of any license for violations of this section. Trials in superior court are not  
29 required to be scheduled within thirty (30) days of the arraignment date.

30 (i) No fines, suspensions, assessments, alcohol or drug treatment programs, course on  
31 driving while intoxicated or under the influence of a controlled substance, public community  
32 restitution, or jail provided for under this section can be suspended.

33 (j) An order to attend a special course on driving while intoxicated, that shall be  
34 administered in cooperation with a college or university accredited by the state, shall include a

1 provision to pay a reasonable tuition for the course in an amount not less than twenty-five dollars  
2 (\$25.00), and a fee of one hundred seventy-five dollars (\$175), which fee shall be deposited into  
3 the general fund.

4 (k) For the purposes of this section, any test of a sample of blood, breath, or urine for the  
5 presence of alcohol that relies in whole or in part upon the principle of infrared light absorption is  
6 considered a chemical test.

7 (l) If any provision of this section, or the application of any provision, shall for any reason  
8 be judged invalid, such a judgment shall not affect, impair, or invalidate the remainder of the  
9 section, but shall be confined in this effect to the provision or application directly involved in the  
10 controversy giving rise to the judgment.

11 (m) For the purposes of this section, “servicemember” means a person who is presently  
12 serving in the armed forces of the United States, including the Coast Guard, a reserve component  
13 thereof, or the National Guard. “Veteran” means a person who has served in the armed forces,  
14 including the Coast Guard of the United States, a reserve component thereof, or the National Guard,  
15 and has been discharged under other than dishonorable conditions.

16 (n) No person shall have their license reinstated without restriction until such time as they  
17 have successfully utilized the ignition interlock system for the period of time ordered by the  
18 sentencing judge or magistrate. Prior to reinstatement of an operator’s license, the person shall,  
19 pursuant to § 31-27-2.8(b)(iii)(F), provide certified copies of records from the ignition interlock  
20 company proving compliance with the use of said ignition interlock system.

21 (o) Any person who is permitted to operate their vehicle on a hardship basis, as provided  
22 in § 31-27-2.8, shall receive credit for the period of suspension and for any period in which an  
23 ignition interlock system is mandated by the sentencing judge or magistrate.

24 (p) Any person charged with a violation of this section who is a first-time offender, is not  
25 involved in an accident causing property damage or personal injury and who completes fifty (50)  
26 hours of substance abuse counseling and a minimum of six (6) months utilizing an ignition interlock  
27 system, shall be eligible, upon a petition to the court, to have the case dismissed.

28 **31-27-2.1. Refusal to submit to chemical test.**

29 (a) Any person who operates a motor vehicle within this state shall be deemed to have  
30 given his or her consent to chemical tests of his or her breath, blood, saliva and/or urine for the  
31 purpose of determining the chemical content of his or her body fluids or breath. No more than two  
32 (2) complete tests, one for the presence of intoxicating liquor and one for the presence of toluene  
33 or any controlled substance, as defined in § 21-28-1.02, shall be administered at the direction of a  
34 law enforcement officer having reasonable grounds to believe the person to have been driving a

1 motor vehicle within this state while under the influence of intoxicating liquor, toluene, or any  
2 controlled substance, as defined in chapter 28 of title 21, or any combination of these. The director  
3 of the department of health is empowered to make and file, with the secretary of state, regulations  
4 that prescribe the techniques and methods of chemical analysis of the person's body fluids or breath  
5 and the qualifications and certification of individuals authorized to administer the testing and  
6 analysis.

7 (b) If a person, for religious or medical reasons, cannot be subjected to blood tests, the  
8 person may file an affidavit with the division of motor vehicles stating the reasons why he or she  
9 cannot be required to take blood tests and a notation to this effect shall be made on his or her  
10 license. If that person is asked to submit to chemical tests as provided under this chapter, the person  
11 shall only be required to submit to chemical tests of his or her breath, saliva or urine. When a person  
12 is requested to submit to blood tests, only a physician or registered nurse, or a medical technician  
13 certified under regulations promulgated by the director of the department of health, may withdraw  
14 blood for the purpose of determining the alcoholic content in it. This limitation shall not apply to  
15 the taking of breath, saliva or urine specimens. The person tested shall be permitted to have a  
16 physician of his or her own choosing, and at his or her own expense, administer chemical tests of  
17 his or her breath, blood, saliva and/or urine in addition to the tests administered at the direction of  
18 a law enforcement officer. If a person, having been placed under arrest, refuses upon the request of  
19 a law enforcement officer to submit to the tests, as provided in § 31-27-2, none shall be given.

