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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2005**

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A N A C T

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

Introduced By: Representatives Long, and Ehrhardt

Date Introduced: March 01, 2005

Referred To: House Corporations

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, 31-10.3-31 and 31-10.3-32 of the General Laws in Chapter 31-10.3 entitled "Rhode  
17 Island Uniform 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) ( see now 49  
2 U.S.C. section 31101 et seq.), as may be amended from time to time 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. 5052(a), of the Internal Revenue Code of 1954; (b) wine of not less than  
34 one-half of one percentum (0.5%) of alcohol by volume; or (c) distilled spirits as defined in

1 [section 5002\(a\)\(8\), of said 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: due to:

9 (i) the suspension, revocation, or cancellation of a commercial driver's license by the state  
10 or jurisdiction of issuance; or

11 (ii) any withdrawal of a person's privileges to drive a commercial motor vehicle by a state  
12 or other jurisdiction as the result of a violation of state or local law relating to motor vehicle  
13 traffic control (other than parking, vehicle weight or vehicle defect violations); or

14 (iii) a determination by the Federal Motor Carrier Safety Administration that a person is  
15 not qualified to operate a commercial motor vehicle under 49 C.F.R. Part 391.

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

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

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

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

27 (18) "Fatality" means the death of a person as a result of motor vehicle accident.

28 ~~(18)~~ (19) "Felony" means any offense under state or federal law that is punishable by  
29 death or imprisonment for a term exceeding one year and/or fine of one thousand dollars (\$1,000)  
30 or more.

31 ~~(19)~~ (20) "Gross vehicle weight rating (GVWR)" means the value specified by the  
32 manufacturer as the maximum loaded weight of a single or a combination (articulated) ~~vehicle or~~  
33 ~~registered gross weight, whichever is greater.~~ The GVWR of a combination (articulated) vehicle  
34 (commonly referred to as the "gross combination weight rating" or GCWR) is the GVWR of the

1 power unit plus the GVWR of the towed unit or units.

2 ~~(20)~~ (21) "Hazardous materials" means ~~the same as that meaning found in section 103 of~~  
3 ~~the Hazardous Materials Transportation Act (see now 49 U.S.C. section 5101 et seq.), as revised~~  
4 ~~from time to time.~~ any material that has been designated as hazardous under 49 CFR Part 172 or  
5 any quantity of a material listed as a select agent or toxin in 42 CFR Part 73.

6 ~~(21)~~ (22) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semi-trailer  
7 propelled or drawn by mechanical power and used on highways; or any other vehicle required to  
8 be registered under the laws of this state; but does not include any vehicle, machine, tractor,  
9 trailer, or semi-trailer operated exclusively on a rail.

10 ~~(22)~~ (23) "Operator's license" means driver's license.

11 ~~(23)~~ (24) "School bus" means ~~every motor vehicle operated for the transportation of~~  
12 ~~children to or from school or school-related activities, excluding the colleges and universities of~~  
13 ~~this or other states.~~ a commercial motor vehicle used to transport preprimary, primary or  
14 secondary school students from home to school, from school to home; as to and from school-  
15 sponsored events. School bus does not include a bus used as a common carrier.

16 ~~(24)~~(25) "Secretary" means the secretary of transportation of the United States.

17 ~~(25)~~ (26) "Serious traffic violation" means a conviction when operating a commercial  
18 motor vehicle except weight, defect and parking violations of:

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

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

24 (iii) Improper or erratic lane changes;

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

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

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

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

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

1           ~~(26)~~ (27) "State" means a state of the United States and the District of Columbia.

2           ~~(27)~~ (28) "Tank vehicle" means any commercial motor vehicle that is designed to  
3 transport any liquid or gaseous materials within a tank that is either permanently or temporarily  
4 attached to the vehicle or the chassis. These vehicles include, but are not limited to, cargo tanks  
5 and portable tanks as defined in Part 171 of title 49 of the Federal Hazardous Material  
6 Regulations, 49 CFR Part 171. However, this definition does not include portable tanks having a  
7 rated capacity under one thousand (1,000) gallons.

8           ~~(28)~~ (29) "Withdrawal" means any suspension, revocation, cancellation, disqualification,  
9 out-of-service of any license, privilege, endorsement, restriction, or classification of any license.

