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LC01387/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2004**

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- RHODE ISLAND UNIFORM  
COMMERCIAL DRIVER'S LICENSE ACT

Introduced By: Senators Breene, and Algieri

Date Introduced: February 11, 2004

Referred To: Senate Commerce, Housing & Municipal Government

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 31-3-3.1 of the General Laws in Chapter 31-3 entitled "Registration  
2 of Vehicles" is hereby amended to read as follows:

3           **31-3-3.1. Notice to division of motor vehicles of vehicle lease agreement.** -- (a) Every  
4 owner of a vehicle subject to registration or renewal of registration under this chapter shall notify  
5 the division of motor vehicles, at the time of registration of the vehicle on the proper registration  
6 form, of any agreement to lease the registered vehicle for a period of six (6) months duration, or  
7 longer, except for those commercial motor vehicles covered under the federal motor carrier safety  
8 regulations, 49 CFR Part 390, [as may be amended from time to time](#).

9           (b) The division of motor vehicles shall cause the name and address of the lessee as well  
10 as the owner of the vehicle to be entered on the division of motor vehicles records as provided in  
11 this chapter.

12           (c) The name and address of both the owner and lessee shall be made available by the  
13 division of motor vehicles upon a registration inquiry from any law enforcement officer,  
14 department, or agency.

15           SECTION 2. Sections 31-10.3-2, 31-10.3-3, 31-10.3-13, 31-10.3-14, 31-10.3-16, 31-  
16 10.3-19 and 31-10.3-31 of the General Laws in Chapter 31-10.3 entitled "Rhode Island Uniform  
17 Commercial Driver's License Act" are hereby amended to read as follows:

18           **31-10.3-2. Statement of intent and purpose.** -- (a) The purpose of this chapter is to

1 implement the federal Commercial Motor Vehicle Safety Act of 1986 (CMVSA), as may be  
2 amended from time to time ( see now 49 U.S.C. section 31101 et seq.) and reduce or prevent  
3 commercial motor vehicle accidents, fatalities, and injuries by:

- 4 (1) Permitting drivers to hold only one license;
- 5 (2) Disqualifying commercial drivers who have committed certain serious traffic  
6 violations, or other specified offenses;
- 7 (3) Strengthening commercial driver licensing and testing standards.

8 (b) It is the intent of this chapter to have an operator's license serve as the base license to  
9 which classifications, endorsements, and restrictions can be added which may change the  
10 classification to a commercial or chauffeur's license. If the person commits any offense which  
11 results in a withdrawal of the commercial license or privilege under this chapter and the offense  
12 would be cause for withdrawal of the base license or privilege, the department shall withdraw the  
13 commercial endorsements, restrictions, or classifications and for the required fee(s) issue an  
14 operator's license or privilege.

15 (c) If any offense would cause withdrawal of the base license and commercial or  
16 chauffeur's license but for different terms that person may be restored to the base license after the  
17 time specified in the applicable section(s) within this title upon payment of the required fee(s). If  
18 an offense is committed which, except for this chapter, causes a license or privilege withdrawal of  
19 a base license, it shall be cause for removing the commercial or chauffeur classification(s),  
20 restriction(s), and endorsement(s) or privileges to operate a commercial vehicle for the time  
21 specified in this title.

22 (d) This chapter is a remedial law which shall be liberally construed to promote the  
23 public health, safety, and welfare. To the extent that this chapter conflicts with general driver  
24 licensing provisions, this chapter shall prevail. Where this chapter is silent, the general driver  
25 licensing provisions shall apply. This chapter applies to every person who operates a commercial  
26 motor vehicle in interstate, foreign, or intrastate commerce and to all employers of these persons.

27 **31-10.3-3. Definitions.** -- Notwithstanding any other provisions of title 31 the following  
28 definitions apply to this chapter unless the context requires otherwise:

29 (1) "Administrator" means the division of motor vehicles administrator, the chief  
30 executive of the division of motor vehicles, an agency within the department of administration.

31 (2) "Alcohol or alcoholic beverage" means: ~~any substance containing any form of~~  
32 ~~alcohol, including, but not limited to, ethanol, methanol, propanol, and isopropanol.~~ (a) Beer as  
33 defined in 26 U.S.C. 502(a) of the internal revenue code of 1954; (b) wine of not less than one-  
34 half of one percentum (0.5%) of alcohol by volume; or (c) distilled spirits as defined in section

1 [5002\(a\)\(8\), of such code.](#)

2 (3) "Base license" means the operator's or driver's license without any classifications,  
3 endorsements, or restrictions.

4 (4) "Bus" means every motor vehicle designed for carrying sixteen (16) or more  
5 passengers (including the driver) ~~and operated for the transportation of persons.~~

6 (5) "Cancellation of driver's license" means the annulment or termination by formal  
7 action of the department of a person's driver's license because of some error or defect in the  
8 license (or application) or because the licensee is no longer entitled to the license.

9 (6) "Certified commercial driving instructor" means any person who gives commercial  
10 driver training or who offers a course in driver training, and who is certified as such by the  
11 administrator.

12 (7) "Commerce" means:

13 (i) Trade, traffic, and transportation within the jurisdiction of the United States within the  
14 state; between a place in a state and a place outside the state, including a place outside the United  
15 States; and

16 (ii) Trade, traffic, and transportation in the United States which affects any trade, traffic,  
17 and transportation in paragraph (i) of this subdivision.

18 (8) "Commercial license" means a license issued by the department in accordance with  
19 the standards contained in 49 C.F.R. Part 383, as it may be revised from time to time, to an  
20 individual which authorizes the individual to operate a class of commercial motor vehicle.

21 (9) "Commercial motor vehicle" means a motor vehicle or combination of vehicles used  
22 to transport passengers or property if the motor vehicle:

23 (i) Has a gross combination weight rating of twenty-six thousand one (26,001) or more  
24 pounds, of a towed unit with a gross vehicle rating of more than ten thousand pounds (10,000  
25 lbs.), or has a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds;

26 (ii) Is designed to transport sixteen (16) or more passengers including the driver; or

27 (iii) Is transporting hazardous materials ~~and is required to be placarded in accordance~~  
28 ~~with 49 C.F.R. Part 172, subpart F, as it may be revised from time to time~~ [as defined in this](#)  
29 [section.](#)

30 (10) "Controlled substance" means any substance as classified under section 102(6) of  
31 the Controlled Substance Act (21 U.S.C. 802(6)) and includes all substances as listed in schedules  
32 I through V of 21 C.F.R. Part 1308 as they may be revised from time to time.