20 (1) At the initial traffic tribunal appearance, the magistrate shall review the incident, action,  
21 and/or arrest reports submitted by the law enforcement officer to determine if there exists  
22 reasonable grounds to believe that the person had been driving a motor vehicle while under the  
23 influence of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of  
24 title 21, or any combination thereof. The magistrate shall also determine if the person had been  
25 informed of the penalties incurred as a result of failing to submit to a chemical test as provided in  
26 this section and that the person had been informed of the implied consent notice contained in  
27 subsection (c)(10) of this section. For the purpose of this subsection only, "driving a motor vehicle  
28 while under the influence of any controlled substance as defined in chapter 28 of title 21" shall be  
29 indicated by the presence or aroma of a controlled substance on or about the person or vehicle of  
30 the individual refusing the chemical test or other reliable indicia or articulable conditions that the  
31 person was impaired due to their intake of a controlled substance.

32 (2) If the magistrate determines that subsection (b)(1) of this section has been satisfied they  
33 shall promptly order that the person's operator's license or privilege to operate a motor vehicle in  
34 this state be immediately suspended. Said suspension shall be subject to the hardship provisions

1 enumerated in § 31-27-2.8.

2 (c) A traffic tribunal judge or magistrate, or a district court judge or magistrate, pursuant  
3 to the terms of subsection (d) of this section, shall order as follows:

4 (1) Impose, for the first violation, a fine in the amount of two hundred dollars (\$200) to  
5 five hundred dollars (\$500) and shall order the person to perform ten (10) to sixty (60) hours of  
6 public community restitution. The person's driving license in this state shall be suspended for a  
7 period of six (6) months to one year. The traffic tribunal judge or magistrate shall require attendance  
8 at a special course on driving while intoxicated or under the influence of a controlled substance  
9 and/or alcohol or drug treatment for the individual. ~~The~~ Following the initial suspension of the  
10 person's operator's license the traffic tribunal judge or magistrate ~~may~~ shall prohibit that person  
11 from operating a motor vehicle that is not equipped with an ignition interlock system and/or blood  
12 and urine testing as provided in § 31-27-2.8 for a period of not less than six (6) months and for up  
13 to a period of twelve (12) months.

14 (2) Every person convicted of a second violation within a five-year (5) period, except with  
15 respect to cases of refusal to submit to a blood test, shall be guilty of a misdemeanor; shall be  
16 imprisoned for not more than six (6) months; shall pay a fine in the amount of six hundred dollars  
17 (\$600) to one thousand dollars (\$1,000); perform sixty (60) to one hundred (100) hours of public  
18 community restitution; and the person's driving license in this state shall be suspended for a period  
19 of one year to two (2) years. The judge or magistrate shall require alcohol and/or drug treatment  
20 for the individual. ~~The~~ Following the initial suspension of the person's operator's license the  
21 sentencing judge or magistrate shall prohibit that person from operating a motor vehicle that is not  
22 equipped with an ignition interlock system and/or blood and urine testing as provided in § 31-27-  
23 2.8 for a period of not less than twelve (12) months and for up to a period of forty-eight (48) months.

