

2017 -- H 5691

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LC001862
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - AUTOMATED TRAFFIC VIOLATION
MONITORING SYSTEMS

Introduced By: Representatives Hull, Perez, Williams, McKiernan, and Lombardi

Date Introduced: March 01, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-41.2-4 of the General Laws in Chapter 31-41.2 entitled
2 "Automated Traffic Violation Monitoring Systems" is hereby amended to read as follows:

3 **31-41.2-4. Procedure -- Notice.**

4 (a) Except as expressly provided in this chapter, all prosecutions based on evidence
5 produced by an automated, traffic-violation-detection system shall follow the procedures
6 established in chapter 41.1 of this title; chapter 18 of title 8, except the provisions providing for
7 payments to the state in §§ 8-18-4 and 8-18-6, and the rules promulgated by the chief magistrate
8 of the traffic tribunal for the hearing of civil traffic violations. A summons may be issued by an
9 officer solely based on evidence obtained by use of an automated, traffic-violation-detection
10 system. All summons issued based on evidence obtained from an automated, traffic-violation-
11 detection system shall be issued within ~~fourteen (14)~~ twenty-eight (28) days of the violation.

12 (b) Notwithstanding any rule, regulation, or other provision of the general or public laws
13 to the contrary, no city or town shall be required to make payments to the state in implementing
14 any provision of this chapter until July 1, 2013, nor after July 1, 2015.

15 (c) It shall be sufficient to commence a prosecution based on evidence obtained from an
16 automated, traffic-violation-detection system that a copy of the summons and supporting
17 documentation be mailed to the address of the registered owner kept on file by the registry of
18 motor vehicles pursuant to § 31-3-34. For purposes of this section, the date of issuance shall be

1 the date of mailing.

2 (d) The officer issuing the summons shall certify under penalties of perjury that the
3 evidence obtained from the automated, traffic-violation-detection system was sufficient to
4 demonstrate a violation of the motor vehicle code. Such certification shall be sufficient in all
5 prosecutions pursuant to this chapter to justify the entry of a default judgment upon sufficient
6 proof of actual notice in all cases where the summons is not answered within the time period
7 permitted.

8 (e) The summons shall contain all the information provided for on the uniform summons
9 as referred to in § 31-41.1-1 and the rules of procedure promulgated by the chief magistrate of the
10 traffic tribunal, subject to the approval of the supreme court pursuant to § 8-6-2.

11 (f) In addition to the summons, the following information shall be attached to the
12 summons:

13 (1) Copies of two (2) or more photographs, or microphotographs, or other recorded
14 images taken as proof of the violation;

15 (2) A signed statement by a trained law enforcement officer that, based on inspection of
16 recorded images, the motor vehicle was being operated in violation of § 31-13-4 of this subtitle;

17 (3) A statement that recorded images are evidence of a violation of this chapter; and

18 (4) A statement that the person who receives a summons under this chapter may either
19 pay the civil penalty in accordance with the provisions of § 31-41.1-3, or elect to stand trial for
20 the alleged violation.

21 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would increase the amount of time, from fourteen (14) days to twenty-eight (28)
2 days, for a summons to issue solely based on evidence obtained by use of an automated traffic-
3 violation-detection system.

4 This act would take effect upon passage.

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