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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2002

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A N A C T

RELATING TO MOTOR VEHICLE VIOLATIONS -- FINE SCHEDULE RECONCILIATION
AND CONFORMATION

Introduced By: Representative Robert E. Flaherty

Date Introduced: May 30, 2002

Referred To: House read and passed

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 24-10-17 of the General Laws in Chapter 24-10 entitled "Freeways"
2 is hereby amended to read as follows:

3 **24-10-17. Soliciting rides in motor vehicles.** -- (a) Any person who endeavors by words,
4 gestures, or otherwise to beg, invite, or secure transportation in any motor vehicle on any freeway
5 within the state, except in the case of a bona fide emergency or in the case of sickness, shall be
6 guilty of a misdemeanor and shall be punished by a fine of not more than ~~fifteen dollars (\$15.00)~~
7 forty dollars (\$40.00).

8 (b) Any person who endeavors to solicit a ride in a motor vehicle in the manner
9 described in this section on the traveled portion of any other public highway in this state shall be
10 guilty of a misdemeanor and shall be punished by a fine of not more than ~~fifteen dollars (\$15.00)~~
11 forty dollars (\$40.00).

12 SECTION 2. Section 31-21-14 of the General Laws in Chapter 31-21 entitled "Stopping,
13 Standing, and Parking Restrictions" is hereby amended to read as follows:

14 **31-21-14. Opening vehicle doors.** -- No person may open the door of a motor vehicle on
15 the roadways, streets, or highways of this state unless and until it is reasonably safe to do so, and
16 can be done without interfering with the movement of other traffic. No person may leave a door
17 open on the side of a vehicle on the roadways, streets, or highways of this state for a period of
18 time longer than necessary to load or unload passengers. Any person violating the provisions of

1 this section upon conviction shall be fined ~~twenty dollars (\$20.00)~~ forty-five dollars (\$45.00).

2 SECTION 3. Sections 31-22-22 and 31-22-23 of the General Laws in Chapter 31-22
3 entitled "Miscellaneous Rules" are hereby amended to read as follows:

4 **31-22-22. Safety belt use -- Child restraint.** -- (a) (1) Any person transporting a child
5 under the age of seven (7), less than fifty-four (54) inches in height and less than eighty (80)
6 pounds in a motor vehicle operated on the roadways, streets, or highways of this state, shall
7 transport the child in the back seat of the motor vehicle properly restrained in a child restraint
8 system approved by the United States department of transportation under Federal Standard 213,
9 or if the child is under seven (7) years old but at least fifty-four (54) inches in height, or at least
10 eighty (80) pounds the child shall be properly wearing a safety belt and/or shoulder harness
11 approved by the department of transportation pursuant to federal standard 208 in the back seat of
12 the motor vehicle. This subsection is inapplicable if:

- 13 (i) The vehicle is not equipped with a back seat; or
- 14 (ii) All back seating positions are being utilized by other children.

15 (2) In no event shall failure to wear a child restraint system or safety belt be considered
16 as contributory or comparative negligence, nor shall the failure to wear a child restraint system,
17 seat belt, and/or shoulder harness be admissible as evidence in the trial of any civil action.

18 (b) Any person violating subsection (a) of this section shall be issued a citation. If the
19 cited person presents proof of purchase of a child restraint system approved under Federal
20 Standard 213 to the police department that issued the citation within seven (7) days of issuance,
21 the department shall void the violation. If the person fails to present the proof of purchase, that
22 person shall be required to appear for a hearing before the traffic tribunal and shall be fined ~~fifty~~
23 ~~dollars (\$50)~~ seventy-five dollars (\$75.00) for each offense. The conviction shall not be recorded
24 on that person's driving record within the rules and regulations governing chapter 41.1 of this
25 title.

26 (c) Notwithstanding the provisions of subsections (a) and (b) of this section any person
27 transporting a child properly restrained in a federally approved child restraint system under
28 federal standard 213, but transporting the child in a place other than the backseat, in violation of
29 subsection (a), shall be subject only to the fine contained in subsection (b).

30 (d) All fines collected for violations of this section are payable to the state. Fifty percent
31 (50%) of the proceeds shall be shared with the municipality whose law enforcement department
32 issued the citation for the violations.

33 (e) (1) Any operator of a motor vehicle transporting a person thirteen (13) years of age
34 and older in the front or back seat of a motor vehicle operated on the roadways, streets, or

1 highways of this state shall ensure that the passenger is properly wearing a safety belt and/or
2 shoulder harness system, as defined by Federal Standard 208.

3 (2) This subsection applies only to those motor vehicles required by federal law to have
4 safety belts.

5 (f) (1) Any person operating a motor vehicle shall properly wear a safety belt and/or
6 shoulder harness system, as defined by Federal Standard 208, while the vehicle is in operation on
7 any of the roadways, streets, or highways of the state.

8 (2) This subsection applies only to those motor vehicles required by federal law to have
9 safety belts.

