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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 - RHODE ISLAND UNIFORM  
COMMERCIAL DRIVER'S LICENSE ACT

Introduced By: Representatives O'Brien, Johnston, McEntee, Marshall, and McKiernan

Date Introduced: March 31, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 31-10.3-3 and 31-10.3-31 of the General Laws in Chapter 31-10.3  
2 entitled "Rhode Island Uniform Commercial Driver's License Act" are hereby amended to read as  
3 follows:

4           **31-10.3-3. Definitions.**

5           Notwithstanding any other provisions of title 31, the following definitions apply to this  
6 chapter unless the context requires otherwise:

7           (1) "Administrator" means the division of motor vehicles administrator, the chief  
8 executive of the division of motor vehicles, an agency within the department of revenue.

9           (2) "Alcohol or alcoholic beverage" means (a) beer as defined in 26 U.S.C. 5052(a), of  
10 the Internal Revenue Code of 1954; (b) wine of not less than one-half of one percentum (0.5%) of  
11 alcohol by volume; or (c) distilled spirits as defined in section 5002(a)(8), of said code.

12           (3) "Base license" means the operator's or driver's license without any classifications,  
13 endorsements, or restrictions.

14           (4) "Bus" means every motor vehicle designed for carrying sixteen (16) or more  
15 passengers (including the driver).

16           (5) "Cancellation of driver's license" means the annulment or termination by formal  
17 action of the department of a person's driver's license because of some error or defect in the  
18 license (or application) or because the licensee is no longer entitled to the license.

1 (6) "Certified commercial driving instructor" means any person who gives commercial  
2 driver training or who offers a course in driver training, and who is certified as such by the  
3 administrator.

4 (7) "Commerce" means:

5 (i) Trade, traffic, and transportation within the jurisdiction of the United States within the  
6 state; between a place in a state and a place outside the state, including a place outside the United  
7 States; and

8 (ii) Trade, traffic, and transportation in the United States that affects any trade, traffic,  
9 and transportation in paragraph (i) of this subdivision.

10 (8) "Commercial license" means a license issued by the department in accordance with  
11 the standards contained in Part 383 of Title 49 of the Code of Federal Regulations, referred to as  
12 49 C.F.R. Part 383, as it may be revised from time to time, to an individual that authorizes the  
13 individual to operate a class of commercial motor vehicle.

14 (9) "Commercial motor vehicle" means a motor vehicle, or combination of vehicles, used  
15 to transport passengers or property if the motor vehicle:

16 (i) Has a gross combination weight rating of twenty-six thousand one (26,001) or more  
17 pounds, of a towed unit with a gross vehicle rating of more than ten thousand pounds (10,000  
18 lbs.), or has a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds;

19 (ii) Is designed to transport sixteen (16) or more passengers, including the driver; or

20 (iii) Is transporting hazardous materials as defined in this section.

21 (10) "Controlled substance" means any substance as classified under § 102(6) of the  
22 Controlled Substance Act (21 U.S.C. 802(6)) and includes all substances as listed in schedules I  
23 through V of Part 1308 of Title 21 of the Code of Federal Regulations, referred to as 21 C.F.R.  
24 Part 1308 as they may be revised from time to time.

25 (11) "Conviction" means an unvacated adjudication of guilt or a determination that a  
26 person has violated, or failed to comply with, the law in a court of original jurisdiction, or by an  
27 authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure  
28 the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the  
29 payment of a fine or court cost or violation of condition of release without bail, regardless of  
30 whether or not the penalty is rebated, suspended, or probated.

31 (12) "Department" means the department of revenue acting directly or through its duly  
32 authorized officers and agents.

33 (13) "Disqualification" means withdrawal of the privilege to drive a commercial motor  
34 vehicle due to:

1 (i) The suspension, revocation, or cancellation of a commercial driver's license by the  
2 state or jurisdiction of issuance; or

3 (ii) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a  
4 state or other jurisdiction as the result of a violation of state or local law relating to motor vehicle  
5 traffic control (other than parking, vehicle weight or vehicle defect violations); or

6 (iii) A determination by the Federal Motor Carrier Safety Administration that a person is  
7 not qualified to operate a commercial motor vehicle under Part 391 of Title 49 of the Code of  
8 Federal Regulations, referred to as 49 C.F.R. 391, as they may be revised from time to time; ~~or~~

9 (iv) For purposes of this chapter, "disqualification" by the state shall not apply to traffic  
10 violations arising from the operation of a non-commercial vehicle that are not otherwise defined  
11 in this section as a "serious traffic violation."

