

2018 -- H 8128

LC005521

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES

Introduced By: Representatives Lima, Ucci, Messier, Costantino, and McNamara

Date Introduced: April 27, 2018

Referred To: House Judiciary

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 18.1

4 FREE FLOWING ACCESS TO AND AROUND STATE HIGHWAYS AND CROSSWALKS

5 **31-18.1-1. Definitions.**

6 As used in this section:

7 (1) "Active lane of travel" means the entire width of every travel lane of every state or
8 municipal highway used for the purposes of movement of vehicles from one destination to
9 another, not including shoulders.

10 (2) "Shoulder" means the portion of the roadway contiguous with the traveled way that
11 accommodates stopped vehicles, emergency use, and lateral support of the subbase, base, and
12 surface courses.

13 **31-18.1-2. Findings.**

14 The general assembly finds as follows:

15 (1) Standing in the roadway, on medians dividing highways and in crosswalks or in or on
16 any highway creates a hazard for pedestrians and motorists.

17 (2) The purpose of highway medians includes dividing the flow of traffic and preventing
18 head on collisions.

19 (3) Research shows that in 2006 alone there were eight hundred twenty-one (821) median

1 crossover crashes that resulted in fatalities. Further studies show that in 2013 there were four
2 thousand seven hundred thirty-five (4,735) pedestrian fatalities and an estimated sixty-six
3 thousand (66,000) injured in traffic crashes in the United States and in the period between
4 January and June 2015 two thousand three hundred sixty-eight (2,368) pedestrians were killed as
5 a result of automobile accidents.

6 (4) It is the goal of this legislation to reduce the amount of injuries and fatalities suffered
7 by pedestrians and motorists in crosswalks, and on points of egress and ingress to state highways.

8 (5) It is not the general assembly's intent to prohibit anyone's right to "panhandle" but
9 rather to provide a safe environment for the "panhandler" and the motoring public.

10 **31-18.1-3. Prohibiting solicitations from a motor vehicle in an active lane of travel.**

11 (a) No operator of a motor vehicle, as defined in § 31-1-3, or a passenger therein shall
12 pass anything from inside a motor vehicle to any individual or group of individuals outside the
13 motor vehicle while the motor vehicle is in an active lane of travel as defined in § 31-18.1-1.

14 (b) Nothing in this chapter shall prevent any individual from soliciting from an operator
15 of a motor vehicle or passenger therein when not in an active lane of travel.

16 (c) Nothing in this chapter shall prevent an operator of a motor vehicle or passenger
17 therein from passing anything to an individual outside the motor vehicle when not in an active
18 lane of travel.

19 (d) A city or town may by ordinance establish a procedure for the issuance of special
20 solicitation permits to any individual, group of individuals or organization to solicit from a motor
21 vehicle currently in the active lane of travel provided that:

22 (1) The issuance of these special solicitation permits shall be limited to no more than two

23 (2) times a year and shall require a valid certificate of liability from the individual, group of
24 individuals or organization applying for the permit.

25 (2) The city or town shall establish safety rules and regulations for the issuance of the
26 special solicitation permits.

27 (3) The individual, group of individuals or organization applying for the permit shall
28 meet all safety requirements established by the city or town for the issuance of the special
29 solicitations permits.

30 (4) The provisions of this chapter shall not apply to the collection of tolls on any
31 municipal, state road or highway.

32 **31-18.1-4. Penalties.**

33 (a) Any person who, following a notice to refrain from the prohibited activity, knowingly
34 violates a provision of this chapter shall be punished as follows:

- 1 (1) For a first violation, by a fine of up to one hundred dollars (\$100);
- 2 (2) For a second violation, by a fine of up to one hundred fifty dollars (\$150); and
- 3 (3) For a third and subsequent violation, by a fine of up to two hundred fifty dollars
- 4 (\$250).

5 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 provide that no person shall pass any item to another person while located
- 2 in an active lane of travel without a special solicitation permit issued by the city or town.
- 3 This act would take effect upon passage.

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