10 (g) In no event shall failure to wear a child restraint system or safety belt be considered
11 as negligence, nor the failure to wear the child restraint system or safety belt be admissible as
12 evidence in the trial of any civil action.

13 (h) Subsections (e), (f), and (1) of this section do not apply to a driver or passenger of:

14 (1) A passenger motor vehicle manufactured before July 1, 1966;

15 (2) A passenger motor vehicle in which the driver or passenger possesses a written
16 verification from a licensed physician that the driver or passenger is unable to wear a safety seat
17 belt system for physical or medical reasons. A verification's validity will be for no more than
18 twelve (12) months, at which time a new verification may be issued;

19 (3) A passenger motor vehicle which is not required to be equipped with a safety seat
20 belt system under federal laws; or

21 (4) A passenger motor vehicle operated by a letter carrier of the United States postal
22 service while performing the duties of a letter carrier.

23 (i) A program of public information and education designed to educate the motoring
24 public to the benefits of wearing safety belt systems shall be developed and maintained by the
25 Rhode Island department of transportation's governor's office on highway safety. The Rhode
26 Island department of transportation's office on highway safety, in cooperation with the Rhode
27 Island department of health, shall study the effectiveness of the implementation of this section
28 and shall submit to the general assembly a report containing its findings by July 1, 1999.

29 (j) Violations of subsections (e) and (f) of this section shall be considered secondary
30 offenses and no motor vehicle may be stopped by any state or municipal law enforcement agency
31 for failure of an operator or passenger to wear a safety belt system or for any violation of
32 subsection (e) or (f) of this section. A motor vehicle may be stopped for failure to comply with
33 the child restraint system as described in subsections (a), (b), and (1) of this section.

34 (k) Any person violating subsection (a) of this section prior to January 1, 2002 shall be

1 issued a verbal warning only. Any person violating subsection (a) of this section after December
2 31, 2001 shall be fined ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00) but the conviction shall
3 not be recorded on the person's driving record within the rules and regulations governing chapter
4 41.1 of this title.

5 (1) (1) Any operator of a motor vehicle transporting a child between the ages of seven
6 (7) through twelve (12) in the front or back seat of a motor vehicle operated on the roadways,
7 streets, or highways of the state shall ensure that the passenger is properly wearing a safety belt
8 and/or shoulder harness system, as defined by Federal Standard 208.

9 (2) This subsection applies only to those motor vehicles required by federal law to have
10 safety belts.

11 **31-22-23. Tow trucks -- Identification required.** -- (a) (1) Every motor vehicle used
12 for the purpose of towing or assisting disabled motor vehicles shall display the name, address,
13 and telephone number of the registered owner on both sides of the vehicle. This information must
14 be printed in sharp color contrast to the background, and be of a size and shape as to be readily
15 legible during daylight hours from a distance of fifty feet (50') while the vehicle is not in motion.

16 (2) Any person violating this subsection shall be fined ~~two hundred and fifty dollars~~
17 (\$250) two hundred seventy-five dollars (\$275).

18 (b) (1) Any vehicle, except those vehicles exempt from regulation pursuant to section
19 39-12-3, which are used for the purpose of towing or assisting disabled motor vehicles, which
20 does not have a towing certificate issued by the division of public utilities must have the words
21 "limited towing" lettered upon the hood or fenders of the vehicle. The letters must be four inches
22 (4") high in sharp color contrast to the background, and must be printed on both sides of the hood
23 or front fender.

24 (2) Any person violating this subsection shall be fined not more than one hundred dollars
25 (\$100) upon conviction for a first offense, not more than two hundred and fifty dollars (\$250) for
26 a second offense, and for each subsequent conviction may be fined not more than five hundred
27 dollars (\$500).

28 SECTION 4. Sections 31-23-1, 31-23-49 and 32-23-51 of the General Laws in Chapter
29 31-23 entitled "Equipment and Accessories Generally" are hereby amended to read as follows:

30 **31-23-1. Driving of unsafe vehicle -- Enforcement -- Violations.** -- (a) As used in this
31 section:

32 (a)(1) "Carrier" means any company or person who furthers their commercial or private
33 enterprise by use of a vehicle that has a gross vehicle weight rating (GVWR) of ten thousand and
34 one (10,001) or more pounds, or that transports hazardous material; and

1 (2) "Out of service vehicle" means any motor vehicle which authorized examiners,
2 investigators, officers, or regulatory inspectors from the state police, local law enforcement
3 officials or the Rhode Island department of administration may declare, by reason of its
4 mechanical condition or loading, is so imminently hazardous to operate as to be likely to cause an
5 accident or a breakdown.

6 (b) (1) It is a civil violation for any person to drive or move, or for the owner to cause or
7 knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles
8 which is in an unsafe condition that endangers any person, or which does not contain the parts or
9 is not at all times equipped with the lamps and other equipment in proper condition and
10 adjustment as required in this chapter or chapter 24 of this title, or for any person to do any act
11 forbidden or fail to perform any act required under these chapters.