24 (3) Every person convicted for a third or subsequent violation within a five-year (5) period,  
25 except with respect to cases of refusal to submit to a blood test, shall be guilty of a misdemeanor;  
26 and shall be imprisoned for not more than one year; fined eight hundred dollars (\$800) to one  
27 thousand dollars (\$1,000); shall perform not less than one hundred (100) hours of public community  
28 restitution; and the person's operator's license in this state shall be suspended for a period of two  
29 (2) years to five (5) years. ~~The~~ Following the initial suspension of the person's operator's license  
30 the sentencing judge or magistrate shall prohibit that person from operating a motor vehicle that is  
31 not equipped with an ignition interlock system and/or blood and urine testing as provided in § 31-  
32 27-2.8 for a period of not less than twenty-four (24) months and up to a period of one hundred  
33 twenty (120) months. The judge or magistrate shall require alcohol or drug treatment for the  
34 individual. Provided, that prior to the reinstatement of a license to a person charged with a third or

1 subsequent violation within a three-year (3) period, a hearing shall be held before a judge or  
2 magistrate. At the hearing, the judge or magistrate shall review the person's driving record, his or  
3 her employment history, family background, and any other pertinent factors that would indicate  
4 that the person has demonstrated behavior that warrants the reinstatement of his or her license.

5 (4) For a second violation within a five-year (5) period with respect to a case of a refusal  
6 to submit to a blood test, a fine in the amount of six hundred dollars (\$600) to one thousand dollars  
7 (\$1,000); the person shall perform sixty (60) to one hundred (100) hours of public community  
8 restitution; and the person's driving license in this state shall be suspended for a period of two (2)  
9 years. The judicial officer shall require alcohol and/or drug treatment for the individual. ~~The~~  
10 Following the initial suspension of the person's operator's license the sentencing judicial officer  
11 shall prohibit that person from operating a motor vehicle that is not equipped with an ignition  
12 interlock system as provided in § 31-27-2.8. Such a violation with respect to refusal to submit to a  
13 chemical blood test shall be a civil offense for a period of not less than twelve (12) months and for  
14 up to a period of twenty-four (24) months.

15 (5) For a third or subsequent violation within a five-year (5) period with respect to a case  
16 of a refusal to submit to a blood test, a fine in the amount of eight hundred dollars (\$800) to one  
17 thousand dollars (\$1,000); the person shall perform not less than one hundred (100) hours of public  
18 community restitution; and the person's driving license in this state shall be suspended for a period  
19 of two (2) to five (5) years. ~~The~~ Following the initial suspension of the person's operator's license  
20 the sentencing judicial officer shall prohibit that person from operating a motor vehicle that is not  
21 equipped with an ignition interlock system as provided in § 31-27-2.8 for a period of forty-eight  
22 (48) months. The judicial officer shall require alcohol and/or drug treatment for the individual.  
23 Such a violation with respect to refusal to submit to a chemical test of blood shall be a civil offense.  
24 Provided, that prior to the reinstatement of a license to a person charged with a third or subsequent  
25 violation within a three-year (3) period, a hearing shall be held before a judicial officer. At the  
26 hearing, the judicial officer shall review the person's driving record, his or her employment history,  
27 family background, and any other pertinent factors that would indicate that the person has  
28 demonstrated behavior that warrants the reinstatement of their license.

29 (6) For purposes of determining the period of license suspension, a prior violation shall  
30 constitute any charge brought and sustained under the provisions of this section or § 31-27-2.

31 (7) In addition to any other fines, a highway safety assessment of five hundred dollars  
32 (\$500) shall be paid by any person found in violation of this section, the assessment to be deposited  
33 into the general fund. The assessment provided for by this subsection shall be collected from a  
34 violator before any other fines authorized by this section.

1 (8) In addition to any other fines and highway safety assessments, a two-hundred-dollar  
2 (\$200) assessment shall be paid by any person found in violation of this section to support the  
3 department of health's chemical testing programs outlined in §§ 31-27-2(f) and 31-27-2(g), that  
4 shall be deposited as general revenues, not restricted receipts.

5 (9) No fines, suspensions, assessments, alcohol or drug treatment programs, course on  
6 driving while intoxicated or under the influence of a controlled substance, or public community  
7 restitution provided for under this section can be suspended.