10           **31-10.3-13. Requirements -- Commercial. --** (a) License required -- requirements. -  
11 Every person applying for an original or renewal of a commercial license shall be required to  
12 comply with and be issued a commercial license meeting the requirements of the Commercial  
13 Motor Vehicle Safety Act of 1986 (see now 49 U.S.C. section 31101 et seq.) and the  
14 implementing regulations in 49 CFR 383 and 384, as may be amended from time to time.

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

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

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

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

32           **31-10.3-14. Classes of licenses -- Endorsements. --** (a) The department, upon issuing a  
33 commercial license, shall indicate on the license the class or type of vehicles the licensee may  
34 drive. Licenses shall be issued with the classifications and endorsements and any restrictions as

1 defined by [state](#) regulation [or 49 CFR 383](#).

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

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

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

12 (2) The applicant shall not currently be under a license or privilege withdrawal in this or  
13 any other state, [Mexico](#) or province of Canada.

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

18 (4) The applicant shall not have been found to have committed a disqualifying offense  
19 under the Federal Commercial Motor Vehicle Safety Act of 1986 (~~see~~ now 49 U.S.C. section  
20 31101 et seq.); [as may be amended from time to time](#).

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

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

27 (e) The department shall not issue a school bus endorsement unless the applicant has had  
28 at least three (3) years of driving experience prior to the date of application and the department is  
29 fully satisfied as to the applicant's good character, competency, and fitness to be so employed.  
30 [Effective September 30, 2005, all school bus operators must have the "S" endorsement as defined](#)  
31 [under 49 Code of Federal Regulations 383.153\(a\)\(9\)\(vi\) subject to endorsement and testing](#)  
32 [requirements set forth in 49 Code of Federal Regulations 383.93 and 383.123](#). The administrator  
33 shall adopt regulations governing ~~that~~ character, competency, and fitness.

34 (f) The department shall not issue a passenger endorsement unless the applicant has had

1 at least three (3) years of driving experience prior to the date of application and the department is  
2 fully satisfied as to the applicant's good character, competency, and fitness to be so employed.  
3 The administrator shall adopt regulations governing ~~that~~ character, competency, and fitness.

4 **31-10.3-16. Persons exempt from licensing.** -- The following persons shall be exempt  
5 from the commercial licensing requirements under this chapter:

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

12 (2) Any person eighteen (18) years or older who satisfies the exemptions set forth in 49  
13 CFR 391.67, as may from time to time be amended, while driving or operating any farm tractor,  
14 implement of husbandry temporarily operated or moved on a highway, or any farm vehicle,  
15 which would otherwise require the driver to be the holder of a commercial driver's license,  
16 provided that said farm vehicle is under seventy-six thousand six hundred (76,600) lbs. registered  
17 weight and is not a truck- tractor, semi-trailer combination as defined by section 31-1-5(e), and  
18 further provided that the farm vehicle is used to transport either agricultural products, farm  
19 machinery, farm supplies, or both to or from a farm ~~and is used within such limits as may be~~  
20 ~~established by federal law or regulation.~~

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

25 (4) ~~Firefighters and/or firefighter emergency medical personnel operating lifesaving~~  
26 ~~emergency equipment of any city, town, district, or any other political subdivision of which they~~  
27 ~~are employed or volunteer their services.~~ Firefighters and other persons who operate commercial  
28 motor vehicles which are necessary to the preservation of life or property or the execution of  
29 emergency governmental functions are equipped with audible and visual signals and are not  
30 subject to normal traffic regulation. These vehicles include fire trucks, hook and ladder trucks,  
31 foam or water transport trucks, police SWAT team vehicles, ambulances, or other vehicles that  
32 are used in response to emergencies.

33 (5) Any person operating a vehicle for personal or family use such as a motorized  
34 camper or travel trailer equipped with permanent living and sleeping facilities used for camping



1 activities. Any furtherance of commercial or quasi-commercial enterprise shall lapse this  
2 exemption.