12 (2) For the purpose of reducing the number and severity of accidents, all commercial
13 motor vehicles must meet applicable standards set forth in this chapter and chapter 24 of this title
14 and in the federal motor carrier safety regulations (FMCSR) contained in the Code of Federal
15 Regulations, 49 CFR Parts 390-399, as amended and adopted by the U.S. department of
16 transportation (U.S. DOT), federal highway administration (FHWA), office of motor carriers
17 (OMC). Part 394 of FMCSR shall not apply to intrastate operations. Part 391.11(b)(1) of FMCSR
18 shall not apply to intrastate drivers of commercial motor vehicles except for drivers of school
19 buses and vehicles placarded under 49 CFR Subpart F. The director of the Rhode Island
20 department of administration shall ~~promulgate~~ promulgate rules and regulations for the
21 administration and enforcement of motor carrier safety. The rules and regulations shall ensure
22 uniformity in motor carrier safety enforcement activities and increase the likelihood that safety
23 defects, driver deficiencies, and unsafe carrier practices will be detected and corrected.

24 (c) Authorized examiners, investigators, officers, or regulatory inspectors from the
25 Rhode Island department of administration with proper identification issued by the director of the
26 Rhode Island department of administration, the state police, and local law enforcement officials
27 with proper identification certifying they are qualified motor carrier enforcement personnel
28 trained according to subsection (e) of this section, shall have:

29 (i) A right of entry and authority to examine all equipment of motor carriers and lessors;

30 (ii) The right to enter upon and perform inspections of motor carrier vehicles in
31 operation; and

32 (iii) The authority to inspect, examine, and copy all accounts, books, records,
33 memoranda, correspondence and other documents of the motor carriers and or lessors and the
34 documents, accounts, books, records, correspondence, and memoranda of any person controlling,

1 controlled by, or under common control of any carrier which relate to the enforcement of this
2 chapter.

3 (d) (1) An "out of service vehicle" sticker shall be used to mark vehicles out of service.
4 This sticker shall be affixed to the driver's window on power units placed out of service, and to
5 the left front corner of trailers or semitrailers placed out of service.

6 (2) No person shall remove the "out of service vehicle" sticker from any motor vehicle
7 prior to completion of all repairs required by the "out of service" notice. Any person convicted of
8 unauthorized removal or causing to be removed an "out of service vehicle" sticker shall be fined
9 ~~one hundred dollars (\$100)~~ one hundred twenty-five dollars (\$125).

10 (3) A motor carrier shall not require or permit a person to operate a motor vehicle
11 declared out of service until all the repairs required by the out of service notice are satisfactorily
12 completed. Any person convicted of operating or causing to operate an "out of service vehicle" on
13 a public highway shall be fined one hundred dollars (\$100).

14 (4) Any motor vehicle discovered to be in an unsafe condition while being operated on
15 the highway may be continued in operation only to the nearest place where repairs can be safely
16 effected. Operation in an unsafe condition will be conducted only if it is less hazardous to the
17 public than to permit the vehicle to remain on the highway.

18 (e) In order to enforce the provisions of this section, authorized examiners, investigators,
19 officers, or regulatory inspectors must satisfactorily complete a course of instruction as prescribed
20 by the U.S. department of transportation (U.S. DOT), federal highway administration (FHWA),
21 office of motor carriers (OMC) in the federal motor carrier safety regulations (FMCSR) safety
22 inspection procedures, and out of service criteria with at least annual in-service training covering
23 the prescribed instruction.

24 (f) Any carrier convicted of violating the rules and regulations established pursuant to
25 subsection (b) of this section shall be fined not less than twenty-five dollars (\$25.00) or more than
26 five hundred dollars (\$500) for each offense.

27 (g) Violations of the provisions of this section shall be recorded in the commercial
28 vehicle inspection report approved by the U.S. department of transportation (U.S. DOT), federal
29 highway administration (FHWA), office of motor carriers (OMC), in addition to the appropriate
30 Rhode Island state uniform summons.

31 (h) Any fine imposed as a result of a violation of this section shall not be subject to any
32 additional assessments imposed pursuant to any other laws of the state of Rhode Island.

33 **31-23-49. Transportation of gasoline -- Penalty.** -- (a) No motor vehicle shall be used
34 to transport gasoline, except those which are registered with and approved by the division of

1 motor vehicles. No container of any kind may be used to transport gasoline, except under rules
2 and regulations promulgated and approved by the state fire marshal. These rules and regulations
3 shall regulate, among other things, the size and kinds of containers that may be used to transport
4 gasoline in this state. Unless there exists an emergency or other situation in response to an
5 individual's or the general public's health, safety, or welfare that would require it, no person, firm,
6 or corporation shall transport gasoline by motor vehicle, container, or otherwise except as
7 provided in this section. This section does not apply to any vehicle subject to the jurisdiction and
8 regulatory authority of the federal government or any of its agencies.