33 (11) "Conviction" means an unvacated adjudication of guilt or a determination that a  
34 person has violated or failed to comply with the law in a court of original jurisdiction or by an

1 authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure  
2 the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the  
3 payment of a fine or court cost or violation of condition of release without bail, regardless of  
4 whether or not the penalty is rebated, suspended, or probated.

5 (12) "Department" means the department of administration acting directly or through its  
6 duly authorized officers and agents.

7 (13) "Disqualification" means withdrawal of the privilege to drive a commercial motor  
8 vehicle.

9 (14) "Driver's license" means a license issued by the department to an individual which  
10 authorizes the individual to operate a motor vehicle on the highways.

11 (15) "Employee" means any operator of a commercial motor vehicle, including full-time,  
12 regularly employed drivers; casual, intermittent or occasional drivers; leased drivers; and  
13 independent, owner-operator contractors (while in the course of operating a commercial motor  
14 vehicle) who are either directly employed by or under lease to an employer.

15 (16) "Employer" means any person, including the United States, a state or a political  
16 subdivision of a state, who owns or leases a commercial motor vehicle or assigns persons to  
17 operate such a vehicle.

18 (17) "Farm tractors" means every motor vehicle designated and used primarily as a farm  
19 implement for drawing plows, mowing machines, and other implements of husbandry.

20 (18) "Felony" means any offense under state or federal law that is punishable by death or  
21 imprisonment for a term exceeding one year and/or fine of one thousand dollars (\$1,000) or more.

22 (19) "Gross vehicle weight rating (GVWR)" means the value specified by the  
23 manufacturer as the maximum loaded weight of a single or a combination (articulated) ~~vehicle or~~  
24 ~~registered gross weight, whichever is greater~~. The GVWR of a combination (articulated) vehicle  
25 (commonly referred to as the "gross combination weight rating" or GCWR) is the GVWR of the  
26 power unit plus the GVWR of the towed unit or units.

27 (20) "Hazardous materials" means ~~the same as that meaning found in section 103 of the~~  
28 ~~Hazardous Materials Transportation Act (see now 49 U.S.C. section 5101 et seq.), as revised~~  
29 ~~from time to time~~ any material that has been designated as hazardous under 49 CFR Part 172 or  
30 any quantity of a material listed as a select agent or toxin in 42 CFR Part 73.

31 (21) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semi-trailer propelled  
32 or drawn by mechanical power and used on highways; or any other vehicle required to be  
33 registered under the laws of this state; but does not include any vehicle, machine, tractor, trailer,  
34 or semi-trailer operated exclusively on a rail.

1 (22) "Operator's license" means driver's license.

2 (23) "School bus" means every motor vehicle operated for the transportation of children  
3 to or from school or school-related activities, excluding the colleges and universities of this or  
4 other states.

5 (24) "Secretary" means the secretary of transportation of the United States.

6 (25) "Serious traffic violation" means a conviction ~~when operating a commercial motor~~  
7 ~~vehicle~~ of:

8 (i) Excessive speeding involving any single offense for any speed of fifteen miles per  
9 hour (15 mph) or more above the posted speed limit;

10 (ii) Reckless driving as defined by state or local law or regulation including, but not  
11 limited to, offenses of driving a commercial motor vehicle in willful or wanton disregard for the  
12 safety of person or property;

13 (iii) Improper or erratic lane changes;

14 (iv) Following the vehicle ahead too closely; ~~or~~

15 (v) A violation, arising in connection with a fatal accident, of state or local law relating  
16 to motor vehicle traffic control (other than a parking violation). (Serious traffic violations exclude  
17 vehicle weight and defect violations);

18 (vi) Operating a commercial motor vehicle without obtaining a commercial license;

19 (vii) Operating a commercial motor vehicle without having his or her commercial license  
20 in his or her immediate possession; or

21 (viii) Operating a commercial motor vehicle without possessing a commercial driver's  
22 license containing the endorsements or classifications applicable to the type of vehicle being  
23 operated, or for the passengers or type of cargo being transported.

24 (26) "State" means a state of the United States and the District of Columbia.

25 (27) "Tank vehicle" means any commercial motor vehicle that is designed to transport  
26 any liquid or gaseous materials within a tank that is either permanently or temporarily attached to  
27 the vehicle or the chassis. These vehicles include, but are not limited to, cargo tanks and portable  
28 tanks as defined in Part 171 of title 49 of the Federal Hazardous Material Regulations, 49 CFR  
29 Part 171. However, this definition does not include portable tanks having a rated capacity under  
30 one thousand (1,000) gallons.

31 (28) "Withdrawal" means any suspension, revocation, cancellation, disqualification, out-  
32 of-service of any license, privilege, endorsement, restriction, or classification of any license.

33 **31-10.3-13. Requirements -- Commercial. --** (a) License required -- requirements. -  
34 Every person applying for an original or renewal of a commercial license shall be required to

1 comply with and be issued a commercial license meeting the requirements of the Commercial  
2 Motor Vehicle Safety Act of 1986, [and the implementing regulations in 49 CFR 383, as may be](#)  
3 [amended from time to time](#) (see now 49 U.S.C. section 31101 et seq.).

4 (b) No person, except those expressly exempted in this chapter, shall drive any  
5 commercial motor vehicle upon a highway in this state unless that person has a valid commercial  
6 license under the provisions of this chapter for the type or class of vehicle being driven.

7 (c) No person, except those expressly exempted in this chapter, shall steer or, while  
8 within the passenger compartment of a vehicle, exercise any degree of physical control of a  
9 vehicle being towed by a motor vehicle upon a highway in this state unless that person has a valid  
10 commercial license under the provisions of this chapter for the type or class of vehicle being  
11 towed.