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

7 **31-10.3-19. Examination of applicants.** -- (a) The department shall examine every  
8 applicant for a commercial license or learner's permit. The examination shall include: (1) a test of  
9 the applicant's eyesight to be administered according to standards set by the Federal Motor  
10 Carrier Regulations; (2) his or her ability to read English in understanding highway signs  
11 regulating, warning, and directing traffic; (3) his or her knowledge of the traffic laws of this state;  
12 and (4) shall include an actual demonstration of ability to exercise ordinary and reasonable  
13 control in the operation of a motor vehicle or combination of vehicles of the type covered by the  
14 license classification, endorsement, or restrictions which the applicant is seeking. The  
15 examination may also include any further physical and mental examinations that the department  
16 deems necessary to determine the applicant's fitness to safely operate a motor vehicle upon the  
17 highways.

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

24 (c) The department shall be permitted to promulgate rules and regulations pertaining to  
25 third-party testing for the skills tests required for commercial driver's licenses in accordance with  
26 49 CFR Part 383, as it may be revised from time to time.

27 **31-10.3-31. Violations -- Penalties.** -- (a) It shall be illegal for any person driving any  
28 commercial motor vehicle as defined in this chapter to operate or control that vehicle while under  
29 the influence of alcohol, drugs, toluene, or any other substance as defined in chapter 28 of title  
30 21. For the purpose of this chapter, any person who drives, operates, or exercises physical control  
31 of a commercial motor vehicle while having a blood alcohol concentration of four-one-  
32 hundredths of one percent (.04%) or greater by weight, as shown by a chemical analysis of a  
33 blood, breath, or urine sample shall be guilty of the offense of driving while under the influence  
34 of liquor or drugs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (6) The administrator shall suspend the commercial motor vehicle operator's license or

1 privilege for a period of not less than sixty (60) days of each person who, in a three (3) year  
2 period, has committed two (2) serious traffic violations involving a commercial motor vehicle,  
3 and for not less than one hundred twenty (120) days of each person who has committed three (3)  
4 or more serious traffic violations in a three (3) year period.

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

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

14 (d) Any person violating section 31-27-1, relating to driving so as to endanger resulting  
15 in death, or section 31-27-1.1, relating to driving so as to endanger, resulting in personal injury,  
16 shall, upon conviction, have his or her commercial license or privilege revoked for a period of  
17 one year. With respect to violations of sections 31-27-1 and 31-27-1.1, the commercial penalties  
18 shall only apply while the operator is operating a commercial vehicle; should the operator be  
19 operating a passenger vehicle, passenger penalties shall apply under sections 31-27-1 and 31-27-  
20 1.1.

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

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

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

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

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

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

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

14 (2) Any alcohol or drug-related motor vehicle driving offense referred to in this section  
15 and committed by a school bus operator who is operating a self-propelled vehicle.

16 (k) (1) For purposes of this subsection an "Out-of-Service Order" means a declaration by  
17 the ~~Federal Highway Administration~~ [Federal Motor Carrier Safety Administration](#) or an  
18 authorized enforcement officer of a federal, state, Commonwealth of Puerto Rico, Canadian,  
19 Mexican or local jurisdiction that a driver of a commercial motor vehicle or a motor carrier  
20 operation is out-of-service, pursuant to the Federal Motor Carrier Safety Regulations contained in  
21 49 CFR Parts [383, 386, 387 and 390](#) -- 399, as amended.

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

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

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

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

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

34 (4) Any person who violates an out-of-service order while transporting hazardous

1 materials or while operating a commercial motor vehicle designed or used to transport ~~fifteen (15)~~  
2 sixteen (16) or more passengers including the driver shall be disqualified as follows:

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

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

8 (5) Notwithstanding any other provision of law to the contrary, any driver who violates  
9 or fails to comply with an out-of-service order is subject to a penalty of ~~one thousand dollars~~  
10 ~~(\$1,000)~~ one thousand one hundred dollars (\$1,100) in addition to disqualification under this  
11 subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (n) Any person shall be subject to disqualification in accordance with 49 CFR 383.51(b),  
14 (c), (d) and (e).

15 **31-10.3-32. Contents and issuance of commercial driver's license. --** (a) The  
16 commercial driver's license shall be, to the maximum extent practicable, tamper-proof and shall  
17 include, but not be limited to, the following information:

18 (1) The full legal name and current legal residential or mailing address of the licensee.

19 (2) A physical description of the licensee, including sex, height, weight, hair, and eye  
20 color.

21 (3) The licensee's date of birth and any other identifier deemed appropriate by the  
22 department.