9 (b) Any person, firm, or corporation convicted of violating the provisions of this section,
10 or the rules and regulations promulgated by the state fire marshal or the division of motor
11 vehicles under this section, shall upon conviction be subject to a fine of not more than ~~fifty~~
12 ~~dollars (\$50.00)~~ seventy-five dollars (\$75.00).

13 **31-23-51. Earphones and headsets prohibited.** -- A person shall not drive a bicycle or
14 motor vehicle upon any highway while wearing earphones or a headset. Any person who violates
15 this section shall be fined the sum of ~~thirty-five dollars (\$35.00)~~ sixty dollars (\$60.00) for the first
16 offense, seventy dollars (\$70.00) for the second offense, and one hundred forty dollars (\$140) for
17 the third and each subsequent offense.

18 SECTION 5. Sections 31-25-14, 31-25-16 and 31-25-17 of the General Laws in Chapter
19 31-25 entitled "Size, Weight, and Load Limits" are hereby amended to read as follows:

20 **31-25-14. Maximum weight and tandem axles.** -- (a) It is unlawful to transport or
21 operate over or upon any public highway in this state any vehicle equipped with tandem axles,
22 should the gross weight of the axles exceed thirty-six thousand pounds (36,000 lbs.) if the axle
23 spacing does not exceed eight feet (8').

24 (b) With respect to all public highways, the overall gross weight on a group of two or
25 more consecutive axles of a vehicle or combination of vehicles, shall be determined by the
26 following bridge gross weight formula:

27
$$W = 500 [(LN / (N-1)) + 12N + 36]$$

28 where W = the overall gross weight on any group of two or more consecutive axles to
29 the nearest 500 pounds; L = the distance in feet between the extremes of any group of two or
30 more consecutive axles; and N = the number of axles in the group under consideration. The
31 overall gross weight of any vehicle or combination of vehicles may not exceed eighty thousand
32 pounds (80,000 lbs.) except as specified in sections 31-25-1, 31-25-2, and 31-25-21.

33 (c) In any calculation using the above formula in which the tandem axle limit is less than
34 thirty-six thousand pounds (36,000 lbs.), thirty-six thousand pounds (36,000 lbs.) shall be

1 considered the legal limit. Single axle limits shall be as defined in section 31-25-13. Nothing in
2 this chapter shall be construed to abrogate any of the "grandfather rights" in existence as of April
3 1, 1989.

4 (d) Penalties for violations of this section are as follows:

5 (1) Any carrier operating a vehicle or combination of vehicles in excess of the weight
6 limits of tandem-axle vehicles shall be fined ~~one hundred dollars (\$100)~~ one hundred twenty-five
7 dollars (\$125).

8 (2) Any carrier, as defined in section 31-25-16, operating a vehicle or combination of
9 vehicles that exceeds the weight limits of twenty two thousand four hundred pounds (22,400 lbs.)
10 single limits as cited in section 31-25-13, shall be fined ~~one hundred dollars (\$100)~~ one hundred
11 twenty-five dollars (\$125).

12 (3) Any carrier operating a vehicle or combination of vehicles in excess of the bridge
13 gross weight formula shall be fined ~~one hundred dollars (\$100)~~ one hundred twenty-five dollars
14 (\$125).

15 **31-25-16. Authorized weight shown in registration -- Exceeding limit.** -- (a) For the
16 purposes of this section, "carrier" means any company or person who furthers their commercial or
17 private enterprise by use of the vehicle.

18 (b) The administrator shall include on a vehicle's registration card the gross weight for
19 which it is registered. If the vehicle is a truck tractor for propelling semitrailers the total
20 permissible gross weight of the truck tractor and semitrailers to be propelled by it will also be
21 indicated. It is unlawful for any carrier to operate or permit to be operated any vehicle or
22 combination of vehicles of a gross weight in excess of that registered or permitted, or in excess of
23 the limitations set forth in this chapter.

24 (c) Penalties for violations of this section will be calculated on the registered or
25 permitted weight in comparison to the actual weight and shall be heard and adjudicated at the
26 traffic tribunal. The overweight penalties for the following vehicle weights are:

27 (1) Ten thousand pounds (10,000 lbs.) gross vehicle weight or less: ~~forty dollars (\$40.00)~~
28 sixty-five dollars (\$65.00) per thousand pounds overweight or portion of it.

29 (2) Ten thousand pounds (10,000 lbs.) gross vehicle weight or more: ~~eighty dollars~~
30 ~~(\$80.00)~~ one hundred twenty-five dollars (\$125) per thousand pounds overweight or portion
31 thereof.

32 (3) In excess of one hundred four thousand, eight hundred pounds (104,800 lbs.) gross
33 vehicle weight: ~~one thousand dollars (\$1,000)~~ one thousand twenty-five dollars (\$1,025) in
34 addition to the penalties enumerated in subdivision (c)(2) of this section.