12 (d) No person shall receive a commercial license unless and until he or she surrenders to  
13 the department all valid licenses in his or her possession issued to him or her by this or any other  
14 jurisdiction. All surrendered licenses issued by another jurisdiction shall be returned to it,  
15 together with information that the person is licensed in this state. No person holding a commercial  
16 license shall be permitted to have more than one license at any time.

17 (e) Any person licensed as a commercial driver pursuant to this chapter may exercise  
18 that privilege granted upon all streets and highways in this state, and shall not be required to  
19 obtain any other license to exercise that privilege by any municipal, local board, or other body  
20 having authority to adopt local police regulations.

21 **31-10.3-14. Classes of licenses -- Endorsements.** -- (a) The department, upon issuing a  
22 commercial license, shall indicate on the license the class or type of vehicles the licensee may  
23 drive. Licenses shall be issued with the classifications and endorsements and any restrictions as  
24 defined by [state](#) regulation [or 49 CFR 383](#).

25 (b) The department shall establish any qualifications that it believes reasonably  
26 necessary for the safe operation of the various types, sizes, or combinations of vehicles and shall  
27 determine by appropriate examination whether each applicant is qualified for the license  
28 classification, endorsement, or restriction for which application has been made.

29 (c) The department shall not issue a commercial license unless the applicant meets the  
30 following qualifications in addition to all other applicable qualifications adopted by policy or  
31 regulation:

32 (1) The applicant shall be at least twenty-one (21) years of age; except for intrastate  
33 operations, the applicant must be at least eighteen (18) years of age. This exception shall not  
34 apply to school bus drivers and drivers of placarded vehicles.

1 (2) The applicant shall not currently be under a license or privilege withdrawal in this or  
2 any other state or province of Canada.

3 (3) Within the three (3) years immediately preceding the application, the applicant shall  
4 not have committed any of the offenses for which license withdrawal is mandatory upon  
5 conviction and shall not have engaged in any conduct for which a license withdrawal may be  
6 implemented.

7 (4) The applicant shall not have been found to have committed a disqualifying offense  
8 under the Federal Commercial Motor Vehicle Safety Act of 1986 (see now 49 U.S.C. section  
9 31101 et seq.), as may be amended from time to time.

10 (5) The applicant shall certify in the license application that all of these qualifications  
11 have been met.

12 (d) The department shall not issue a tank endorsement unless the applicant, in addition to  
13 all other applicable qualifications, has been licensed for and has regularly driven for not less than  
14 one year in a vehicle or combination of vehicles covered by the license classification on which  
15 the tank endorsement shall be placed.

16 (e) The department shall not issue a school bus endorsement unless the applicant has had  
17 at least three (3) years of driving experience prior to the date of application and the department is  
18 fully satisfied as to the applicant's good character, competency, and fitness to be so employed.  
19 The administrator shall adopt regulations governing that character, competency, and fitness.

20 (f) The department shall not issue a passenger endorsement unless the applicant has had  
21 at least three (3) years of driving experience prior to the date of application and the department is  
22 fully satisfied as to the applicant's good character, competency, and fitness to be so employed.  
23 The administrator shall adopt regulations governing that character, competency, and fitness.

24 **31-10.3-16. Persons exempt from licensing.** -- The following persons shall be exempt  
25 from the commercial licensing requirements under this chapter:

26 (1) Any ~~member of the armed forces~~ active duty military personnel, members of the  
27 military reserves, members of the National Guard on active duty, including personnel on full-time  
28 National Guard duty, personnel on part-time National Guard training, and National Guard  
29 military technicians (civilians who are required to wear military uniforms), and active duty U.S.  
30 Coast Guard personnel while operating a motor vehicle ~~owned or leased by any branch of the~~  
31 ~~armed forces of the United States~~ for military purposes.

32 (2) Any person eighteen (18) years or older who satisfies the exemptions set forth in 49  
33 CFR 391.67, as may from time to time be amended, while driving or operating any farm tractor,  
34 implement of husbandry temporarily operated or moved on a highway, or any farm vehicle,

1 which would otherwise require the driver to be the holder of a commercial driver's license,  
2 provided that said farm vehicle is under seventy-six thousand six hundred (76,600) lbs. registered  
3 weight and is not a truck- tractor, semi-trailer combination as defined by section 31-1-5(e), and  
4 further provided that the farm vehicle is used to transport either agricultural products, farm  
5 machinery, farm supplies, or both to or from a farm, ~~and is used within such limits as may be~~  
6 ~~established by federal law or regulation.~~

7 (3) A nonresident who is at least twenty-one (21) years of age and who has in his or her  
8 immediate possession a valid license equivalent to a Rhode Island class license issued to him or  
9 her in his or her home state, or province of Canada, may operate a motor vehicle in this state of a  
10 comparable class.

11 (4) ~~Firefighters and/or firefighter emergency medical personnel operating lifesaving~~  
12 ~~emergency equipment of any city, town, district, or any other political subdivision of which they~~  
13 ~~are employed or volunteer their services.~~ Firefighters and other persons who operate CMVs  
14 which are necessary to the preservation of life or property or the execution of emergency  
15 governmental functions, are equipped with audible and visual signals and are not subject to  
16 normal traffic regulations. These vehicles include fire trucks, hook and ladder trucks, foam or  
17 water transport trucks, police SWAT team vehicles, ambulances, or other vehicles that are used in  
18 response to emergencies.

19 (5) Any person operating a vehicle for personal or family use such as a motorized  
20 camper or travel trailer equipped with permanent living and sleeping facilities used for camping  
21 activities. Any furtherance of commercial or quasi-commercial enterprise shall lapse this  
22 exemption.

23 (6) A nonresident, who establishes residency in the state of Rhode Island, may operate a  
24 commercial vehicle in this state not to exceed thirty (30) days from the date of establishing that  
25 residency; provided, that the nonresident has in his or her immediate possession a valid  
26 commercial license issued by another state, or province of Canada.