8 (10) Implied consent notice for persons eighteen (18) years of age or older: "Rhode Island  
9 law requires you to submit to a chemical test of your blood, breath, or urine for the purpose of  
10 determining the chemical content of your body fluids or breath. If you refuse this testing, certain  
11 penalties can be imposed and include the following: for a first offense, your Rhode Island driver's  
12 license or privilege to operate a motor vehicle in this state can be suspended for six (6) months to  
13 one year or modified to permit operation in connection with an ignition interlock device for a period  
14 specified by law; provided, however, that any person convicted of refusal to submit to a  
15 breathalyzer or driving under the influence of liquor or drugs shall be required to install an ignition  
16 interlock system in their vehicle for a period of time as specified by law; a fine from two hundred  
17 dollars (\$200) to five hundred dollars (\$500) can be imposed; and you can be ordered to perform  
18 ten (10) to sixty (60) hours of community service and attend a special course on driving while  
19 intoxicated or under the influence of a controlled substance and/or alcohol or drug treatment. If you  
20 have had one or more previous offenses within the past five (5) years, your refusal to submit to a  
21 chemical test of breath or urine at this time can have criminal penalties, including incarceration up  
22 to six (6) months for a second offense and up to one year for a third or subsequent offense, and can  
23 carry increased license suspension ~~or~~ and a mandatory ignition interlock period, fines, and  
24 community service. All violators shall pay a five hundred dollar (\$500) highway safety assessment  
25 fee, a two hundred dollar (\$200) department of health chemical testing programs assessment fee,  
26 and a license reinstatement fee. Refusal to submit to a chemical test of blood shall not subject you  
27 to criminal penalties for the refusal itself, but if you have one or more previous offenses other civil  
28 penalties may increase. You have the right to be examined at your own expense by a physician  
29 selected by you. If you submit to a chemical test at this time, you have the right to have an additional  
30 chemical test performed at your own expense. You will be afforded a reasonable opportunity to  
31 exercise these rights. Access to a telephone will be made available for you to make those  
32 arrangements. You may now use a telephone."

33 Use of this implied consent notice shall serve as evidence that a person's consent to a  
34 chemical test is valid in a prosecution involving driving under the influence of liquor, controlled

1 substances, and/or drugs.

2 (11) In addition to any other fines and highway assessments any person found in violation  
3 of this section shall pay a one hundred dollar (\$100) assessment to the ignition interlock system  
4 fund established in § 31-27-2.10.

5 (d) Upon suspending or refusing to issue a license or permit as provided in subsection (a),  
6 the traffic tribunal or district court shall immediately notify the person involved in writing, and  
7 upon his or her request, within fifteen (15) days, afford the person an opportunity for a hearing as  
8 early as practical upon receipt of a request in writing. Upon a hearing, the judge may administer  
9 oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books  
10 and papers. If the judge finds after the hearing that:

11 (1) The law enforcement officer making the sworn report had reasonable grounds to believe  
12 that the arrested person had been driving a motor vehicle within this state while under the influence  
13 of intoxicating liquor, toluene, or any controlled substance, as defined in chapter 28 of title 21, or  
14 any combination of these;

15 (2) The person, while under arrest, refused to submit to the tests upon the request of a law  
16 enforcement officer;

17 (3) The person had been informed of his or her rights in accordance with § 31-27-3; and

18 (4) The person had been informed of the penalties incurred as a result of noncompliance  
19 with this section, the judge shall sustain the violation. The judge shall then impose the penalties set  
20 forth in subsection (c) of this section. Action by the judge must be taken within seven (7) days after  
21 the hearing or it shall be presumed that the judge has refused to issue his or her order of suspension.

22 (e) For the purposes of this section, any test of a sample of blood, breath, or urine for the  
23 presence of alcohol that relies, in whole or in part, upon the principle of infrared light absorption is  
24 considered a chemical test.

25 (f) No person shall have their license reinstated without restriction until such time as they  
26 have successfully utilized the ignition interlock system for the period of time ordered by the  
27 sentencing judge or magistrate. Prior to reinstatement of an operator's license, the person shall,  
28 pursuant to § 31-27-2.8(b)(iii)(F), provide certified copies of records from the ignition interlock  
29 company proving compliance with the use of said ignition interlock system.