1 **31-25-17. Identification of trucks and truck-tractors.** -- (a) When used to further any
2 commercial enterprise, every motor truck and every truck-tractor exceeding a gross vehicle
3 weight or gross combination weight of ten thousand pounds (10,000 lbs.) shall be identified with
4 the name, trade name, or company identifying logo and the city and state of the owner and
5 operating carrier, or individual transporting property. However, in lieu of the city and state, one
6 of the following may be displayed on the vehicle:

7 (1) The interstate commerce commission number if a regulated interstate carrier, or

8 (2) An identifying number issued by an official state agency.

9 (b) The display of identification prescribed by this section shall be in letters in sharp
10 color contrast to the background and be of such size, shape, and color as to be readily legible,
11 during daylight hours, from a distance of fifty feet (50') while the vehicle is not in motion. The
12 display of identification may be accomplished through the use of a removable device so prepared
13 as to otherwise meet the identification requirements and legibility requirements of this section, if
14 the vehicle is operated by any company or carrier. Nothing in this section shall prohibit the
15 display of additional identification as may be required by other laws of this state or any other
16 state, or agency or department of the federal government.

17 (c) Penalties for violations of this section shall be handled by the traffic tribunal of the
18 department of transportation and the fines shall be as follows:

19 (1) ~~Twenty five dollars (\$25.00)~~ Fifty dollars (\$50.00) for the first offense;

20 (2) ~~Fifty dollars (\$50.00)~~ Seventy-five dollars (\$75.00) for the second offense; and

21 (3) ~~One hundred dollars (\$100)~~ One hundred twenty-five dollars (\$125) for the third and
22 subsequent offenses.

23 SECTION 6. Section 31-27-13 of the General Laws in Chapter 31-27 entitled "Motor
24 Vehicle Offenses" is hereby amended to read as follows:

25 **31-27-13. Nature of offenses -- Penalty.** -- (a) It is a civil violation for any person to
26 violate any of the provisions of chapters 1 -- 27 or 34 of this title, unless the violation is declared
27 by those chapters or other law of this state to be a felony or a misdemeanor, or unless the offense
28 is punishable by a fine of more than five hundred dollars (\$500) or by imprisonment.

29 (b) Unless another penalty is provided by chapters 1 -- 27 or 34 of this title or by the
30 laws of this state, every person convicted of a ~~misdemeanor for the violation of any provision~~
31 civil violation of these chapters shall be punished by a fine of not more than five hundred dollars
32 (\$500).

33 (c) Unless another penalty is provided by chapters 1 -- 27 or 34 of this title or by the
34 laws of this state, every person convicted of a misdemeanor violation of these chapters shall be

1 punished by a fine of not more than five hundred dollars (\$500), or by imprisonment for not more
2 than one year, or by both.

3 SECTION 7. Section 31-28-7 of the General Laws in Chapter 31-28 entitled "Parking
4 Facilities and Privileges" is hereby amended to read as follows:

5 **31-28-7. Motor vehicle plates for persons with disabilities -- Entitlement --**
6 **Designated parking spaces -- Violations. --** (a) As used in this section:

7 (1) "Disabled" or "disability" means a permanent or long-term impairment which
8 prevents or impedes walking, including but not limited to an impairment which prevents walking
9 and requires use of a wheelchair; an impairment which involuntarily causes difficulty or
10 insecurity in walking or climbing stairs with or without the need to use braces, crutches, canes or
11 artificial support; an impairment caused by amputation, arthritis, blindness (including legal
12 blindness), or orthopedic condition; or an impairment in respiratory, circulatory, or neurological
13 health which limits a person's walking ability. Persons with disabilities may be capable of
14 working or may be presently working.

15 (2) "Long-term disability" means an impairment as described in subdivision (a)(1) of this
16 section, which is potentially reversible or may improve with appropriate medical treatment. At
17 the time of application and or renewal of disability designation with the division of motor
18 vehicles, the impairment should not be expected to improve prior to the expiration of disability
19 certification to a point where the individual then would not meet the criteria of subdivision (a)(1).

20 (3) "Permanent disability" means an impairment as described in subdivision (a)(1) of this
21 section which is non-reversible.

22 (4) "Temporary impairment" means an impairment as described in subdivision (a)(1) of
23 this section, which is expected to improve to a point where the individual does not meet the
24 criteria of subdivision (a)(1) within two (2) years of the application.

