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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- SCHOOL BUS SAFETY  
ENFORCEMENT

Introduced By: Representative Stephen R. Ucci

Date Introduced: February 26, 2020

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-51-5 of the General Laws in Chapter 31-51 entitled "School Bus  
2 Safety Enforcement" is hereby amended to read as follows:

3 **31-51-5. Driver/registered owner liability.**

4 (a) The registered owner of a motor vehicle shall not operate or allow the motor vehicle to  
5 be operated in violation of this chapter. There shall be a rebuttable presumption that the registered  
6 owner of the vehicle that is photographed pursuant to this chapter was operating the vehicle.

7 (b) In all prosecutions of civil traffic violations based on evidence obtained from a live  
8 digital video school bus violation detection monitoring system as provided under this chapter, the  
9 registered owner of the vehicle shall be primarily responsible in all prosecutions of violations  
10 pursuant to the provisions of this chapter, except as otherwise provided under this chapter.

11 (c) In the event that the registered owner of the vehicle operated in violation of this chapter  
12 was not the operator of the vehicle at the time of the violation, the registered owner shall either:

13 (1) Accept responsibility for the violation by paying the fine; or

14 (2) Upon receipt of the notice of the violation, provide the issuing authority, within twenty  
15 (20) days of the date of issuance, the name and address of the individual operating the vehicle at  
16 the time which the violation occurred.

17 (d) It shall be prima facie evidence, establishing a rebuttable presumption, that the owner  
18 of the registered motor vehicle was the operator of the vehicle at the time of the violation if the

1 registered owner of the motor vehicle fails to pay the fine and fails to proceed under subdivision  
2 31-51-5(c)(2). Evidence offered pursuant to this chapter shall be sufficient to establish a violation  
3 of § 31-51-2.2 by clear and convincing evidence.

4 (e) The owner of a rented or leased motor vehicle may establish non-liability for violations  
5 issued pursuant to this chapter by providing to the issuing authority a copy of the written rental or  
6 a lease agreement which shall be prima facie evidence, establishing a rebuttable presumption, that  
7 the lessee was the operator of the vehicle. In the event that the lessee was not the operator of the  
8 motor vehicle at the time of the violation, the lessee shall either:

9 (1) Accept responsibility for the violation by paying the fine; or

10 (2) Upon receipt of the notice of the violation, provide the issuing authority within twenty  
11 (20) days of the date of issuance, the name and address of the individual operating the vehicle at  
12 the time which the violation occurred.

13 (f) The lessee of a leased vehicle shall be considered the owner of a motor vehicle for  
14 purposes of this section.

15 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 consider the lessee of a leased vehicle as the owner of the motor vehicle for
- 2 purposes of this section.
- 3           This act would take effect upon passage.

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