30 (g) Any person who is permitted to operate their vehicle on a hardship basis, as provided  
31 in § 31-27-2.8, shall receive credit for the period of suspension and for any period in which an  
32 ignition interlock system is mandated by the sentencing judge or magistrate.

33 (h) Any person charged with a violation of this section who is a first-time offender, is not  
34 involved in an accident causing property damage or personal injury and who completes fifty (50)

1 [hours of substance abuse counseling and a minimum of six \(6\) months utilizing an ignition interlock](#)  
2 [system, shall be eligible, upon a petition to the court, to have the case dismissed.](#)

3 ~~(i)~~ If any provision of this section, or the application of any provision, shall, for any  
4 reason, be judged invalid, the judgment shall not affect, impair, or invalidate the remainder of the  
5 section, but shall be confined in this effect to the provisions or application directly involved in the  
6 controversy giving rise to the judgment.

7 **31-27-2.8. Ignition interlock system and/or blood and urine testing imposed as a part**  
8 **of sentence -- Requirements.**

9 (a) Any person subject to suspension pursuant to §§ 31-27-2.1(b)(1) and 31-27-2.1(b)(2)  
10 or convicted under the provisions of § 31-27-2(d)(1), § 31-27-2(d)(2), § 31-27-2(d)(3)(i), or § 31-  
11 27-2(d)(3)(ii), or whose violation is sustained under the provisions of §§ 31-27-2.1(b)(1) and 31-  
12 27-2.1(b)(2), ~~may~~ [shall](#) be prohibited by the sentencing judge or magistrate from operating a motor  
13 vehicle that is not equipped with an ignition interlock system [as provided by law](#), and/or blood and  
14 urine testing by a licensed physician with knowledge and clinical experience in the diagnosis and  
15 treatment of drug-related disorders, a licensed or certified psychologist, social worker, or EAP  
16 professional with like knowledge, or a substance abuse counselor certified by the National  
17 Association of Alcohol and Drug Abuse Counselors (all of whom shall be licensed in Rhode  
18 Island), pursuant to this section.

19 (1) Notwithstanding any other sentencing and disposition provisions contained in this  
20 chapter, if a Rhode Island traffic tribunal magistrate makes a finding that a motorist was operating  
21 a vehicle in the state while under the influence of drugs, toluene, or any controlled substance as  
22 evidenced by the presence of controlled substances on or about the person or vehicle, or other  
23 reliable indicia or articulable conditions thereof, but not intoxicating liquor based on a preliminary  
24 breath test, results from a breathalyzer that indicates no blood alcohol concentration or both, the  
25 magistrate may exercise his or her discretion and eliminate the requirement of an ignition interlock  
26 system; provided, that blood and/or urine testing is mandated as a condition to operating a motor  
27 vehicle as provided in this section [and as provided in §§ 31-27-2 and 31-27-2.1.](#)

28 (2) Notwithstanding any other sentencing and disposition provisions contained in this  
29 chapter, if a Rhode Island traffic tribunal magistrate makes a finding that a motorist was operating  
30 a vehicle in the state while under the influence of drugs, toluene, or any controlled substance as  
31 evidenced by the presence of controlled substances on or about the person or vehicle, or other  
32 reliable indicia or articulable conditions thereof and intoxicating liquor based on a preliminary  
33 breath test, results from a breathalyzer that indicates blood alcohol concentration or both, the  
34 magistrate may require an ignition interlock system in addition to blood and/or urine testing as a



1 condition to operating a motor vehicle as provided in this section [and as provided in §§ 31-27-2](#)  
2 [and 31-27-2.1](#).

3 (b) Notwithstanding any other provisions contained in this chapter, any mandatory period  
4 of license suspension shall, upon request, be reduced by the imposition of an ignition interlock  
5 system and/or blood and urine testing ordered by the court or traffic tribunal as follows:

6 (1) For a violation of § 31-27-2(d)(1), a person shall be subject to a minimum thirty-day  
7 (30) license suspension and an imposition of an ignition interlock system and/or blood and urine  
8 testing for ~~three (3) months to one year~~ [six \(6\) months](#).