25 (b) (1) Upon a person's application to the division of motor vehicles and proof of a
26 permanent or long-term disability as defined in subsection (a), the division shall issue one motor
27 vehicle disability parking privilege placard, or in the case of a motorcycle one motor vehicle
28 sticker, on which shall be imprinted on a blue background with the white international symbol of
29 access, certificate number, the words "Rhode Island disability parking permit" and shall bear the
30 expiration date upon its face. A placard or motorcycle sticker issued to a person whose disability
31 is temporary shall be substantially similar to that issued to a person with a permanent or long term
32 disability. The temporary placard shall be printed on a red background with a white international
33 symbol of access, certificate number, the words "Rhode Island disability parking permit" and
34 shall bear the expiration date upon its face. Persons issued a placard or motorcycle sticker

1 pursuant to this section shall be entitled to the immunities of sections 31-28-4 and 31-28-6. These
2 placards shall conform to the uniform parking system for disabled drivers standard issued by the
3 United States department of transportation. If an application for a placard or motorcycle sticker is
4 denied, the division of motor vehicles shall promptly notify the applicant in writing, stating the
5 specific reason(s) for this denial, and advising the applicant of the procedures for requesting a
6 hearing to appeal the denial. Prior to the appeal hearing, the applicant shall be provided with any
7 and all documents relied upon by the division in denying the application. If an application
8 contains a physician certification that the applicant is sufficiently disabled to require a placard or
9 motorcycle sticker, and the division has not provided specific reasons in its denial letter to the
10 applicant, the hearing officer shall summarily order that a placard or motorcycle sticker be
11 provided to the applicant. At all other hearings of application denials where a physician
12 certification has been provided, the division shall bear the burden of proof that the individual is
13 not entitled to a placard or motorcycle sticker pursuant to this chapter.

14 (2) A placard issued pursuant to this section shall be portable and used only when the
15 person with a disability is operating a motor vehicle or being transported in one. The placard is to
16 be hung from the rear view mirror so as to be seen through the front or rear windshield of the
17 motor vehicle. A placard may be issued to a person with a disability who does not own a motor
18 vehicle, to be used only when that person is being transported. A motorcycle sticker issued
19 pursuant to this section shall not be portable and shall be affixed to the rear plate of the
20 motorcycle.

21 (3) (i) The certificate of entitlement to the placard or motorcycle sticker shall be renewed
22 every three (3) years for individuals with a long-term disability, and three (3) years for
23 individuals with a permanent disability, in accordance with a schedule prepared by the division of
24 motor vehicles that uses the last name of an individual to determine the month of renewal. The
25 renewal application shall require a physician's certification that the person's condition has not
26 improved since the previous approval to an extent that the criteria of subsection (a) are no longer
27 met. If an application or subsequent renewal is accompanied by a physician's certification that the
28 applicant's condition is a chronic, permanent impairment and that application is approved, then
29 any subsequent renewal shall be authorized upon receipt of an affidavit that this condition has not
30 changed since the previous approval.

31 (ii) The certificate of entitlement to the placard or motorcycle sticker shall be covered
32 with plastic or similar material. Upon timely renewal, the applicant shall receive a sticker bearing
33 the expiration date of the certificate of entitlement to be affixed across the expiration date of the
34 disability parking privilege placard. In the case of a motorcycle the applicant shall receive a new

1 motorcycle sticker. The division of motor vehicles shall establish rules and regulations allowing
2 for the renewal of the certificates of entitlement by mail.

3 (iii) Whenever the division of motor vehicles proposes to suspend, revoke, or fail to
4 renew the certificate of entitlement for noncompliance with the requirements of subsection (b) or
5 for violation of subsection (a) of this section, the individual shall first be entitled to a hearing
6 before the division to contest the proposed action. At the hearing, the division shall bear the
7 burden of proof that the individual is not entitled to the placard or motorcycle sticker pursuant to
8 this chapter. There shall be no renewal fee charged for the placard or motorcycle sticker. The
9 division of motor vehicles is authorized to issue a temporary disability parking privilege placard
10 or motorcycle sticker immediately upon receipt of an application from individuals with a
11 temporary impairment, as defined in subdivision (a)(4) of this section. A temporary placard or
12 motorcycle sticker shall be valid for sixty (60) days from the date of issuance. If the disability
13 persists, temporary placards or motorcycle stickers may be renewed for a period of one year or
14 less, as determined upon review of a person's application by the medical advisory board. The
15 division of motor vehicles shall subsequently review the applications in accordance with
16 procedures for reviewing applications from persons whose disability is long term. Any issuance
17 found in review to be inappropriate shall be revoked, and notice of revocation shall be sent to the
18 applicant.

19 (4) A person other than a person with a disability who uses a disability parking privilege
20 placard other than to transport a person with a disability shall be fined ~~one hundred dollars (\$100)~~
21 one hundred twenty-five dollars (\$125) for each violation. A person issued a special placard who
22 uses the placard after expiration, or who allows unauthorized use of the disability parking placard
23 or sticker, is subject to revocation of the placard by the division, and is subject to a fine of ~~one~~
24 ~~hundred dollars (\$100)~~ one hundred twenty-five dollars (\$125).

25 (c) Disability parking spaces shall be designated and identified by the posting of signs
26 above ground level, with the international symbol of access, and the words "handicapped
27 parking", "disability parking", "disabled parking", or "reserved parking" printed in white on a
28 blue background.