23 (4) The class(es) of commercial motor vehicle or vehicles which the licensee is  
24 authorized to operate.

25 (5) Any restrictions which may apply to the license or licensee.

26 (6) Endorsements under which the licensee is authorized to operate a commercial motor  
27 vehicle.

28 (7) The date of issuance and expiration of the license.

29 (8) Whether the license is an original or duplicate.

30 (9) Organ donor information.

31 (10) Color photograph of the licensee.

32 (11) The signature of the licensee.

33 (12) A prominent statement indicating that the license is a "commercial driver's license"  
34 which may be abbreviated "CDL".

1 (13) Any other information deemed appropriate by the administrator.

2 (b) Before issuing a commercial driver's license, the department shall notify the  
3 Commercial Driver's License Information System (C.D.L.I.S.) of the proposed issuance of the  
4 license and provide the information required to ensure identification of the licensee. The  
5 department shall also request all information pertaining to the driving record of the licensee from  
6 any other state or province of Canada which has issued a ~~commercial~~ driver's license to the  
7 licensee over the prior ten (10) year period and from the National Driver Register.

8 (c) Within ten (10) days after issuing a commercial driver's license, the department shall  
9 notify the commercial driver's license information system of that fact and provide all information  
10 required to ensure identification of the licensee.

11 (d) The department shall maintain copies of all documents including, but not limited to,  
12 the application, commercial driver's license issued, and any other documents pertaining to the  
13 licensee.

14 SECTION 3. Chapter 31-10.3 of the General Laws entitled "Rhode Island Uniform  
15 Commercial Driver's License Act" is hereby amended by adding thereto the following section:

16 **31-10.3-37. Prohibition on masking convictions.** – No representative of the district  
17 court or traffic tribunal may utilize the provisions of sections 12-10-12, 12-18-3 or through any  
18 other programs, mask, defer imposition of judgment or allow an individual to enter a diversion  
19 program that would prevent a CDL driver's conviction for any violation, in any type of motor  
20 vehicle, of a state or local traffic control law (except a parking violation) from appearing on the  
21 driver's record, whether the driver was convicted for an offense committed in the state where the  
22 driver is licensed or in another state.

23 SECTION 4. Section 31-22-11.4 of the General Laws in Chapter 31-22 entitled  
24 "Miscellaneous Rules" is hereby amended to read as follows:

25 **31-22-11.4. School bus drivers pre-trip inspection.** -- Every school bus driver shall  
26 perform a daily pre-trip inspection of his or her assigned vehicle, and shall report promptly and in  
27 writing any defect or deficiencies discovered that may affect the safety of the vehicle's operation  
28 or result in mechanical breakdown. Pre-trip inspection and condition reports for school vehicles  
29 subject to the motor carrier safety regulations of the ~~federal highway administration~~ Federal  
30 Motor Carrier Safety Administration ("FMCSA") as may be amended from time to time shall be  
31 performed in accordance with those regulations.

32 SECTION 5. Section 31-23-1 of the General Laws in Chapter 31-23 entitled "Equipment  
33 and Accessories Generally" is hereby amended to read as follows:

34 **31-23-1. Driving of unsafe vehicle -- Disobedience of requirements -- Inspections of**

1 **motor carriers – Fines.** -- (a) It is a civil violation for any person to drive or move, or for the  
2 owner, employer or employee to cause or knowingly permit to be driven or moved, on any  
3 highway any vehicle or combination of vehicles which is in such an unsafe condition as to  
4 endanger any person, or which does not contain those parts or is not at all times equipped with  
5 lamps and other equipment in proper condition and adjustment as required in this chapter or  
6 chapter 24 of this title, or for any person to do any act forbidden or fail to perform any act  
7 required under these chapters.