9 (2) For a violation of § 31-27-2.1(c)(1), a person shall be subject to a minimum thirty-day  
10 (30) license suspension and an imposition of an ignition interlock system and/or blood and urine  
11 testing for a period of ~~six (6)~~ [twelve \(12\)](#) months to two (2) years.

12 (3) For a violation of § 31-27-2(d)(2), a person shall be subject to a minimum forty-five-  
13 day (45) license suspension and an imposition of an ignition interlock system and/or blood and  
14 urine testing for a period of six (6) months to two (2) years.

15 (4) For a violation of § 31-27-2.1(c)(2), a person shall be subject to a minimum sixty-day  
16 (60) license suspension and an imposition of an ignition interlock system and/or blood and urine  
17 testing for a period of one to four (4) years.

18 (5) For a violation of § 31-27-2(d)(3), a person shall be subject to a minimum sixty-day  
19 (60) license suspension and imposition of an ignition interlock system and/or blood and urine  
20 testing for a period of one to four (4) years.

21 (6) For a violation of § 31-27-2.1(c)(3), a person shall be subject to a minimum ninety-day  
22 (90) license suspension and imposition of an ignition interlock system and/or blood and urine  
23 testing for a period of two (2) to ten (10) years.

24 (7) No license suspension shall be subject to more than a thirty-day (30) license suspension  
25 based solely upon the imposition of an ignition interlock system.

26 (i) If a conviction pursuant to § 31-27-2(d)(1) or § 31-27-2.1(c)(1) is a first offense, or upon  
27 an initial suspension pursuant to § 31-27-2.1(b)(1), where there has been a finding or determination  
28 that the motorist was under the influence of intoxicating liquor only, the magistrate shall, upon  
29 request, immediately grant a conditional hardship license after a finding of need pursuant to this  
30 section and upon proof of the installation of an ignition interlock device.

31 (ii) If a conviction pursuant to § 31-27-2(d)(1) or § 31-27-2.1(c)(1) is a first offense, or  
32 upon an initial suspension pursuant to § 31-27-2.1(b)(1), where there has been a finding or  
33 determination that the motorist was under the influence of drugs, toluene, or a controlled substance,  
34 but not intoxicating liquor, the judge or magistrate shall, upon request immediately grant a

1 conditional hardship license after a finding of need pursuant to this section and upon proof of blood  
2 and urine testing pursuant to this section.

3 (iii) If a conviction pursuant to § 31-27-2(d)(1) or § 31-27-2.1(c)(1) is a first offense, or  
4 upon an initial suspension pursuant to § 31-27-2.1(b)(1), where there has been a finding or  
5 determination that the motorist was under the influence of intoxicating liquor, toluene, a controlled  
6 substance, or any combination thereof, the magistrate shall, upon request immediately grant a  
7 conditional hardship license after a finding of need pursuant to this section and upon proof of the  
8 installation of an ignition interlock device, subject also to the following testing:

9 (A) The testing of either blood or urine is being performed by or monitored by a licensed  
10 physician with knowledge and clinical experience in the diagnosis and treatment of drug-related  
11 disorders, a licensed or certified psychologist, social worker, or EAP professional with like  
12 knowledge, or a substance abuse counselor certified by the National Association of Alcohol and  
13 Drug Abuse Counselors (all of whom shall be licensed in Rhode Island).

14 (B) The motorist is required to pay for the substance abuse professional, any testing,  
15 retesting, monitoring, and reporting costs of the blood and urine testing.

16 (C) Samples are to be collected, tested and confirmed by a federally certified laboratory by  
17 means of gas chromatography/mass spectrometry or technology recognized as being at least as  
18 scientifically accurate.

19 (D) Samples are to be taken weekly for the first sixty (60) days, thereafter in accordance  
20 with the recommendation of the substance abuse professional. The samples taken thereafter may  
21 be ordered randomly, but must be provided by the motorist within twenty-four (24) hours of the  
22 request. The substance abuse professional shall report to the department of the attorney general  
23 within twenty-four (24) hours any failure by the motorist to comply with a request for a sample.

