

2022 -- H 8247 SUBSTITUTE A

LC005941/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- SUSPENSION AND REVOCATION  
OF LICENSES --VIOLATIONS

Introduced By: Representatives Solomon, Shanley, McEntee, Messier, and Felix

Date Introduced: May 12, 2022

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-11-18 of the General Laws in Chapter 31-11 entitled "Suspension  
2 or Revocation of Licenses - Violations" is hereby amended to read as follows:

3 **31-11-18. Driving after denial, suspension, or revocation of license.**

4 (a) Any person who drives a motor vehicle on any highway of this state who never applied  
5 for a license, or who drives after his or her application for a license has been refused, or after his  
6 or her license has expired, or who otherwise drives without a license, or at a time when his or her  
7 license to operate is suspended, revoked, or cancelled, for reasons other than those provided for in  
8 § 31-11-18.1, ~~may be guilty of a misdemeanor~~ shall be subject to penalties and sanctions set forth  
9 in this section.

10 (b) Upon a first violation under this section, a civil penalty of not ~~less than two hundred~~  
11 ~~fifty dollars (\$250), nor more than five hundred dollars (\$500),~~ more than one hundred fifty dollars  
12 (\$150) shall be imposed. For the second violation, a civil penalty of not ~~less than three hundred~~  
13 ~~fifty dollars (\$350), nor more than five hundred dollars (\$500),~~ may more than two hundred fifty  
14 dollars (\$250) shall be imposed. For a third violation, a civil penalty of not more than three hundred  
15 fifty dollars (\$350) shall be imposed. All violations under this subsection shall be heard in the  
16 traffic tribunal.

17 (c) Any person convicted of a ~~third~~ fourth or a subsequent violation of subsection (a) shall  
18 be guilty of a misdemeanor and may, in the discretion of the sentencing judge, be imprisoned for a

1 term not exceeding ~~ninety (90) days;~~ one year, fined not less than five hundred dollars (\$500) nor  
2 more than one thousand dollars (\$1,000), ~~or both~~. Additionally, the sentencing judge may suspend  
3 the person's license for a period not to exceed ~~ninety (90) days~~ one year. All violations under this  
4 subsection shall be heard in the district court.

5 (d) Notwithstanding ~~the any other provisions provision~~ of ~~subsection (a)~~ this section, any  
6 person driving after his or her license has expired shall be issued a summons to appear in ~~district~~  
7 ~~court~~ the traffic tribunal not fewer than ten (10) days after the issuance of the summons, and shall  
8 not be taken into custody based solely on this charge absent a warrant. Any person who shall cause  
9 his or her expired license to be reinstated by the division of motor vehicles within ten (10) days  
10 after issuance of the summons may present proof of reinstatement at the headquarters of the  
11 charging police department. Presentation of proof of reinstatement within ten (10) days after the  
12 issuance of the summons shall cause the summons to be voided and shall otherwise constitute a  
13 complete defense to the charge of driving after expiration of license and a bar to prosecution for  
14 that charge. Any convictions under subsection (c) shall be expunged pursuant to the provisions of  
15 chapter 1.3 of title 12. For the purposes of this subsection, each of the several state police barracks  
16 shall be considered as a separate police headquarters.

17 SECTION 2. Section 8-8.2-1 of the General Laws in Chapter 8-8.2 entitled "Traffic  
18 Tribunal" is hereby amended to read as follows:

19 **8-8.2-1. Establishment -- Rule-making authority -- Adjudication of violations.**

20 (a) There is hereby established a traffic tribunal which shall be charged with the  
21 administration and adjudication of traffic violations within its jurisdiction. The traffic tribunal shall  
22 be under the supervision of the chief magistrate of the traffic tribunal, who shall be the  
23 administrative head of the traffic tribunal and shall have the power to make rules for regulating  
24 practice, procedure and business within the traffic tribunal. Pursuant to § 8-6-2, said rules shall be  
25 subject to the approval of the supreme court. Such rules, when effective, shall supersede any  
26 statutory regulation in conflict therewith. Any person who has been a member of the bar of Rhode  
27 Island may be appointed chief magistrate of the traffic tribunal. The chief magistrate of the traffic  
28 tribunal shall be appointed by the chief justice of the supreme court, with the advice and consent  
29 of the senate, for a period of ten (10) years and until a successor is appointed and qualified. Nothing  
30 contained herein shall be construed to prohibit the reappointment of the chief magistrate for one or  
31 more ten (10) year terms subject to the advice and consent of the senate. Compensation for the chief  
32 magistrate shall be equal to that of an associate judge of the district court.

33 (b) The judges and magistrates of the traffic tribunal shall hear and determine cases as  
34 provided by law. No district court judge appointed pursuant to chapter 8 of this title shall be

1 assigned to perform duties of a judge or magistrate of the traffic tribunal under this chapter. The  
2 chief magistrate of the traffic tribunal may assign a judge or magistrate who is authorized to hear  
3 and decide cases in the traffic tribunal to serve as administrative judge or magistrate of the traffic  
4 tribunal and the administrative judge or magistrate shall perform such administrative duties as may  
5 be delegated to him or her by the chief magistrate. Once assigned to the position, the administrative  
6 judge or magistrate shall hold said administrative position for the remainder of his or her respective  
7 term as a judge or magistrate of the traffic tribunal.