27 **31-10.3-19. Examination of applicants.** -- (a) The department shall examine every  
28 applicant for a commercial license or learner's permit. The examination shall include: (1) a test of  
29 the applicant's eyesight to be administered according to standards set by the Federal Motor  
30 Carrier Regulations; (2) his or her ability to read English in understanding highway signs  
31 regulating, warning, and directing traffic; (3) his or her knowledge of the traffic laws of this state;  
32 and (4) shall include an actual demonstration of ability to exercise ordinary and reasonable  
33 control in the operation of a motor vehicle or combination of vehicles of the type covered by the  
34 license classification, endorsement, or restrictions which the applicant is seeking. The



1 examination may also include any further physical and mental examinations that the department  
2 deems necessary to determine the applicant's fitness to safely operate a motor vehicle upon the  
3 highways.

4 (b) A nonresident, who establishes residence in the state of Rhode Island and makes  
5 application for a Rhode Island commercial license, shall not be required to demonstrate his or her  
6 ability to operate a motor vehicle, unless the examiner has reason to believe such a demonstration  
7 is needed; provided, that the nonresident surrenders a valid commercial license that was issued  
8 under the requirements of the Commercial Motor Vehicle Safety Act of 1986, as may be amended  
9 from time to time (see now 49 U.S.C. section 31101 et seq.) by another state.

10 (c) The department shall be permitted to promulgate rules and regulations pertaining to  
11 third-party testing for the skills tests required for commercial driver's licenses in accordance with  
12 49 CFR Part 383, as it may be revised from time to time.

13 **31-10.3-31. Violations -- Penalties.** -- (a) It shall be illegal for any person driving any  
14 commercial motor vehicle as defined in this chapter to operate or control that vehicle while under  
15 the influence of alcohol, drugs, toluene, or any other substance as defined in chapter 28 of title  
16 21. For the purpose of this chapter, any person who drives, operates, or exercises physical control  
17 of a commercial motor vehicle while having a blood alcohol concentration of four-one-  
18 hundredths of one percent (.04%) or greater by weight, as shown by a chemical analysis of a  
19 blood, breath, or urine sample shall be guilty of the offense of driving while under the influence  
20 of liquor or drugs.

21 (b) (1) Notwithstanding any other provision of this chapter, it shall be illegal for any  
22 person to drive, operate, or be in physical control of a commercial motor vehicle while having  
23 alcohol in his or her system.

24 (2) The administrator shall suspend, for at least one year, a commercial motor vehicle  
25 operator's license or privilege who is found to have committed a first violation of:

26 (i) Driving a commercial motor vehicle under the influence of alcohol or controlled  
27 substances;

28 (ii) Driving a commercial motor vehicle while the alcohol concentration in the person's  
29 blood, breath, or other bodily substance is four-one-hundredths of one percent (.04%) or greater;

30 (iii) ~~Knowingly and willfully leaving~~ Leaving the scene of an accident involving a  
31 commercial motor vehicle driven by the person;

32 (iv) Using a commercial motor vehicle in the commission of a felony;

33 (v) Refusing to submit to a chemical analysis of breath, blood, or urine while operating a  
34 commercial vehicle.

1 (3) If the operator commits any of these violations while carrying hazardous materials  
2 requiring placards under federal/state regulations, the revocation shall be for a period of not less  
3 than three (3) years.

4 (4) The administrator shall revoke for life, which may be reduced to a period of at least  
5 ten (10) years in accordance with department of administration regulations, a commercial motor  
6 vehicle operator's license or privilege who is found to have committed a second violation of:

7 (i) Driving a commercial motor vehicle under the influence of alcohol or controlled  
8 substances;

9 (ii) Driving a commercial motor vehicle while the alcohol concentration in the person's  
10 blood, breath, or other bodily substance is four-one-hundredths of one percent (.04%) or greater;

11 (iii) Knowingly and willfully leaving the scene of an accident involving a commercial  
12 motor vehicle driven by the person;

13 (iv) Using a commercial motor vehicle in the commission of a felony;

14 (v) Refusing to submit to a chemical analysis of breath, blood, and/or urine while in a  
15 commercial motor vehicle.

16 (5) The administrator shall revoke for life the commercial motor vehicle operator's  
17 license or privilege of any person who is found to have used a commercial motor vehicle in the  
18 manufacture, distribution, or dispensing of a controlled substance or the possession with intent to  
19 distribute, manufacture, or dispense a controlled substance.

20 (6) The administrator shall suspend the commercial motor vehicle operator's license or  
21 privilege for a period of not less than sixty (60) days of each person who, in a three (3) year  
22 period, has committed two (2) serious traffic violations involving a commercial motor vehicle,  
23 and for not less than one hundred twenty (120) days of each person who has committed three (3)  
24 serious traffic violations in a three (3) year period.

25 (7) Any person violating subsection (a) of this section shall, upon conviction, be subject  
26 to the fines, penalties, and assessments enumerated in section 31-27-2 for driving under the  
27 influence of liquor or drugs; except for the provision of license or privilege suspension of which  
28 the license shall be withdrawn in accordance with this chapter.

29 (c) Any person violating section 31-10.3-26, relating to the license to be carried and  
30 exhibited on demand, shall, upon conviction, be fined not less than fifty dollars (\$50.00). For a  
31 second or subsequent conviction there shall be imposed a fine of not less than one hundred dollars  
32 (\$100), and his or her commercial license or privilege shall be withdrawn for a period of one  
33 month.

34 (d) Any person violating section 31-27-1, relating to driving so as to endanger resulting

1 in death, or section 31-27-1.1, relating to driving so as to endanger, resulting in personal injury,  
2 shall, upon conviction, have his or her commercial license or privilege revoked for a period of  
3 one year. With respect to violations of sections 31-27-1 and 31-27-1.1, the commercial penalties  
4 shall only apply while the operator is operating a commercial vehicle; should the operator be  
5 operating a passenger vehicle, passenger penalties shall apply under sections 31-27-1 and 31-27-  
6 1.1.

7 (e) Any person violating section 31-10.3-27, relating to the limitation on the number of  
8 driver licenses, shall, upon conviction, be fined not less than two hundred fifty dollars (\$250) nor  
9 more than twenty-five hundred dollars (\$2,500), and any commercial license shall be cancelled  
10 immediately.