8 (b) (1) ~~For the purpose of reducing the number and severity of accidents, all commercial~~  
9 ~~motor vehicles must meet applicable standards set forth in this chapter and chapter 24 of this title~~  
10 ~~and in the federal motor carrier safety regulations (FMCSR) contained in 49 CFR Parts 390-399,~~  
11 ~~as amended and adopted by the U.S. Department of Transportation (U.S. DOT), Federal Highway~~  
12 ~~Administration (FHWA), Office of Motor Carriers (OMC). Parts 394 of FMCSR, 49 CFR Part~~  
13 ~~394, shall not apply to intrastate operations. Part 391.11(b)(1) of FMCSR, 49 CFR 391.11(b)(1)~~  
14 ~~shall not apply to intrastate drivers of commercial motor vehicles except for drivers of school~~  
15 ~~buses and vehicles placarded under 49 CFR Part 172, Subpart F. Rules and regulations shall be~~  
16 ~~promulgated by the director of the department of administration for the administration and~~  
17 ~~enforcement of motor carrier safety. The rules and regulations shall be promulgated to ensure~~  
18 ~~uniformity in motor carrier safety enforcement activities and to increase the likelihood that safety~~  
19 ~~defects, driver deficiencies, and unsafe carrier practices will be detected and corrected. For the~~  
20 purpose of reducing the number and severity of accidents, all commercial motor vehicles must  
21 meet applicable standards set forth in this chapter and chapter 24 of this title and in the federal  
22 motor carrier safety regulations (FMCSR) contained in 49 CFR Parts 387 and 390-399, and the  
23 Hazardous Materials Regulations in 49 CFR Parts 107 (subparts F and G only), 171-173, 177,  
24 178 and 180, as amended except as may be determined by the administrator to be inapplicable to  
25 a state enforcement program, as amended and adopted by the U.S. Department of Transportation  
26 (U.S. DOT), Federal Motor Carrier Safety Administration, as may be amended from time to time.  
27 Part 391.11(b)(1) of FMCSR, 49 CFR 391.11(b)(1) shall not apply to intrastate drivers of  
28 commercial motor vehicles except for drivers of school buses and vehicles placarded under 49  
29 CFR Part 172, Subpart F. Rules and regulations shall be promulgated by the director of the  
30 department of administration for the administration and enforcement of motor carrier safety. The  
31 rules and regulations shall be promulgated to ensure uniformity in motor carrier safety  
32 enforcement activities and to increase the likelihood that safety defects, driver deficiencies, and  
33 unsafe carrier practices will be detected and corrected.

34 (2) Any carrier convicted of violating the rules and regulations established pursuant to



1 this subsection shall be fined not less than twenty-five dollars (\$25.00) or more than five hundred  
2 dollars (\$500) for each offense.

3 (c) For the purposes of this section, "carrier" is defined as any company or person who  
4 furthers their commercial or private enterprise by use of a vehicle that has a gross vehicle weight  
5 rating (GVWR) of ten thousand and one (10,001) or more pounds, or that transports hazardous  
6 material.

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

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

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

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

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

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

34 (6) Any person convicted of unauthorized removal or causing to be removed an "out of

1 service vehicle" sticker shall be fined one hundred twenty-five dollars (\$125).

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

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

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

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

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

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

27 (b) Combinations of vehicles consisting of truck-tractor and semi-trailer coupled  
28 together shall not be restricted in overall length, and semi-trailers shall not exceed fifty-three feet  
29 (53') in length, excluding bumpers and accessories. Semi-trailers exceeding forty-eight and one-  
30 half feet (48' 6") shall be permitted to operate only on the interstate highway system and on those  
31 highways, streets and roads designated by the director of the department of administration.  
32 Exceptions to the requirements of this section include the use of a pole trailer and combinations  
33 designed to transport motor vehicles and/or automobiles as authorized in sections 31-25-7 and 31-  
34 25-8. The provision that no combination of vehicles coupled together shall consist of more than

1 three (3) units shall not apply to vehicles coupled together by a saddle mount device used to  
2 transport motor vehicles in a drive-away service when no more than three (3) saddle mounts are  
3 used, and equipment used in the combination is approved by Part 393.71 of the federal motor  
4 carrier safety regulations, 49 CFR 393.71, and safety regulations of the division of motor vehicles  
5 of the department of administration of the state of Rhode Island [as such federal and/or state](#)  
6 [legislation may be amended or revised from time to time](#). Any owner or operator found deviating  
7 from the approval permitted routes shall be fined a minimum mandatory fine of five hundred  
8 dollars (\$500), but not more than one thousand dollars (\$1,000).

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

11 (d) Fifty-three foot (53') trailers shall be equipped with a rear end protection device of  
12 substantial construction consisting of a continuous lateral beam extending to within four inches  
13 (4") of the lateral extremities of the trailer, and located not more than twenty-two inches (22")  
14 from the surface of the road as measured with the vehicle empty and on level surface.