12 (14) "Driver's license" means a license issued by the department to an individual that  
13 authorizes the individual to operate a motor vehicle on the highways.

14 (15) "Employee" means any operator of a commercial motor vehicle, including full-time,  
15 regularly employed drivers; casual, intermittent or occasional drivers; leased drivers; and  
16 independent, owner-operator contractors (while in the course of operating a commercial motor  
17 vehicle) who are either directly employed by or under lease to an employer.

18 (16) "Employer" means any person, including the United States, a state, or a political  
19 subdivision of a state, who or that owns or leases a commercial motor vehicle or assigns persons  
20 to operate such a vehicle.

21 (17) "Farm tractors" means every motor vehicle designated and used primarily as a farm  
22 implement for drawing plows, mowing machines, and other implements of husbandry.

23 (18) "Fatality" means the death of a person as a result of motor vehicle accident.

24 (19) "Felony" means any offense under state or federal law that is punishable by death or  
25 imprisonment for a term exceeding one year and/or fine of one thousand dollars (\$1,000) or more.

26 (20) "Gross vehicle weight rating (GVWR)" means the value specified by the  
27 manufacturer as the maximum loaded weight of a single or a combination (articulated). The  
28 GVWR of a combination (articulated) vehicle (commonly referred to as the "gross combination  
29 weight rating" or GCWR) is the GVWR of the power unit plus the GVWR of the towed unit or  
30 units.

31 (21) "Hazardous materials" means any material that has been designated as hazardous  
32 under Part 172 of Title 49 of the Code of Federal Regulations, referred to as 49 C.F.R. 172 or any  
33 quantity of a material listed as a select agent or toxin in Part 73 of Title 42 of the Code of Federal  
34 Regulations, referred to as 42 C.F.R. 73 as they may be revised from time to time.

1 (22) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semi-trailer propelled  
2 or drawn by mechanical power and used on highways; or any other vehicle required to be  
3 registered under the laws of this state; but does not include any vehicle, machine, tractor, trailer,  
4 or semi-trailer operated exclusively on a rail.

5 (23) "Operator's license" means driver's license.

6 (24) "School bus" means a commercial motor vehicle used to transport preprimary,  
7 primary, or secondary school students from home to school, from school to home, and to and  
8 from school-sponsored events. School bus does not include a bus used as a common carrier.

9 (25) "Secretary" means the Secretary of Transportation of the United States.

10 (26) "Serious traffic violation" means a conviction when operating a commercial motor  
11 vehicle except weight, defect, and parking violations of:

12 (i) Excessive speeding involving any single offense for any speed of fifteen miles per  
13 hour (15 mph) or more above the posted speed limit;

14 (ii) Reckless driving as defined by state or local law or regulation including, but not  
15 limited to, offenses of driving a commercial motor vehicle in willful or wanton disregard for the  
16 safety of person or property;

17 (iii) Improper or erratic lane changes;

18 (iv) Following the vehicle ahead too closely;

19 (v) A violation, arising in connection with a fatal accident, of state or local law relating to  
20 motor vehicle traffic control;

21 (vi) Operating a commercial motor vehicle without obtaining a commercial license;

22 (vii) Operating a commercial motor vehicle without having his or her commercial license  
23 in his or her immediate possession; or

24 (viii) Operating a commercial motor vehicle without possessing a commercial driver's  
25 license containing the endorsements or classifications applicable to the type of vehicle being  
26 operated or for the passengers or type of cargo being transported; or

27 (ix) Operating a commercial motor vehicle while using a hand-held mobile telephone.

28 (27) "State" means a state of the United States and the District of Columbia.

29 (28) "Tank vehicle" means any commercial motor vehicle that is designed to transport  
30 any liquid or gaseous materials within a tank that is either permanently or temporarily attached to  
31 the vehicle or the chassis. These vehicles include, but are not limited to, cargo tanks and portable  
32 tanks as defined in Part 171 of Title 49 of the Federal Hazardous Material Regulations, referred to  
33 as 49 C.F.R. 171 as they may be revised from time to time. However, this definition does not  
34 include portable tanks having a rated capacity under one thousand (1,000) gallons.

