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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- ELECTRONIC CONFIRMATION AND
COMPLIANCE SYSTEM

Introduced By: Representatives San Bento, Carnevale, Williams, Gallison, and Silva

Date Introduced: February 16, 2012

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 31 of the General Laws entitled "MOTOR AND OTHER
2 VEHICLES" is hereby amended by adding thereto the following chapter:

3 CHAPTER 21.3

4 ELECTRONIC CONFIRMATION AND COMPLIANCE SYSTEM

5 **31-21.3-1. Short title.** – This act shall be known and may be cited as the “Rhode Island
6 Electronic Confirmation and Compliance System.”

7 **31-21.3-2. Definitions.** – When used in this chapter:

8 (1) “Administrator” means the director of the division of motor vehicles.

9 (2) “Department” means the department of public safety.

10 (3) “Director” means the administrator of the department of public safety.

11 (4) “Division” means the division of motor vehicles (DMV).

12 (5) “Financial responsibility” means the ability to satisfy the requirements established in
13 chapter 31-31.

14 (6) “IICMVA” means the Insurance Industry Committee on Motor Vehicle
15 Administration.

16 (7) “NLETS” means the National Law Enforcement Communications network.

17 (8) “Noninvasive” means does not contain or display personal identifying information
18 including a name and address.

1 (9) "RILETS" means the Rhode Island Law Enforcement Communications network.

2 **31-21.3-3. Electronic insurance confirmation and compliance system.** – (a) The
3 director of the department of public safety and/or his or her designees shall contract with a third
4 (3rd) party no later than ninety (90) days after passage of this act to implement an electronic
5 automobile and commercial vehicle liability insurance confirmation and compliance system in the
6 state that shall include the following:

7 (1) A system to make both interstate and intrastate vehicle insurance and registration
8 status available to law enforcement for automated query at any time through the national law
9 enforcement telecommunications network, (NLETS) used by law enforcement in this state and all
10 others and which is fully interfaced with the RILETS system, (Department's Law Enforcement
11 Message Switch Communications and Hot File database system) and which is in turn linked to
12 the Division of Motor Vehicles (DMV).

13 (2) A system to make available by use of current connections only so as to require no
14 modification to existing or planned DMV systems, the administrator of the division of motor
15 vehicles, a financial responsibility verification system for use when an entity or individual
16 registers a vehicle pursuant to chapter 31-31, such system to be accessed via the division's current
17 connection with RILETS or directly via the internet or a combination of both when and in the
18 manner as the administrator of the division of motor vehicles may determine;

19 (3) A system to provide automobile and commercial vehicle insurance information to
20 emergency medical service providers;

21 (4) A verification system to provide courts with financial responsibility status for the
22 court date, the citation date, the day prior to the citation date, and a history of the vehicle's periods
23 of coverage, regarding both intrastate and whenever possible, interstate vehicles identified as non-
24 compliant;

25 (5) An automatic license plate recognition system to electronically capture license plate
26 images in two (2) seconds or less and non-invasively attempt verification of the insurance and
27 when possible, the registration status of the vehicle. If the vehicle is covered under an automobile
28 insurance policy or properly registered or there is no conclusive proof of non-compliance as
29 determined by a law enforcement officer, the automatic license plate recognition system shall
30 erase the record of the vehicle's license plate within one minute.

31 (6) A system to provide secure postal notification, telephone and internet-based help
32 desk, verification and secure collection services for the state regarding citations issued by this
33 system;

34 (7) A system that provides secure, dedicated, electronic portals with appropriate

1 information for authorized users as determined by the director.

2 (8) A system that provides a help desk service with live operators but also a fax service
3 and internet-based response service so that citations can be challenged and any errors corrected in
4 support of the public and also to reduce the burdens that might otherwise be placed upon the
5 traffic tribunal.

6 (b) All costs, including, but not limited to, development, manufacture, implementation,
7 maintenance, operation and purchasing shall be the burden of the third party and not the state.

8 **31-21.3-4. Mandatory reporting.** – (a) Each insurer that delivers, issues for delivery, or
9 renews automobile and commercial vehicle liability insurance policies in this state shall furnish to
10 NLETS acting for the department, on at least a daily basis, all of the following information
11 concerning vehicles owned by any persons or entity to whom it issued such policies of insurance
12 on the previous day and for whom/which any persons or entities on the previous day, cancelled
13 such policies or allowed such policies to lapse through failure to pay the premium due or for
14 whom/which such policies were otherwise cancelled or suspended by said insurer:

15 (1) The effective or termination date of the policy;

16 (2) The policy number;

17 (3) The vehicle identification number (or if a commercial policy, the asset identification
18 number or USDOT number) of the vehicle covered under the policy;

19 (4) The make, model, and model year of the vehicle covered under the policy;

20 (5) The zip code (but no other name or address elements) of residence of the
21 policyholder;

22 (6) Any lien holder identified in the policy and/or the federal lien holder identification
23 number;

24 (7) The level of insurance coverage expressed in the following categories: liability,
25 comprehensive, collision, and uninsured motorist coverage;

26 (8) Any other file elements as determined to be advantageous by the insurer; and

27 (9) Any other file elements determined to be necessary by the administrator.

