

2012 -- S 2138

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- ACCIDENTS AND ACCIDENT
REPORTS

Introduced By: Senators E O'Neill, Jabour, Metts, Cote, and Bates

Date Introduced: January 18, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 31-26-1 and 31-26-2 of the General Laws in Chapter 31-26
2 entitled "Accidents and Accident Reports" are hereby amended to read as follows:

3 **31-26-1. Duty to stop in accidents resulting in personal injury.** -- (a) The driver of any
4 vehicle knowingly involved in an accident resulting in injury to, serious bodily injury to, or death
5 of any person shall immediately stop the vehicle at the scene of the accident or as close to it as
6 possible, but shall then immediately return to and in every event shall remain at the scene of the
7 accident until he or she has fulfilled the requirements of section 31-26-3. A stop shall be made
8 without obstructing traffic more than is necessary.

9 (b) Any person knowingly failing to stop or to comply with the requirements under
10 circumstances which result in injury to any person shall upon conviction be punished by a
11 mandatory loss of license for at least one year and not more than five (5) years and imprisonment
12 for not more than five (5) years and/or fined up to five thousand dollars (\$5,000).

13 (c) (1) Any person knowingly failing to stop or to comply with the requirements under
14 circumstances which result in serious bodily injury to any person shall upon conviction be
15 punished as follows:

16 (i) Every person convicted of a first violation shall be punished by imprisonment for not
17 less than ~~one year~~ two (2) years and for not more than ten (10) years and by a fine of not less than
18 ~~one thousand dollars (\$1,000)~~ five thousand dollars (\$5,000), nor more than ~~five thousand dollars~~

1 ~~(\$5,000)~~ ten thousand dollars (\$10,000). The sentencing judge shall have the discretion to
2 sentence the person to any unit of the adult correctional institutions. Additionally, the license of
3 the person may be revoked for a period of up to ~~two (2)~~ five (5) years. The license privilege shall
4 not be reinstated until evidence satisfactory to the administrator of the division of motor vehicles
5 establishes that no grounds exist which would authorize refusal to issue a license and until the
6 person gives proof of financial responsibility pursuant to chapter 32 of this title, and all liens and
7 judgments are satisfied.

8 (ii) For a second or subsequent conviction under this subsection ~~within a five (5) year~~
9 ~~period~~, a person shall be punished by imprisonment for not less than ~~two (2)~~ five (5) years nor
10 more than ~~fifteen (15)~~ twenty-five (25) years and by a fine of not less than ~~three thousand dollars~~
11 ~~(\$3,000)~~ ten thousand dollars (\$10,000) nor more than ~~ten thousand dollars (\$10,000)~~ thirty
12 thousand dollars (\$30,000). The sentencing judge shall have the discretion to sentence the person
13 to any unit of the adult correctional institutions. Additionally, the license of the person may be
14 revoked for a period of up to ~~four (4)~~ ten (10) years. The license privilege shall not be reinstated
15 until evidence satisfactory to the administrator of the division of motor vehicles establishes that
16 no grounds exist which would authorize refusal to issue a license and until the person gives proof
17 of financial responsibility pursuant to chapter 32 of this title.

18 (2) As used in this subsection, "serious bodily injury" means physical injury that creates
19 a substantial risk of death or causes serious physical disfigurement or protracted loss or
20 impairment of the function of any bodily member or organ.

21 (d) Any person knowingly failing to stop or to comply with the requirements under
22 circumstances which result in the death of any person, shall upon conviction be punished
23 pursuant to the provisions of this subsection as follows:

24 (1) Every person convicted of a first violation of this subsection shall be punished by
25 imprisonment in the state prison for not less than ~~two (2)~~ five (5) years and for not more than
26 ~~fifteen (15)~~ thirty (30) years, in any unit of the adult correctional institutions in the discretion of
27 the sentencing judge, by a fine of not less than ~~five thousand dollars (\$5,000)~~ fifteen thousand
28 dollars (\$15,000) nor more than ~~ten thousand dollars (\$10,000)~~ fifty thousand dollars (\$50,000),
29 and his or her license to operate a motor vehicle shall be revoked for a period of ~~three (3)~~ ten (10)
30 years. The license privilege shall not be reinstated until evidence satisfactory to the administrator
31 of the division of motor vehicles establishes that no grounds exist which would authorize the
32 refusal to issue a license, and until the person gives proof of financial responsibility pursuant to
33 chapter 32 of this title, and all liens and judgments are satisfied.

34 (2) Every person convicted of a second or subsequent violation of this subsection ~~within~~

1 ~~a five (5) year period~~ shall be punished by imprisonment in the state prison for not less than ~~five~~
2 ~~(5) twenty (20)~~ years and for not more than ~~twenty (20) sixty (60)~~ years, in any unit of the adult
3 correctional institutions in the discretion of the sentencing judge, by a fine of not less than ~~ten~~
4 ~~thousand dollars (\$10,000) thirty thousand dollars (\$30,000)~~ nor more than ~~twenty thousand~~
5 ~~dollars (\$20,000) one hundred thousand dollars (\$100,000)~~ and his or her license to operate a
6 motor vehicle shall be permanently revoked ~~for a period of five (5) years. The license privilege~~
7 ~~shall not be reinstated until evidence satisfactory to the administrator of the division of motor~~
8 ~~vehicles establishes that no grounds exist which would authorize the refusal to issue a license, and~~
9 ~~until the person gives proof of financial responsibility pursuant to chapter 32 of this title.~~

10 (e) This section shall apply in its entirety to any driver of a motor vehicle knowingly
11 involved in an accident with a person riding a bicycle

12 **31-26-2. Duty to stop in accidents resulting in damage to vehicle. --** The driver of any
13 vehicle knowingly involved in an accident resulting only in damage to a vehicle which is driven
14 or attended by any person shall immediately stop the vehicle at the scene of the accident or as
15 close to it as possible, but shall immediately return to and in every event shall remain at the scene
16 of the accident until he or she has fulfilled the requirements of section 31-26-3. A stop shall be
17 made without obstructing traffic more than is necessary. Any person failing to stop or comply
18 with these requirements under the circumstances shall be guilty of a ~~misdemeanor~~ felony and
19 shall be punished by a fine of not less than ~~five hundred dollars (\$500) one thousand dollars~~
20 ~~(\$1,000)~~ nor more than ~~one thousand dollars (\$1,000) five thousand dollars (\$5,000)~~, and/or his
21 or her driver's license or operating privilege in the state may be suspended for a period up to ~~six~~
22 ~~(6) months~~ one year, and/or he or she may be imprisoned for a period not to exceed ~~6 months~~ one
23 year.

24 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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- 1 This act would increase the penalties and fines for the various motor vehicle offenses
- 2 involving leaving the scene of an accident.
- 3 This act would take effect upon passage.

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