

2018 -- S 2140

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE REPARATIONS  
ACT

Introduced By: Senators Archambault, McCaffrey, Lombardi, and Jabour

Date Introduced: January 23, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-47-9 of the General Laws in Chapter 31-47 entitled "Motor  
2 Vehicle Reparations Act" is hereby amended to read as follows:

3 **31-47-9. Penalties.**

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

12 (1) For a first offense, a suspension of up to three (3) months and may be fined one  
13 hundred dollars (\$100) up to five hundred dollars (\$500);

14 (2) For a second offense, a suspension of six (6) months; and may be fined five hundred  
15 dollars (\$500); and

16 (3) For a third and subsequent offense, a suspension of up to one year. Additionally, any  
17 person violating this section a third or subsequent time shall be punished as a civil violation and  
18 may be fined one thousand dollars (\$1,000).

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

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

9 (2) Mails the license or certificate of registration and registration plates to the  
10 administrator of the division of motor vehicles, in an envelope or container bearing a postmark  
11 showing a date no later than the date specified in the order.

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

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

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

24 (d) Any owner or operator, as set forth in subsection (a) of this section, shall be presumed  
25 to have knowledge that the vehicle did not have the required financial security, if they have been  
26 previously charged under this section within the six (6) months immediately preceding a new  
27 charge. This presumption may be rebutted by admissible and competent evidence.

28 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 create a rebuttable presumption that an owner or operator of a motor  
2 vehicle is in noncompliance with financial security if they have been previously been charged  
3 with the same violation within six (6) months preceding the new charge.

4           This act would take effect upon passage.

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