11 (f) Any person violating section 31-10.3-28, relating to notification required by the  
12 employee, shall, upon conviction, be fined not less than two hundred fifty dollars (\$250) nor more  
13 than five hundred dollars (\$500).

14 (g) Any person violating section 31-10.3-29, relating to employer responsibilities, shall,  
15 upon conviction be fined not less than five hundred dollars (\$500) nor more than two thousand  
16 five hundred dollars (\$2,500).

17 (h) Any person violating subdivision (b)(1) of this section, relating to violations and  
18 penalties, shall immediately cease operating any commercial vehicle for a period of twenty-four  
19 (24) hours. Failure to do so shall result in a commercial license or privilege revocation for a  
20 period of three (3) months and a fine of one hundred fifty dollars (\$150).

21 (i) Any person violating section 31-10.3-30, relating to the requirement of a commercial  
22 driver's license, shall, upon conviction of a first offense, be fined not less than two hundred fifty  
23 dollars (\$250) nor more than one thousand dollars (\$1,000); and, upon conviction of a second or  
24 subsequent offense, be fined not less than one thousand dollars (\$1,000) nor more than two  
25 thousand five hundred dollars (\$2,500). The person's commercial license or privilege shall be  
26 revoked for a period of at least one year but not more than five (5) years.

27 (j) The administrator may, after notice and hearing suspend a school bus driver's  
28 certificate or privilege to obtain a certificate for a period of up to five (5) years from the date of  
29 adjudication or conviction of the following:

30 (1) Any motor vehicle driving offense committed by a school bus driver while operating  
31 a self-propelled vehicle and which is a criminal offense in the state of Rhode Island or which, if  
32 committed outside the state, would be considered a criminal offense if committed in the state of  
33 Rhode Island;

34 (2) Any alcohol or drug-related motor vehicle driving offense referred to in this section

1 and committed by a school bus operator who is operating a self-propelled vehicle.

2 (k) (1) For purposes of this subsection an "Out-of-Service Order" means a declaration by  
3 the ~~Federal Highway Administration~~ Federal Motor Carrier Safety Administration or an  
4 authorized enforcement officer of a federal, state, Commonwealth of Puerto Rico, Canadian,  
5 Mexican or local jurisdiction that a driver of a commercial motor vehicle or a motor carrier  
6 operation is out-of-service, pursuant to the Federal Motor Carrier Safety Regulations contained in  
7 49 CFR Parts 383, 386, 387 and 390 -- 399, as amended.

8 (2) The term "disqualified" means the withdrawal of a person's privilege to drive a  
9 commercial motor vehicle.

10 (3) Any person who violates an out-of-service order shall be disqualified as follows  
11 except as provided in subdivision (4) of this subsection:

12 (i) A person shall be disqualified from driving a commercial motor vehicle for a period  
13 of ninety (90) days if convicted of a first violation of an out-of-service order.

14 (ii) A person shall be disqualified for a period of one year if convicted of a second  
15 violation of an out-of-service order during any ten (10) year period arising from separate  
16 incidents.

17 (iii) A person shall be disqualified for a period of three (3) years if convicted of a third or  
18 subsequent violation of an out-of-service order during any ten (10) year period arising from  
19 separate incidents.

20 (4) Any person who violates an out-of-service order while transporting hazardous  
21 materials or while operating a commercial motor vehicle designed or used to transport fifteen (15)  
22 or more passengers including the driver shall be disqualified as follows:

23 (i) A person shall be disqualified for a period of one hundred eighty (180) days if  
24 convicted of a first violation of an out-of-service order.

25 (ii) A person shall be disqualified for a period of ~~two (2)~~ three (3) years if convicted of a  
26 second or subsequent violation of an out-of-service order during any ten (10) year period arising  
27 from separate incidents.

28 (5) Notwithstanding any other provision of law to the contrary, any driver who violates  
29 or fails to comply with an out-of-service order is subject to a penalty of one thousand one  
30 hundred dollars ~~(\$1,000)~~ (\$1,100) in addition to disqualification under this subsection.

31 (6) Any employer who violates an out-of-service order, or who knowingly requires or  
32 permits a driver to violate or fail to comply with an out-of-service order, is subject to a penalty of  
33 two thousand ~~five hundred~~ seven hundred fifty dollars ~~(\$2,500)~~ (\$2,750).

34 (l) Disqualification for railroad-highway grade crossing violation.

1 (1) General rule. - A driver who is convicted of operating a commercial motor vehicle in  
2 violation of a federal, state, or local law or regulation pertaining to one of the following six (6)  
3 offenses at a railroad-highway grade crossing must be disqualified for the period of time specified  
4 in subsection ( 1 )(2) of this section:

5 (i) For drivers who are not required to always stop, failing to slow down and check that  
6 the tracks are clear of an approaching train;

7 (ii) For drivers who are not required to always stop, failing to stop before reaching the  
8 crossing, if the tracks are not clear;

9 (iii) For drivers who are always required to stop, failing to stop before driving onto the  
10 crossing;

11 (iv) For all drivers, failing to have sufficient space to drive completely through the  
12 crossing without stopping;

13 (v) For all drivers, failing to obey a traffic control device or the directions of an  
14 enforcement official at the crossing;

15 (vi) For all drivers, failing to negotiate a crossing because of insufficient undercarriage  
16 clearance.

17 (2) Duration of disqualification for railroad-highway grade crossing violation.

18 (i) First violation. - A driver must be disqualified for not less than sixty (60) days if the  
19 driver is convicted of a first violation of a railroad-highway grade crossing violation.

20 (ii) Second violation. - A driver must be disqualified for not less than one hundred  
21 twenty (120) days if, during any three (3) year period, the driver is convicted of a second railroad-  
22 highway grade crossing violation in separate incidents.

23 (iii) Third or subsequent violation. - A driver must be disqualified for not less than one  
24 year if, during any three (3) year period, the driver is convicted of a third or subsequent railroad-  
25 highway grade crossing violation in separate incidents.

26 (3) Special penalties pertaining to railroad-highway grade crossing violations. An  
27 employer who is convicted of a violation of section 31-10.3-29(5) is subject to a civil penalty of  
28 not more than ten thousand dollars (\$10,000).