8 (c)(1) Those judges of the administrative adjudication court in active service on July 1,  
9 1999 shall serve within the traffic tribunal. Whenever the total number of judges and magistrates  
10 in the traffic tribunal exclusive of the chief magistrate shall be less than ~~seven (7)~~ eight (8), the  
11 chief justice of the supreme court, with the advice and consent of the senate, may, as needed, assign  
12 a duly qualified member of the bar of this state to act as a magistrate to fill such vacancy and shall  
13 submit his or her name to the senate for confirmation. In the event of a vacancy in the position of  
14 chief magistrate, the chief justice of the supreme court shall appoint a successor in accordance with  
15 subsection 8-8.2-1(a). Any magistrate assigned under this section shall serve a term of ten (10)  
16 years and until a successor is appointed and qualified, and shall be in the unclassified service of the  
17 state. Nothing herein shall be construed to prohibit the assignment of a magistrate to more than one  
18 such term, subject to the advice and consent of the senate. Compensation for any such magistrate  
19 shall in no event be equal to or more than that of an associate judge of the district court. Magistrates  
20 of the traffic tribunal shall participate in the state retirement system in the same manner as all  
21 members of the unclassified service.

22 (2) If any judge of the traffic tribunal shall retire, or a vacancy becomes available through  
23 death, disability or any other reason, the position shall be filled by a magistrate consistent with the  
24 provisions of this section.

25 (d) Each judge and magistrate of the traffic tribunal shall devote full time to his or her  
26 judicial duties, except as may be otherwise provided by law. He or she shall not practice law while  
27 holding office, nor shall he or she be a partner or associate of any person in the practice of law.

28 (e) Judges and magistrates of the traffic tribunal shall be subject to the provisions of R.I.  
29 Const. Art. XI; to the code of judicial conduct or successor code promulgated by the supreme court  
30 of this state, to the jurisdiction of the Commission on Judicial Tenure and Discipline in accordance  
31 with chapter 16 of this title; and to the administrative authority and control of the chief justice of  
32 the supreme court in accordance with chapter 15 of this title, except that §§ 8-15-3 and 8-15-3.1  
33 shall not apply to judges of the traffic tribunal.

34 (f) The traffic tribunal shall be a tribunal of record and shall have a seal with such words

1 and devices as it shall adopt.

2 (g) Judges and magistrates of the traffic tribunal shall have the power to administer oaths  
3 and affirmations.

4 (h) Administrative/supervisory officials.

5 (1) There shall be an assistant to the administrative magistrate of the traffic tribunal who  
6 shall be appointed by and serve at the pleasure of the chief magistrate and who shall perform such  
7 clerical and administrative duties as may be assigned to him or her by the chief magistrate of the  
8 traffic tribunal and the administrative judge or magistrate of the traffic tribunal. The assistant to the  
9 administrative judge or magistrate shall have the power to administer oaths and affirmations within  
10 the state.

11 (2) There shall be a clerk of the traffic tribunal who shall be appointed by and serve at the  
12 pleasure of the chief magistrate of the traffic tribunal; provided, however, that, effective July 1,  
13 1999, the first clerk of the traffic tribunal shall be that person holding the position of  
14 administrator/clerk of the administrative adjudication court as of May 1, 1998, and that person shall  
15 hold office for the balance of a term of twelve (12) years which began on September 1, 1992,  
16 without the necessity of appointment by the governor or advice and consent of the senate. The clerk  
17 of the traffic tribunal shall exercise his or her functions under the direction and control of the chief  
18 magistrate of the traffic tribunal and the administrative judge or magistrate of the traffic tribunal.  
19 The clerk of the traffic tribunal shall have the power to administer oaths and affirmations within  
20 the state.

21 (i) Clerical Personnel/Court Recorders.

22 (1) The chief magistrate of the traffic tribunal shall appoint deputy clerks and assistance  
23 clerks for the traffic tribunal to serve at his or her pleasure. All such clerks may administer oaths  
24 and affirmations within the state.

25 (2) The chief magistrate of the traffic tribunal shall appoint sufficient court recorders to  
26 enable all proceedings to be recorded by electronic means and who shall assist in such other clerical  
27 duties as may be prescribed from time to time by the chief magistrate of the traffic tribunal.

28 (3) The chief magistrate of the traffic tribunal shall employ such clerical assistants in  
29 addition to deputy clerks as may be required in the traffic tribunal to perform clerical duties.

30 SECTION 3. This act shall take effect on January 1, 2023.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- SUSPENSION AND REVOCATION  
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1           This act would reduce the civil penalty for the first and second offenses for driving without  
2 a license or driving with a suspended license, and would make a third violation a civil offense and  
3 a fourth offense a misdemeanor punishable by a fine. It would also increase a license suspension  
4 for a fourth or subsequent offense to up to a year. Jurisdiction for civil offenses would be in the  
5 traffic tribunal and for criminal offenses jurisdiction would be in district court. This act would also  
6 add an additional traffic tribunal magistrate.

7           This act would take effect on January 1, 2023.

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