1 (29) "Withdrawal" means any suspension, revocation, cancellation, disqualification, out-  
2 of-service of any license, privilege, endorsement, restriction, or classification of any license.

3 **31-10.3-31. Violations -- Penalties.**

4 (a) It shall be illegal for any person driving any commercial motor vehicle as defined in  
5 this chapter to operate or control that vehicle while under the influence of alcohol, drugs, toluene,  
6 or any other substance as defined in chapter 28 of title 21. For the purpose of this chapter, any  
7 person who drives, operates, or exercises physical control of a commercial motor vehicle while  
8 having a blood alcohol concentration of four-one-hundredths of one percent (.04%) or greater by  
9 weight, as shown by a chemical analysis of a blood, breath, or urine sample shall be guilty of the  
10 offense of driving while under the influence of liquor or drugs.

11 (b) (1) Notwithstanding any other provision of this chapter, it shall be illegal for any  
12 person to drive, operate, or be in physical control of a commercial motor vehicle while having  
13 alcohol in his or her system.

14 (2) The administrator shall suspend, for at least one year, a commercial motor vehicle  
15 operator's license or privilege who is found to have committed a first violation of:

16 (i) Driving a commercial motor vehicle under the influence of alcohol or controlled  
17 substances;

18 (ii) Driving a commercial motor vehicle while the alcohol concentration in the person's  
19 blood, breath, or other bodily substance is four-one-hundredths of one percent (.04%) or greater;

20 (iii) Leaving the scene of an accident involving a commercial motor vehicle driven by the  
21 person;

22 (iv) Using a commercial motor vehicle in the commission of a felony;

23 (v) Refusing to submit to a chemical analysis of breath, blood, or urine while operating a  
24 commercial vehicle.

25 (3) If the operator commits any of these violations while carrying hazardous materials  
26 requiring placards under federal/state regulations, the revocation shall be for a period of not less  
27 than three (3) years.

28 (4) The administrator shall revoke for life, which may be reduced to a period of at least  
29 ten (10) years in accordance with department of revenue regulations, a commercial motor vehicle  
30 operator's license or privilege who is found to have committed a second violation of:

31 (i) Driving a commercial motor vehicle under the influence of alcohol or controlled  
32 substances;

33 (ii) Driving a commercial motor vehicle while the alcohol concentration in the person's  
34 blood, breath, or other bodily substance is four-one-hundredths of one percent (.04%) or greater;

1 (iii) Knowingly and willfully leaving the scene of an accident involving a commercial  
2 motor vehicle driven by the person;

3 (iv) Using a commercial motor vehicle in the commission of a felony;

4 (v) Refusing to submit to a chemical analysis of breath, blood, and/or urine while in a  
5 commercial motor vehicle.

6 (5) The administrator shall revoke for life the commercial motor vehicle operator's  
7 license or privilege of any person who is found to have used a commercial motor vehicle in the  
8 manufacture, distribution, or dispensing of a controlled substance or the possession with intent to  
9 distribute, manufacture, or dispense a controlled substance.

10 (6) The administrator shall suspend the commercial motor vehicle operator's license or  
11 privilege for a period of not less than sixty (60) days of each person who, in a three (3) year  
12 period, has committed two (2) serious traffic violations involving a commercial motor vehicle,  
13 and for not less than one hundred twenty (120) days of each person who has committed three (3)  
14 or more serious traffic violations in a three (3) year period.

15 (7) Any person violating subsection (a) of this section shall, upon conviction, be subject  
16 to the fines, penalties, and assessments enumerated in § 31-27-2 for driving under the influence of  
17 liquor or drugs; except for the provision of license or privilege suspension of which the license  
18 shall be withdrawn in accordance with this chapter.

19 (c) Any person violating § 31-10.3-26, relating to the license to be carried and exhibited  
20 on demand, shall, upon conviction, be fined not less than fifty dollars (\$50.00). For a second or  
21 subsequent conviction there shall be imposed a fine of not less than one hundred dollars (\$100),  
22 and his or her commercial license or privilege shall be withdrawn for a period of one month.