29 (m) Any person shall be subject to disqualification for a conviction of operating a  
30 commercial motor vehicle when the operator's license is suspended, revoked, or cancelled or the  
31 operator is otherwise disqualified based on prior motor vehicle convictions.

32 (n) Any person disqualified pursuant to the tables set forth in 49 CFR 383.51(b), (c), (d)  
33 and (e).

34 SECTION 3. Section 31-22-11.4 of the General Laws in Chapter 31-22 entitled

1 "Miscellaneous Rules" is hereby amended to read as follows:

2 **31-22-11.4. School bus drivers pre-trip inspection.** -- Every school bus driver shall  
3 perform a daily pre-trip inspection of his or her assigned vehicle, and shall report promptly and in  
4 writing any defect or deficiencies discovered that may affect the safety of the vehicle's operation  
5 or result in mechanical breakdown. Pre-trip inspection and condition reports for school vehicles  
6 subject to the motor carrier safety regulations of the ~~federal highway administration~~ [Federal](#)  
7 [Motor Carrier Safety Administration, as may be amended from time to time](#) shall be performed in  
8 accordance with those regulations.

9 SECTION 4. Section 31-23-1 of the General Laws in Chapter 31-23 entitled "Equipment  
10 and Accessories Generally" is hereby amended to read as follows:

11 **31-23-1. Driving of unsafe vehicle -- Disobedience of requirements -- Inspections of**  
12 **motor carriers -- Fines.** -- (a) It is a civil violation for any person to drive or move, or for the  
13 owner to cause or knowingly permit to be driven or moved, on any highway any vehicle or  
14 combination of vehicles which is in such an unsafe condition as to endanger any person, or which  
15 does not contain those parts or is not at all times equipped with lamps and other equipment in  
16 proper condition and adjustment as required in this chapter or chapter 24 of this title, or for any  
17 person to do any act forbidden or fail to perform any act required under these chapters.

18 (b) (1) For the purpose of reducing the number and severity of accidents, all commercial  
19 motor vehicles must meet applicable standards set forth in this chapter and chapter 24 of this title  
20 and in the federal motor carrier safety regulations (FMCSR) contained in 49 CFR Parts [387 and](#)  
21 [390-399](#), as amended and adopted by the U.S. Department of Transportation (U.S. DOT), ~~Federal~~  
22 ~~Highway Administration (FHWA)~~, [Federal Motor Carrier Safety Administration](#), Office of Motor  
23 Carriers (OMC), [as may be amended from time to time](#). ~~Parts 394 of FMCSR, 49 CFR Part 394,~~  
24 ~~shall not apply to intrastate operations.~~ Part 391.11(b)(1) of FMCSR, 49 CFR 391.11(b)(1) shall  
25 not apply to intrastate drivers of commercial motor vehicles except for drivers of school buses  
26 and vehicles placarded under 49 CFR Part 172, Subpart F. Rules and regulations shall be  
27 promulgated by the director of the department of administration for the administration and  
28 enforcement of motor carrier safety. The rules and regulations shall be promulgated to ensure  
29 uniformity in motor carrier safety enforcement activities and to increase the likelihood that safety  
30 defects, driver deficiencies, and unsafe carrier practices will be detected and corrected.

31 (2) Any carrier convicted of violating the rules and regulations established pursuant to  
32 this subsection shall be fined not less than twenty-five dollars (\$25.00) or more than five hundred  
33 dollars (\$500) for each offense.

34 (c) For the purposes of this section, "carrier" is defined as any company or person who

1 furthers their commercial or private enterprise by use of a vehicle that has a gross vehicle weight  
2 rating (GVWR) of ten thousand and one (10,001) or more pounds, or that transports hazardous  
3 material.

4 (d) Authorized examiners, investigators, officers, or regulatory inspectors from the  
5 department of administration with proper identification issued by the director of the department  
6 of administration, the state police, and local law enforcement officials with proper identification  
7 certifying they are qualified motor carrier enforcement personnel trained according to subsection  
8 (f) of this section, shall have a right of entry and authority to examine all equipment of motor  
9 carriers and lessors and enter upon and perform inspections of motor carrier vehicles in operation.  
10 They shall have authority to inspect, examine, and copy all accounts, books, records, memoranda,  
11 correspondence and other documents of the motor carriers and or lessors and the documents,  
12 accounts, books, records, correspondence, and memoranda of any person controlling, controlled  
13 by, or under common control of any carrier which relate to the enforcement of this chapter.

14 (e) (1) Authorized examiners, investigators, officers, or regulatory inspectors from the  
15 state police, local law enforcement officials or the department of administration shall declare "out  
16 of service" any motor vehicle which, by reason of its mechanical condition or loading, is so  
17 imminently hazardous to operate as to be likely to cause an accident or a breakdown. An "out of  
18 service vehicle" sticker shall be used to mark vehicles out of service. The "out of service vehicle"  
19 sticker shall be affixed to the driver's window on power units placed out of service and, affixed to  
20 the left front corner of trailers or semi-trailers placed out of service.

21 (2) No person shall remove the "out of service vehicle" sticker from any motor vehicle  
22 prior to completion of all repairs required by the "out of service" notice.

23 (3) Any motor vehicle discovered to be in an unsafe condition while being operated on  
24 the highway may be continued in operation only to the nearest place where repairs can be safely  
25 effected.

26 (4) Operation in an unsafe condition will be conducted only if it is less hazardous to the  
27 public than to permit the vehicle to remain on the highway.

28 (5) A motor carrier shall not require or permit a person to operate a motor vehicle  
29 declared out of service until all the repairs required by the out of service notice are satisfactorily  
30 completed.

31 (6) Any person convicted of unauthorized removal or causing to be removed an "out of  
32 service vehicle" sticker shall be fined one hundred twenty-five dollars (\$125).

33 (7) Any person convicted of operating or causing to operate an "out of service vehicle"  
34 on a public highway shall be fined one hundred dollars (\$100).