28 (b) The insurance commissioner and administrator will require insurers to submit the
29 information required under subsection (a) of this section to the department and to NLETS, which
30 is owned and controlled by this state and all other states, via electronic means or, if in the case of
31 a small insurer with fewer than ten thousand (10,000) policies, by either fax or electronic
32 spreadsheet as they may choose.

33 (c) The state shall incur no liability concerning the accuracy of any insurance policy data
34 reported pursuant to this section.

1 **31-21.3-5. Rules and regulations.** – The administrator shall adopt rules and regulations
2 to implement this chapter including rules to determine the method insurers must use to submit
3 information to the department and to NLETS under subsection 31-21.3-4(a) and which may
4 include the use of the Insurance Industry Committee on Motor Vehicle Administration (IICMVA)
5 web-enabled standard, provided that no privacy data is used to obtain information and that actual
6 status is provided.

7 **31-21.3-6. Procedure -- Notice.** – (a) Except as expressly provided in this chapter, all
8 prosecutions based on evidence produced by this confirmation and compliance system shall
9 follow the procedures established in chapter 41.1 of this title, chapter 8-18 of the general laws and
10 the rules promulgated by the chief magistrate of the traffic tribunal for the hearing of civil traffic
11 violations in the traffic tribunal. Provided, that in an action brought pursuant to the provisions of
12 this chapter, references in chapter 31-41.1 to an “operator” shall apply to the registered owner of
13 the vehicle. A summons shall be issued by an officer solely based on evidence obtained by use of
14 a live digital video vehicle confirmation and compliance system. All summonses issued based on
15 evidence obtained from a live digital video vehicle confirmation and compliance system shall be
16 issued within seven (7) days of the violation. Notwithstanding any provisions of the general laws
17 to the contrary, exclusive jurisdiction to hear and decide any violation under this chapter shall be
18 with the traffic tribunal.

19 (b) It shall be sufficient to commence a prosecution based on evidence obtained from a
20 live digital video vehicle confirmation and compliance system. A copy of the summons and
21 supporting documentation shall be mailed to the address of the registered owner kept on file by
22 the registry of motor vehicles pursuant to section 31-3-34 of the general laws. For purposes of
23 this section, the date of issuance shall be the date of mailing.

24 (c) The officer issuing the summons shall certify under penalties of perjury that the
25 evidence obtained from the live digital video vehicle confirmation and compliance system was
26 sufficient to demonstrate a violation of the motor vehicle code. Such certification shall be
27 sufficient in all prosecutions pursuant to this chapter to justify the entry of a default judgment
28 upon sufficient proof of actual notice in all cases where the citation is not answered within the
29 time period permitted.

30 (d) The summons shall contain all the information provided for on the uniform summons
31 as referred to in section 31-41.1-1 of the general laws and the rules of procedure promulgated by
32 the chief magistrate of the traffic tribunal as well as the date, time, and location of the violation.
33 In addition, the following information shall be attached to or accompany the summons:

34 (1) Copies of two (2) or more photographs, or microphotographs, videos, or other

1 enforcement information approved by the officer that, based on inspection of recorded images,
2 the motor vehicle was being operated in violation of this chapter;

3 (2) A signed statement that recorded images is evidence of a violation of this chapter.

4 (3) A statement that the person who receives the summons under this chapter may either
5 pay the civil fine or elect to stand trial for the alleged violation.

6 (4) A signed affidavit by a person who witnessed the motor vehicle being operated in
7 violation of this chapter as he or she reviewed recorded images;

8 (5) The contact telephone numbers, addresses and both facsimile and internet addresses
9 to provide proof of compliance along with a statement of procedures and confirmation that the
10 record will be modified should proper proof be provided and pending charges dismissed; and

11 (6) A signed statement certified under the penalties of perjury by a trained law
12 enforcement officer that the summons and attachments required under this subsection were
13 mailed to the address of the registered owner kept on file by the registry of motor vehicles.

14 (e) Any summons issued pursuant to this chapter shall be issued by a law enforcement
15 officer authorized to issue a traffic violation summons pursuant to title 31 of the general laws.

16 **31-21.3-7. Driver/registered owner liability.** – (a) The registered owner of a motor
17 vehicle shall not operate or allow the motor vehicle to be operated in violation of this chapter.

18 (b) In all prosecutions of civil traffic violations based on evidence obtained from a live
19 digital video vehicle confirmation and compliance system as provided under this chapter, the
20 registered owner of the vehicle shall be responsible in all prosecutions of violations pursuant to
21 the provisions of this chapter, except as otherwise provided under this chapter.