24 (E) A positive test of urine or blood that evidences any controlled substances shall be  
25 reported by the substance abuse professional to the motorist and to the department of the attorney  
26 general within twenty-four (24) hours of receipt of the results. The motorist may, at his or her own  
27 expense, have an opportunity to have the sample retested or reevaluated by an independent testing  
28 facility which shall provide the result directly to the substance abuse professional. The attorney  
29 general may request, at any time, a copy of any or all test results from the substance abuse  
30 professional, who shall forward the requested results within forty-eight (48) hours.

31 (F) Upon completion of the license suspension, conditional hardship, ignition interlock and  
32 substance abuse testing periods, a finalized report shall be presented to the department of motor  
33 vehicles prior to any license reinstatement.

34 (G) If a judge or magistrate determines that a motorist either failed, without good cause, to

1 comply with a sample request or tested positive for any controlled substance, he or she may exercise  
2 his or her discretion and revoke the conditional hardship license, extend the time period for the  
3 ignition interlock system and/or substance abuse testing for an additional period of up to twelve  
4 (12) months and/or impose an additional loss of license for up to twenty-four (24) months.

5 (H) A motorist who has failed, without good cause, to comply with a sample request or  
6 tested positive for any controlled substance for a second time within twelve (12) months of the first  
7 failure and/or positive test determination shall be guilty of a misdemeanor punishable by up to one  
8 year imprisonment, or a fine of up to one thousand dollars (\$1,000), or both.

9 (c) However, in any case where a motorist is convicted of an alcohol-related offense  
10 pursuant to the provisions of this chapter, the judge or magistrate may exercise his or her discretion  
11 in the granting of the hardship license by imposing up to a ninety (90) day loss of license prior to  
12 any imposition of the hardship license. The hardship license shall be valid for twelve (12)  
13 continuous hours per day for any valid reason approved in advance by the sentencing judge or  
14 magistrate, which shall include employment, medical appointments, job training, schooling, or  
15 religious purposes. The hardship license shall not be for less than twelve (12) continuous hours per  
16 day. A hardship license shall only be granted in conjunction with the installation of an ignition  
17 interlock device and/or blood and urine testing. Any conditional driving privileges must be set by  
18 the sentencing judge or magistrate after a hearing in which the motorist must provide proof of  
19 employment status and hours of employment, or any other legitimate reasons justifying a hardship  
20 license. These shall include, but not be limited to, any unemployment training, schooling, medical  
21 appointments, therapy treatments, or any other valid requests set forth by sworn affidavit. Once  
22 said hardship period has concluded, the motorist must still be subject to the conditions of the  
23 ignition interlock system and/or blood and urine testing as set forth under this section for the period  
24 of time as directed by the court. Any individual who violates the requirements of this subsection  
25 shall be subject to the penalties enumerated in § 31-11-18.1.

26 (d) Any person convicted of an offense of driving under the influence of liquor or drugs  
27 resulting in death, § 31-27-2.2; driving under the influence of liquor or drugs resulting in serious  
28 bodily injury, § 31-27-2.6; driving to endanger resulting in death, § 31-27-1; or driving to endanger  
29 resulting in serious bodily injury, § 31-27-1.1; may, in addition to any other penalties provided by  
30 law, be prohibited from operating a motor vehicle that is not equipped with an approved ignition  
31 interlock system and/or blood and urine testing for one to five (5) years.

32 (e) Any person who operates a motor vehicle with a suspended license during the period  
33 of suspension, and the reason for the suspension was due to a conviction of driving under the  
34 influence of drugs or alcohol or a sustained violation or conviction of refusal to submit to a chemical

1 test, shall be subject to the further use of the ignition interlock system and/or blood and urine testing  
2 for a period of six (6) months subsequent to the penalties enumerated in § 31-11-18.1.

3 (f) When the court orders the use of an ignition interlock system, the judge or magistrate  
4 shall cause an appropriate notation to be made on the person's record that clearly sets forth the  
5 requirement for, and the period of the use of, the ignition interlock system.