23 (d) Any person violating § 31-27-1, relating to driving so as to endanger resulting in  
24 death, or § 31-27-1.1, relating to driving so as to endanger, resulting in personal injury, shall,  
25 upon conviction, have his or her commercial license or privilege revoked for a period of one year.  
26 With respect to violations of §§ 31-27-1 and 31-27-1.1, the commercial penalties shall only apply  
27 while the operator is operating a commercial vehicle; should the operator be operating a  
28 passenger vehicle, passenger penalties shall apply under §§ 31-27-1 and 31-27-1.1.

29 (e) Any person violating § 31-10.3-27, relating to the limitation on the number of driver  
30 licenses, shall, upon conviction, be fined not less than two hundred fifty dollars (\$250) nor more  
31 than twenty-five hundred dollars (\$2,500), and any commercial license shall be cancelled  
32 immediately.

33 (f) Any person violating § 31-10.3-28, relating to notification required by the employee,  
34 shall, upon conviction, be fined not less than two hundred fifty dollars (\$250) nor more than five

1 hundred dollars (\$500).

2 (g) Any person violating § 31-10.3-29, relating to employer responsibilities, shall, upon  
3 conviction be fined not less than five hundred dollars (\$500) nor more than two thousand five  
4 hundred dollars (\$2,500).

5 (h) Any person violating subdivision (b)(1) of this section, relating to violations and  
6 penalties, shall immediately cease operating any commercial vehicle for a period of twenty-four  
7 (24) hours. Failure to do so shall result in a commercial license or privilege revocation for a  
8 period of three (3) months and a fine of one hundred fifty dollars (\$150).

9 (i) Any person violating § 31-10.3-30, relating to the requirement of a commercial  
10 driver's license, shall, upon conviction of a first offense, be fined not less than two hundred fifty  
11 dollars (\$250) nor more than one thousand dollars (\$1,000); and, upon conviction of a second or  
12 subsequent offense, be fined not less than one thousand dollars (\$1,000) nor more than two  
13 thousand five hundred dollars (\$2,500). The person's commercial license or privilege shall be  
14 revoked for a period of at least one year but not more than five (5) years.

15 (j) The administrator may, after notice and hearing suspend a school bus driver's  
16 certificate or privilege to obtain a certificate for a period of up to five (5) years from the date of  
17 adjudication or conviction of the following:

18 (1) Any motor vehicle driving offense committed by a school bus driver while operating  
19 a self-propelled vehicle and which is a criminal offense in the state of Rhode Island or which, if  
20 committed outside the state, would be considered a criminal offense if committed in the state of  
21 Rhode Island;

22 (2) Any alcohol or drug-related motor vehicle driving offense referred to in this section  
23 and committed by a school bus operator who is operating a self-propelled vehicle.

24 (k) (1) "Out-of-Service Order" means a declaration by the Federal Motor Carrier Safety  
25 Administration or an authorized enforcement officer of a federal, state, Commonwealth of Puerto  
26 Rico, Canadian, Mexican or local jurisdiction that a driver of a commercial motor vehicle, a  
27 commercial motor vehicle or a motor carrier operation is out-of-service, pursuant to the Federal  
28 Motor Carrier Safety Regulations contained in 49 CFR Parts 383, 386, 387 and 390 -- 399, as  
29 amended, or pursuant to comparable laws, or the North American Uniform Out-of-Service  
30 criteria.

31 (2) The term "disqualified" means the withdrawal of a person's privilege to drive a  
32 commercial motor vehicle.

33 (3) Any person who violates an out-of-service order shall be disqualified as follows  
34 except as provided in subdivision (4) of this subsection:

1 (i) A person shall be disqualified from driving a commercial motor vehicle for a period of  
2 ninety (90) days if convicted of a first violation of an out-of-service order.

3 (ii) A person shall be disqualified for a period of one year if convicted of a second  
4 violation of an out-of-service order during any ten (10) year period arising from separate  
5 incidents.

6 (iii) A person shall be disqualified for a period of three (3) years if convicted of a third or  
7 subsequent violation of an out-of-service order during any ten (10) year period arising from  
8 separate incidents.

9 (4) Any person who violates an out-of-service order while transporting hazardous  
10 materials or while operating a commercial motor vehicle designed or used to transport sixteen  
11 (16) or more passengers including the driver shall be disqualified as follows:

12 (i) A person shall be disqualified for a period of one hundred eighty (180) days if  
13 convicted of a first violation of an out-of-service order.