22 (c) In the event that the registered owner of the vehicle operated in violation of this
23 chapter was not the operator of the vehicle at the time of the violation, the registered owner shall
24 be responsible for the violation;

25 **31-21.3-8. Fines revenue allocation.** – (a) The state shall not pay the cost of the
26 implementation and administration of the electronic verification system created by this chapter.

27 (b) Only the revenue generated by the fines imposed through the use of the license plate
28 recognition system referenced in subdivisions 31-21.3-3(9) and 31.21.3-3(10) shall be shared
29 equally by the state and the third party.

30 SECTION 2. Section 31-8-1 of the General Laws in Chapter 31-8 entitled "Offenses
31 Against Registration and Certificate of Title Laws" is hereby amended to read as follows:

32 **31-8-1. Operation of vehicles without evidences of registration.** -- No person shall
33 operate, nor shall an owner knowingly permit to be operated, upon any highway or bicycle trail or
34 path, any vehicle required to be registered pursuant to this title unless there has been issued for it

1 a valid registration card and unless there is attached to it and displayed on it, when and as
2 required by chapters 3 -- 9 of this title, a valid registration plate or plates issued for it by the
3 division of motor vehicles for the current registration year except as otherwise expressly
4 permitted in those chapters. Any violation of this section shall be punishable by a fine ~~of eighty-~~
5 ~~five dollars (\$85.00)~~ for a first offense of three hundred fifty dollars (\$350). The fine for a second
6 (2nd) offense shall be six hundred dollars (\$600). The fine for a third (3rd) and subsequent offense
7 shall be seven hundred fifty dollars (\$750).

8 SECTION 3. Section 31-47-9 of the General Laws in Chapter 31-47 entitled "Motor
9 Vehicle Reparatons Act" is hereby amended to read as follows:

10 **31-47-9. Penalties.** -- (a) Any owner of a motor vehicle registered in this state who shall
11 knowingly operate the motor vehicle or knowingly permit it to be operated in this state without
12 having in full force and effect the financial security required by the provisions of this chapter, and
13 any other person who shall operate in this state any motor vehicle registered in this state with the
14 knowledge that the owner of it does not have in full force and effect financial security, except a
15 person who, at the time of operation of the motor vehicle, had in effect an operator's policy of
16 liability insurance, as defined in this chapter, with respect to his or her operation of the vehicle,
17 may be subject to a mandatory suspension of license and registration as follows:

18 (1) For a first offense, a suspension of up to ~~three (3)~~ two (2) months and ~~may~~ shall be
19 fined ~~one hundred dollars (\$100) up to five hundred dollars (\$500)~~ three hundred fifty dollars
20 (\$350);

21 (2) For a second offense, a suspension of six (6) months; and ~~may~~ shall be fined ~~five~~
22 ~~hundred dollars (\$500)~~ six hundred dollars (\$600); and

23 (3) For a third and subsequent offense, a suspension of up to one year. Additionally, any
24 person violating this section a third or subsequent time shall be punished as a civil violation and
25 ~~may~~ shall be fined ~~one thousand dollars (\$1,000)~~ seven hundred fifty dollars (\$750).

26 (b) An order of suspension and impoundment of a license or registration, or both, shall
27 state that date on or before which the person is required to surrender the person's license or
28 certificate of registration and registration plates. The person is deemed to have surrendered the
29 license or certificate of registration and registration plates, in compliance with the order, if the
30 person does either of the following:

31 (1) On or before the date specified in the order, personally delivers the license or
32 certificate of registration and registration plates, or causes the delivery of those items, to the
33 administrator of the division of motor vehicles or court, whichever issued the order;

34 (2) Mails the license or certificate of registration and registration plates to the

1 administrator of the division of motor vehicles, in an envelope or container bearing a postmark
2 showing a date no later than the date specified in the order.

3 (c) The administrator of the division of motor vehicles shall not restore any operating
4 privileges or registration rights suspended under this section or return any license, certificate of
5 registration, or registration plates impounded under this section unless the rights are not subject to
6 suspension or revocation under any other law and unless the person, in addition to complying
7 with all other conditions required by law for reinstatement of operating privileges or registration
8 rights, complies with all of the following:

9 (1) Pays a reinstatement fee of thirty dollars (\$30.00). The reinstatement fee may be
10 increased, upon approval of the administrator of the division of motor vehicles, up to an amount
11 not exceeding fifty dollars (\$50.00).

12 (2) Files and maintains proof of financial security. To facilitate the administration of this
13 chapter the clerk of the courts shall notify the administrator of the division of motor vehicles of
14 all persons against whom judgments have been entered arising out of a motor vehicle collision.

15 SECTION 4. 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 -- ELECTRONIC CONFIRMATION AND
COMPLIANCE SYSTEM

- 1 This act would create an electronic automobile and commercial vehicle liability insurance
- 2 confirmation and compliance system in the state. Also, the financial penalties would be increased.
- 3 This act would take effect upon passage.

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