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

16 SECTION 7. Section 31-27-5 of the General Laws in Chapter 31-27 entitled "Motor  
17 Vehicle Offenses" is hereby amended to read as follows:

18 **31-27-5. Motor carriers – Maximum driving and on-duty time.** -- (a) Maximum  
19 driving time. - Except ~~as provided in subdivision (b) of this section,~~ [for intrastate carrier tows and](#)  
20 [recovering operations provided at the request of a law enforcement agency for public safety](#)  
21 [purposes,](#) no motor carrier shall permit or require any driver used by it to drive nor shall any  
22 driver ~~drive~~ [exceed the hours for service for drivers as provided in 49 CFR Part 395, as may be](#)  
23 [amended from time to time:](#)

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

25 ~~–(2) For any period after having been on duty fifteen (15) hours following eight (8)~~  
26 ~~consecutive hours off duty.~~

27 ~~–(b) Exemptions.—(1) Drivers using sleeper berth equipment as defined in 49 CFR~~  
28 ~~393.76 of the federal motor carrier safety regulations may cumulate the required eight (8)~~  
29 ~~consecutive hours off duty resting in a sleeper berth in two (2) separate periods totaling eight (8)~~  
30 ~~hours, neither period to be less than two (2) hours.~~

31 ~~–(2) The provisions of subdivisions (a)(1) and (2) of this section shall not apply with~~  
32 ~~respect to drivers used wholly in driving motor vehicles having not more than two (2) axles and~~  
33 ~~whose gross weight does not exceed ten thousand pounds (10,000 lbs.), unless the vehicle is used~~  
34 ~~to transport passengers or explosive or other dangerous articles of a type and in a quantity as to~~

1 ~~require the vehicle to be specifically marked or placarded under the federal hazardous material~~  
2 ~~regulations (prescribed in 49 CFR 177.823) or when operated without cargo under conditions~~  
3 ~~which require the vehicle to be so marked or placarded under the cited regulations: provided~~  
4 ~~further, that this shall not apply with respect to drivers of motor vehicles engaged solely in~~  
5 ~~making deliveries for retail stores during the period from December 10 to December 25 of each~~  
6 ~~year.~~

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

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

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

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

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

24 ~~(5) 100 air mile radius driver.—A driver is exempt from the requirements of 49 CFR~~  
25 ~~395.8 of the federal motor carrier safety regulations if:~~

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

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

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

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

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

- 1 ~~-(A) The time the driver reports for duty each day;~~  
2 ~~-(B) The total number of hours the driver is on duty each day;~~  
3 ~~-(C) The time the driver is released from duty each day; and~~  
4 ~~-(D) The total time for the preceding seven (7) days in accordance with 49 CFR~~  
5 ~~395.8(j)(2) of the federal motor carrier safety regulations for drivers used for the first time or~~  
6 ~~intermittently.~~

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

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

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

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

21 ~~(d) (b)~~ Drivers may be declared out of service for violations of this section or 49 CFR  
22 Part 395 [as may be amended from time to time](#).

23 SECTION 8. Section 31-41.1-7 of the General Laws in Chapter 31-41.1 entitled  
24 "Adjudication of Traffic Offenses" is hereby amended to read as follows:

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

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

33 (c) The traffic tribunal may not dismiss a charge pursuant to this section after six (6)  
34 months from the date of disposition. For purposes of this section, a parking ticket shall not

1 constitute a prior violation.

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

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

4 (2) A refusal to submit to a chemical test of breath, blood or urine pursuant to section 31-  
5 27-2.1;

6 (3) Any violation involving a school bus;

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

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

11 (6) Any violation involving child restraints in motor vehicles pursuant to section 31-22-  
12 22;

13 (7) Any violation committed by a holder of a commercial license as defined in section  
14 31-10.3-3 or any violation committed in a commercial motor vehicle as defined in section 31-  
15 10.3-3 by an operator who does not hold a commercial license.

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

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

20 SECTION 9. This act shall take effect upon passage.

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

\*\*\*

- 1           This act would amend several sections of the Uniform Commercial Driver's License Act
- 2 and other motor vehicle sections.
- 3           This act would take effect upon passage.

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