29 (d) (1) Other than a person issued a special placard or motorcycle sticker pursuant to this
30 section, any person who parks a vehicle in a parking space designated for persons with disabilities
31 shall be fined ~~seventy-five dollars (\$75.00)~~ one hundred dollars (\$100) for a first violation, ~~one~~
32 ~~hundred fifty dollars (\$150)~~ one hundred seventy-five dollars (\$175) for a second violation, and
33 ~~three hundred dollars (\$300)~~ three hundred twenty-five dollars (\$325) for a third or subsequent
34 violation. The vehicle may be subject to towing at the owner's expense. It is not unlawful for a

1 person to park a vehicle in a space designated for person with disabilities if that person is
2 transporting another person who has been issued a special placard which is properly displayed on
3 the vehicle.

4 (2) The parking provisions of this section shall be enforced by the local or state
5 authorities on public or private property when the parking spaces are located within the purview
6 of the state building code.

7 (e) The department of administration shall inform each licensed driver of the certificate
8 procedures and parking restrictions of this section and sections 31-28-4 and 31-28-6. A facsimile
9 of the portable placard and motorcycle sticker issued under this section shall be sent to the
10 enforcing authority of each state, and each enforcing authority shall be informed of the parking
11 restrictions of this section and sections 31-28-4 and 31-28-6. Disability parking privilege placards
12 and disability motorcycle stickers when initially issued shall be accompanied by instructions for
13 their use and details of the penalties for their misuse.

14 (f) Any person who makes, manufactures, offers for sale, or knowingly uses a counterfeit
15 parking privilege placard shall be fined up to five hundred dollars (\$500) and/or forty (40) hours
16 of community service.

17 SECTION 8. Section 31-33-2 of the General Laws in Chapter 31-33 entitled "Safety
18 Responsibility Violations - General Provisions" is hereby amended to read as follows:

19 **31-33-2. Failure to file accident report.** -- Failure to report an accident as required in
20 section 31-33-1 shall be punished by a fine not in excess of ~~twenty five dollars (\$25.00)~~ forty-
21 five dollars (\$45.00), and the division shall suspend the license or the nonresident's operating
22 privilege of the person failing to make report until a report has been filed, and for any further
23 period not to exceed thirty (30) days that the division may fix.

24 SECTION 9. Section 31-36.1-17 of the General Laws in Chapter 31-36.1 entitled "Fuel
25 Use Reporting Law" is hereby amended to read as follows:

26 **31-36.1-17. Penalties.** -- (a) Any motor carrier failing to secure or display upon demand
27 the license or identification device required in section 31-36.1-3 or under the International Fuel
28 Tax Agreement shall be guilty of a civil violation and subject to a fine not exceeding ~~fifty dollars~~
29 ~~(\$50)~~ seventy-five dollars (\$75.00) for the first offense and not exceeding one hundred dollars
30 (\$100) for subsequent offenses. Any motor carrier willfully violating any other provisions of this
31 chapter is guilty of a civil violation, and is subject to a fine not exceeding one hundred dollars
32 (\$100) for the first offense and not exceeding five hundred dollars (\$500) for subsequent
33 offenses.

34 (b) Filing of a false statement to obtain credit or refund. Any person who willfully and

1 knowingly makes a false statement orally, in writing, or in the form of a receipt for the sale of
2 motor fuel for the purpose of obtaining, attempting to obtain, or to assist any other person,
3 partnership, or corporation to obtain or attempt to obtain a credit, refund, or reduction of liability
4 for taxes under this chapter, shall be fined not less than five thousand dollars (\$5,000) nor more
5 than ten thousand dollars (\$10,000), or be imprisoned not more than one year, or both.

6 (c) Failure to file report or pay tax. When any motor carrier fails to file a report within
7 the time prescribed by this chapter, or fails to pay the amount of taxes due when they are payable,
8 a penalty of ten percent (10%) or ten dollars (\$10.00), whichever is greater, shall be added to the
9 amount of the tax due. The penalty accrues immediately, and the tax shall collect interest at the
10 annual rate provided by section 44-1-7, until the tax is paid. The tax administrator may waive all
11 or part of these penalties if it is proved to the tax administrator's satisfaction that the failure to file
12 the report or pay the taxes on time was due to reasonable cause.

13 SECTION 10. Section 31-41.1-7 of the General Laws in Chapter 31-41.1 entitled
14 "Adjudication of Traffic Offenses" is hereby amended to read as follows:

15 **31-41.1-7. Application for dismissal based on good driving record.** -- (a) Any person
16 who has had a motor vehicle operator's license for more than three (3) years, and who has been
17 issued traffic violations which are the first violations in that time, may request a hearing seeking a
18 dismissal of the violations based upon the operator's good driving record.

19 (b) Upon submission of proper proof that the operator has not been issued any other
20 traffic violation within the past three (3) years, the charge shall be dismissed based upon a good
21 driving record, unless otherwise provided or for good cause shown.