1 (f) In order to enforce the provisions of this section, authorized examiners, investigators,  
2 officers, or regulatory inspectors must satisfactorily complete a course of instruction as prescribed  
3 by the U.S. Department of Transportation (U.S. DOT), ~~Federal Highway Administration (FHWA)~~  
4 [Federal Motor Carrier Safety Administration](#), Office of Motor Carriers (OMC) in the federal  
5 motor carrier safety regulations (FMCSR) safety inspection procedures, and out of service criteria  
6 with at least annual in-service training covering the prescribed instruction.

7 (g) Violations of the provisions of this section shall be recorded in the commercial  
8 vehicle inspection report approved by the U.S. Department of Transportation (U.S. DOT),  
9 ~~Federal Highway Administration (FHWA)~~ [Federal Motor Carrier Safety Administration](#), Office  
10 of Motor Carriers (OMC), in addition to the appropriate Rhode Island state uniform summons.

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

13 SECTION 5. Section 31-25-6 of the General Laws in Chapter 31-25 entitled "Size,  
14 Weight, and Load Limits" is hereby amended to read as follows:

15 **31-25-6. Maximum number and length of coupled vehicles.** – (a) No combination of  
16 vehicles coupled together shall consist of more than three (3) units, a truck-tractor, semi-trailer,  
17 and trailer. The combination of vehicles shall not be restricted in overall length, except that when  
18 a truck-tractor, semi-trailer, and a trailer are used in combination, the trailer or semi-trailer each  
19 shall not exceed twenty-eight and one-half feet (28' 6"), excluding bumpers and accessories.  
20 Provided, however, that combinations of vehicles consisting of three (3) units shall be permitted  
21 to operate only on the interstate highway system and on those highways, streets, and roads  
22 designated by the director of the department of administration.

23 (b) Combinations of vehicles consisting of truck-tractor and semi-trailer coupled  
24 together shall not be restricted in overall length, and semi-trailers shall not exceed fifty-three feet  
25 (53') in length, excluding bumpers and accessories. Semi-trailers exceeding forty-eight and one-  
26 half feet (48' 6") shall be permitted to operate only on the interstate highway system and on those  
27 highways, streets and roads designated by the director of the department of administration.  
28 Exceptions to the requirements of this section include the use of a pole trailer and combinations  
29 designed to transport motor vehicles and/or automobiles as authorized in sections 31-25-7 and 31-  
30 25-8. The provision that no combination of vehicles coupled together shall consist of more than  
31 three (3) units shall not apply to vehicles coupled together by a saddle mount device used to  
32 transport motor vehicles in a drive-away service when no more than three (3) saddle mounts are  
33 used, and equipment used in the combination is approved by Part 393.71 of the federal motor  
34 carrier safety regulations, 49 CFR 393.71, and safety regulations of the division of motor vehicles



1 of the department of administration of the state of Rhode Island [as such federal and/or state](#)  
2 [regulations may be amended or revised from time to time](#). Any owner or operator found deviating  
3 from the approval permitted routes shall be fined a minimum mandatory fine of five hundred  
4 dollars (\$500), but not more than one thousand dollars (\$1,000).

5 (c) The distance from the kingpin of the trailer to the center of the rear axle may not  
6 exceed forty-one feet (41').

7 (d) Fifty-three foot (53') trailers shall be equipped with a rear end protection device of  
8 substantial construction consisting of a continuous lateral beam extending to within four inches  
9 (4") of the lateral extremities of the trailer, and located not more than twenty-two inches (22")  
10 from the surface of the road as measured with the vehicle empty and on level surface.

11 (e) Violations of this section are subject to fines enumerated in section 31-41.1-4.

12 SECTION 6. Section 31-27-5 of the General Laws in Chapter 31-27 entitled "Motor  
13 Vehicle Offenses" is hereby amended to read as follows:

14 **31-27-5. Motor carriers – Maximum driving and on-duty time.** -- (a) Maximum  
15 driving time. - Except ~~as provided in subdivision (b) of this section~~ [for intrastate carrier tow and](#)  
16 [recovery operations provided at the request of a law enforcement agency for public safety](#)  
17 [purposes](#), no motor carrier shall permit or require any driver used by it to drive nor shall any  
18 driver ~~drive~~; [exceed the hours for service for drivers as provided in 49 code of federal regulations](#)  
19 [part 395, as may be amended from time to time.](#)

20 ~~(1) More than ten (10) hours following eight (8) consecutive hours off duty; or~~

21 ~~-(2) For any period after having been on duty fifteen (15) hours following eight (8)~~  
22 ~~consecutive hours off duty.~~

23 ~~-(b) Exemptions.—(1) Drivers using sleeper berth equipment as defined in 49 CFR~~  
24 ~~393.76 of the federal motor carrier safety regulations may cumulate the required eight (8)~~  
25 ~~consecutive hours off duty resting in a sleeper berth in two (2) separate periods totaling eight (8)~~  
26 ~~hours, neither period to be less than two (2) hours.~~

27 ~~-(2) The provisions of subdivisions (a)(1) and (2) of this section shall not apply with~~  
28 ~~respect to drivers used wholly in driving motor vehicles having not more than two (2) axles and~~  
29 ~~whose gross weight does not exceed ten thousand pounds (10,000 lbs.), unless the vehicle is used~~  
30 ~~to transport passengers or explosive or other dangerous articles of a type and in a quantity as to~~  
31 ~~require the vehicle to be specifically marked or placarded under the federal hazardous material~~  
32 ~~regulations (prescribed in 49 CFR 177.823) or when operated without cargo under conditions~~  
33 ~~which require the vehicle to be so marked or placarded under the cited regulations: provided~~  
34 ~~further, that this shall not apply with respect to drivers of motor vehicles engaged solely in~~

1 ~~making deliveries for retail stores during the period from December 10 to December 25 of each~~  
2 ~~year.~~

3 ~~-(3) A driver who encounters adverse driving conditions and cannot, because of those~~  
4 ~~conditions, safely complete the run within the ten (10) hour maximum driving time permitted by~~  
5 ~~subdivision (a)(1) of this section may drive and be permitted or required to drive a motor vehicle~~  
6 ~~for not more than two (2) additional hours in order to complete that run or to reach a place~~  
7 ~~offering safety for vehicle occupants and security for the vehicle and its cargo. However, that~~  
8 ~~driver may not drive or be permitted or required to drive:~~