14 (ii) A person shall be disqualified for a period of three (3) years if convicted of a second  
15 or subsequent violation of an out-of-service order during any ten (10) year period arising from  
16 separate incidents.

17 (5) Notwithstanding any other provision of law to the contrary, any driver who violates or  
18 fails to comply with an out-of-service order is subject to a penalty of one thousand one hundred  
19 dollars (\$1,100) in addition to disqualification under this subsection.

20 (6) Any employer who violates an out-of-service order, or who knowingly requires or  
21 permits a driver to violate or fail to comply with an out-of-service order, is subject to a penalty of  
22 two thousand seven hundred fifty dollars (\$2,750).

23 (l) Disqualification for railroad-highway grade crossing violation.

24 (1) General rule. A driver who is convicted of operating a commercial motor vehicle in  
25 violation of a federal, state, or local law or regulation pertaining to one of the following six (6)  
26 offenses at a railroad-highway grade crossing must be disqualified for the period of time specified  
27 in subsection (l)(2) of this section:

28 (i) For drivers who are not required to always stop, failing to slow down and check that  
29 the tracks are clear of an approaching train;

30 (ii) For drivers who are not required to always stop, failing to stop before reaching the  
31 crossing, if the tracks are not clear;

32 (iii) For drivers who are always required to stop, failing to stop before driving onto the  
33 crossing;

34 (iv) For all drivers, failing to have sufficient space to drive completely through the



1 crossing without stopping;

2 (v) For all drivers, failing to obey a traffic control device or the directions of an  
3 enforcement official at the crossing;

4 (vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage  
5 clearance.

6 (2) Duration of disqualification for railroad-highway grade crossing violation.

7 (i) First violation. A driver must be disqualified for not less than sixty (60) days if the  
8 driver is convicted of a first violation of a railroad-highway grade crossing violation.

9 (ii) Second violation. A driver must be disqualified for not less than one hundred twenty  
10 (120) days if, during any three (3) year period, the driver is convicted of a second railroad-  
11 highway grade crossing violation in separate incidents.

12 (iii) Third or subsequent violation. A driver must be disqualified for not less than one  
13 year if, during any three (3) year period, the driver is convicted of a third or subsequent railroad-  
14 highway grade crossing violation in separate incidents.

15 (3) Special penalties pertaining to railroad-highway grade crossing violations. An  
16 employer who is convicted of a violation of § 31-10.3-29(5) is subject to a civil penalty of not  
17 more than ten thousand dollars (\$10,000).

18 (m) Any person shall be subject to disqualification for a conviction of operating a  
19 commercial motor vehicle when the operator's license is suspended, revoked, or cancelled or the  
20 operator is otherwise disqualified based on prior motor vehicle convictions.

21 (n) Any person shall be subject to disqualification in accordance with 49 CFR 383.51(b),  
22 (c), (d) and (e).

23 (o) The administrator shall disqualify, for up to one year, the commercial motor vehicle  
24 operator's license or driving privilege of an operator whose driving constitutes an imminent  
25 hazard.

26 (1) For the purposes of this section, "imminent hazard" means the existence of a  
27 condition that presents a substantial likelihood that death, serious illness, severe personal injury,  
28 or a substantial endangerment to health, property, or the environment may occur before the  
29 reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that  
30 death, illness, injury or endangerment.

31 (p) After issuing a disqualification for a period of thirty (30) days or less, the  
32 administrator may provide the driver an opportunity for a hearing, and must provide the driver  
33 notice of a proposed disqualification period of more than thirty (30) days and an opportunity for a  
34 hearing to present a defense to the proposed disqualification.

1           (q) Notwithstanding any provision or general law to the contrary, no person shall have  
2 their commercial driving privilege suspended or be otherwise disqualified by the state because of  
3 traffic violations arising from the operation of a non-commercial vehicle that are not otherwise  
4 defined as a "serious traffic violation" pursuant to §31-10.3-3.

5           SECTION 2. 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 - RHODE ISLAND UNIFORM  
COMMERCIAL DRIVER'S LICENSE ACT

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1           This act would prohibit the state from suspending or otherwise disqualifying a person  
2 from the privilege of maintaining a commercial driver license based on certain traffic violations  
3 arising from the operation of a non-commercial vehicle.

4           This act would take effect upon passage.

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