6 (g) In addition to the requirements of subsection (f) of this section, the court or traffic  
7 tribunal shall:

8 (1) Require proof of the installation of the ignition interlock system and periodic reporting  
9 by the person for the purpose of verification of the proper operation of the ignition interlock system;

10 (2) Require the person to have the ignition interlock system monitored for the proper use  
11 and accuracy by a person, firm, corporation, or other association to be approved by the division of  
12 motor vehicles at least once every six (6) months, or more frequently as the circumstances may  
13 require; and

14 (3) Require the person to pay the reasonable cost of leasing or buying, monitoring, and  
15 maintenance of the ignition interlock system.

16 (4) The requirements under subsection (g) of this section shall be the responsibility of the  
17 probation department or justice assistance, if the individual is under their control, or the division of  
18 motor vehicles if the individual is not monitored as a condition of the individual's plea or finding  
19 of guilt.

20 (h) Any person granted a conditional hardship license upon proof of installation of an  
21 ignition interlock device, may operate that motor vehicle during the entire twelve-hour (12) period  
22 of operation granted by the sentencing judge or magistrate including during the scope of the  
23 person's employment and/or any other valid reason approved by the sentencing judge or magistrate.

24 (i) If a person is required, in the course of the person's employment, to operate a motor  
25 vehicle owned or provided by the person's employer, the person may operate that motor vehicle in  
26 the course of the person's employment without installation of an ignition interlock system if the  
27 court makes specific findings expressly permitting the person to operate, in the course of the  
28 person's employment, a motor vehicle that is not equipped with an ignition interlock system.

29 (j)(1) Any person subject to an ignition interlock order and/or blood and urine testing who  
30 violates such order shall be guilty of a misdemeanor punishable by up to one year imprisonment,  
31 or a fine of up to one thousand dollars (\$1,000), or both.

32 (2) For a second violation within six (6) months from entry of the order, the person  
33 violating the order shall be imprisoned for a term of not less than ten (10) days and not more than  
34 one year.

1 (k) For the purposes of this subsection, a violation of the interlock order, includes, but is  
2 not limited to:

3 (1) Altering, tampering, or in any way attempting to circumvent the operation of an ignition  
4 interlock system that has been installed in the motor vehicle of a person under this section;

5 (2) Operating a motor vehicle that is not equipped with an ignition interlock system; or

6 (3) Soliciting or attempting to have another person start a motor vehicle equipped with an  
7 ignition interlock system for the purpose of providing an operable motor vehicle to a person who  
8 is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system.

9 (l) Any person who attempts to start, or starts, a motor vehicle equipped with an ignition  
10 interlock system, tampers with, or in any way attempts to circumvent, the operation of an ignition  
11 interlock system that has been installed in the motor vehicle for the purpose of providing an  
12 operable motor vehicle to a person who is prohibited from operating a motor vehicle that is not  
13 equipped with an ignition interlock system, shall be guilty of a misdemeanor punishable by up to  
14 one year imprisonment or a fine of up to one thousand dollars (\$1,000), or both.

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

17 **31-27-2.10. Ignition interlock system fund.**

18 (a) This section shall be administered by the office of the general treasurer.

19 (b) The office shall designate a program administrator and shall promulgate rules and  
20 regulations in accordance with chapter 42 of title 35 ("administrative procedures") necessary to  
21 carry out the purposes of this section.

22 (c) There is hereby created an ignition interlock system fund to be administered by the  
23 office of the general treasurer to provide funding for indigent defendants as defined in § 12-15-8  
24 who are required to comply with provisions of § 31-27-2 relating to ignition interlock systems and  
25 who are unable to pay for the system.

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

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LC004783  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES

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1           This act would require that any person convicted of a charge of driving under the influence  
2 or refusal to submit to a chemical test, have an ignition interlock system installed in their vehicle  
3 as part of any sentence before being eligible for a license reinstatement. This act would also provide  
4 that any person who is a first-time offender and who completes fifty (50) hours of substance abuse  
5 counseling and an ignition interlock period of six (6) months may be eligible to have the charges  
6 dismissed and would provide a funding mechanism to help fund the interlock system if the person  
7 is indigent.

8           This act would take effect upon passage.

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