22 (c) The traffic tribunal may not dismiss a charge pursuant to this section after six (6)
23 months from the date of disposition. For purposes of this section, a parking ticket is not a prior
24 violation.

25 (d) The following violations shall not be dismissed pursuant to this section:

26 (1) Any violation within the original jurisdiction of superior or district court;

27 (2) A refusal to submit to a chemical test of breath, blood, or urine pursuant to section
28 31-27-2.1;

29 (3) Any violation involving a school bus;

30 (4) Any violation involving an accident where there has been property damage or
31 personal injury; and

32 (5) Any speeding violation in excess of ~~nineteen~~ fourteen miles per hour (~~19 mph~~) (14
33 mph) above the posted speed limit.

34 (e) If the charge is dismissed pursuant to this section, records of the dismissal shall be

1 maintained for a period of three (3) years.

2 (f) The judge or magistrate has the discretion to waive court costs and fees when
3 dismissing a violation pursuant to this section.

4 SECTION 11. Section 31-47.2-6 of the General Laws in Chapter 31-47.2 entitled "Heavy
5 Duty Diesel Vehicle Emission Inspections" is hereby amended to read as follows:

6 **31-47.2-6. Penalty for violations.** -- (a) After July 1, 2001, any person who fails to
7 comply with the provisions of this chapter or any rule or regulation promulgated under this
8 chapter shall be subject to a civil violation and penalty of:

9 (1) ~~One hundred dollars (\$100)~~ One hundred twenty-five dollars (\$125) for a first
10 offense;

11 (2) ~~Five hundred dollars (\$500)~~ Five hundred twenty-five dollars (\$525) for a second
12 offense; and

13 (3) ~~One thousand dollars (\$1,000)~~ One thousand twenty-five dollars (\$1,025) for the
14 third and subsequent offenses.

15 (b) The penalties may be reduced upon a showing that repairs have been made to bring
16 failing vehicles into compliance with emission standards. There shall be no reduction for a first
17 offense. Any reduction of the penalty for second, third, and subsequent offenses shall be by not
18 more than four hundred fifty dollars (\$450).

19 (c) No person shall knowingly give false information to a HD-AIRS or the administrator
20 or his designee concerning compliance with the provisions of this chapter and regulations
21 promulgated under this chapter.

22 SECTION 12. Section 37-15-7 of the General Laws in Chapter 37-15 entitled "Litter
23 Control and Recycling" is hereby amended to read as follows:

24 **37-15-7. Penalties.** -- (a) Any person convicted of a first violation of this chapter shall,
25 except where a penalty is specifically set forth, be subject to a fine of not less than ~~thirty dollars~~
26 ~~(\$30)~~ fifty-five dollars (\$55.00) nor more than five hundred dollars (\$500). In addition to or in
27 lieu of the fine imposed hereunder, the person so convicted may be ordered to pick up litter for
28 not less than two (2), nor more than twenty-five (25) hours.

29 (b) Any person convicted of a second or subsequent violation of this chapter shall,
30 except where a penalty is specifically set forth, be subject to a fine of not less than three hundred
31 dollars (\$300) nor more than five hundred dollars (\$500). In addition to or in lieu of the fine
32 imposed upon a second or subsequent violation of this chapter, the person so convicted may be
33 ordered to pick up litter for not less than four (4), nor more than fifty (50) hours.

34 (c) Jurisdiction to punish violators of the provisions of this chapter is conferred on the

1 traffic tribunal.

2 (d) Any person convicted of a violation of this chapter shall, in addition to all other
3 penalties, be liable for the removal or cost of removal of all litter illegally disposed of by that
4 person. The court of administrative adjudication may hold the registration of any vehicle owned
5 by the violator and used in the act of littering until the aforementioned liability is satisfied.

6 (e) The funds received by a state law enforcement agency shall be deposited as general
7 revenues.

8 (f) Penalties of ~~thirty dollars (\$30.00)~~ fifty-five dollars (\$55.00) for violations of section
9 37-15-7 may be disposed of without the necessity of personally appearing before the traffic
10 tribunal. Said penalty may be handled administratively by mailing a check or money order,
11 together with properly executed form provided to the appropriate address as set forth in the
12 summons issued by the enforcing agent.

13 SECTION 13. This act shall take effect upon passage and shall apply to all motor vehicle
14 violations occurring upon and thereafter the date of passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO MOTOR VEHICLE VIOLATIONS -- FINE SCHEDULE RECONCILIATION
AND CONFORMATION

1 This act would provide for the amendments necessary to reconcile several provisions of
2 the general laws imposing fees for traffic violations in order to comply with the provisions of
3 2002 H 7332 Substitute A, The Act Making Appropriations for the Support of the State for the
4 Fiscal Year ending June 30, 2003.

5 This act would take effect upon passage and would apply to all motor vehicle violations
6 occurring upon and thereafter the date of passage.

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