9 ~~-(i) For more than twelve (12) hours in the aggregate following eight (8) consecutive~~  
10 ~~hours off duty; or~~

11 ~~-(ii) After the driver has been on duty fifteen (15) hours following eight (8) consecutive~~  
12 ~~hours off duty.~~

13 ~~-(iii) "Adverse driving conditions" means snow, sleet, fog, other adverse weather~~  
14 ~~conditions, a highway covered with snow or ice, or unusual road and traffic conditions, none of~~  
15 ~~which were apparent on the basis of information known to the person dispatching the run at the~~  
16 ~~time it was begun.~~

17 ~~-(4) Driver salesperson.—The provisions of 49 CFR 395.3(b) of the federal motor carrier~~  
18 ~~safety regulations shall not apply to any driver salesperson whose total driving time does not~~  
19 ~~exceed forty (40) hours in any period of seven (7) consecutive days.~~

20 ~~-(5) 100 air mile radius driver.—A driver is exempt from the requirements of 49 CFR~~  
21 ~~395.8 of the federal motor carrier safety regulations if:~~

22 ~~-(i) The driver operates within a 100 air mile radius of the normal work reporting~~  
23 ~~location;~~

24 ~~-(ii) The driver, except a driver salesperson, returns to the work reporting location and is~~  
25 ~~released from work within twelve (12) consecutive hours;~~

26 ~~-(iii) At least eight (8) hours off duty separate each twelve (12) hours on duty;~~

27 ~~-(iv) The driver does not exceed ten (10) hours maximum driving time following eight (8)~~  
28 ~~consecutive hours off duty; and~~

29 ~~-(v) The motor carrier that employs the driver maintains and retains for a period of six (6)~~  
30 ~~months accurate and true time records showing:~~

31 ~~-(A) The time the driver reports for duty each day;~~

32 ~~-(B) The total number of hours the driver is on duty each day;~~

33 ~~-(C) The time the driver is released from duty each day; and~~

34 ~~-(D) The total time for the preceding seven (7) days in accordance with 49 CFR~~

1 ~~395.8(j)(2) of the federal motor carrier safety regulations for drivers used for the first time or~~  
2 ~~intermittently.~~

3 ~~(6) Travel time.—When a driver at the direction of the motor carrier is traveling but not~~  
4 ~~driving or assuming any other responsibility to the carrier, that time shall be counted as on duty~~  
5 ~~time unless the driver is afforded at least eight (8) consecutive hours off duty when arriving at~~  
6 ~~destination in which case he or she shall be considered off duty for the entire period.~~

7 ~~(c) (1) Every motor carrier shall require every driver used by the motor carrier to record~~  
8 ~~his or her duty status for each twenty four (24) hour period using the methods prescribed in 49~~  
9 ~~CFR 395.8(a)(1) or (2) of the federal motor carrier safety regulations.~~

10 ~~(2) Failure to possess or maintain a current record of duty status shall result in a fine of~~  
11 ~~not less than fifty dollars (\$50.00) or more than five hundred dollars (\$100).~~

12 ~~(3) Maintaining a record of duty status that does not accurately reflect the driver's actual~~  
13 ~~activities and duty status (including time and location of each duty status change and the time~~  
14 ~~spent in each duty status) in an apparent attempt to conceal a violation of an hours of service~~  
15 ~~limitation, shall result in a fine of not less than one hundred dollars (\$100) or more than five~~  
16 ~~hundred dollars (\$500).~~

17 ~~(d) (b) Drivers may be declared out of service for violations of this section or 49 CFR~~  
18 ~~Part 395, as may be amended from time to time.~~

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

21 **31-41.1-7. Application for dismissal based on good driving record.** -- (a) Any person  
22 who has had a motor vehicle operator's license for more than three (3) years, and who has been  
23 issued traffic violations which are his or her first violations within the preceding three (3) years,  
24 may request a hearing seeking a dismissal of the violations based upon the operator's good  
25 driving record.

26 (b) Upon submission of proper proof that the operator has not been issued any other  
27 traffic violation within the past three (3) years, the charge shall, except for good cause shown or  
28 as otherwise provided by law, be dismissed based upon a good driving record.

29 (c) The traffic tribunal may not dismiss a charge pursuant to this section after six (6)  
30 months from the date of disposition. For purposes of this section, a parking ticket shall not  
31 constitute a prior violation.

32 (d) The following violations shall not be dismissed pursuant to this statute:

- 33 (1) Any violation within the original jurisdiction of superior or district court;  
34 (2) A refusal to submit to a chemical test of breath, blood or urine pursuant to section 31-

1 27-2.1;

2 (3) Any violation involving a school bus;

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

5 (5) Any speeding violation in excess of fourteen miles per hour (14 m.p.h.) above the  
6 posted speed limit;

7 (6) Any violation involving child restraints in motor vehicles pursuant to section 31-22-  
8 22;

9 (7) Any violation committed by a holder of a commercial license as defined in section  
10 31-10.3-3 or any violation committed in a commercial motor vehicle as defined in section 31-  
11 10.3-3 by an operator who does not hold a commercial license.

12 (e) If the charge is dismissed pursuant to this section, records of the dismissal shall be  
13 maintained for a period of three (3) years.

14 (f) The judge or magistrate shall have the discretion to waive court costs and fees when  
15 dismissing a violation pursuant to this section.

16 SECTION 8. This act shall take effect upon passage.

=====  
LC01387/SUB A  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO MOTOR AND OTHER VEHICLES -- RHODE ISLAND UNIFORM  
COMMERCIAL DRIVER'S LICENSE ACT

\*\*\*

1           This act would make technical amendments updating the name of the Federal Motor  
2 Carrier Safety Administration, deleting references to repealed provisions of federal law and  
3 regulations, and clarifying the continuance of any federal regulations that may be revised from  
4 time to time in connection with the Federal Commercial Motor Vehicle Safety Act. These  
5 changes would be necessary to remain in full compliance with the federal laws.

6           This act would take effect upon passage.

=====  
LC01387/SUB A  
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