

**2015 -- H 5610 SUBSTITUTE A**

=====  
LC001175/SUB A  
=====

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2015**

—————  
A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- ELECTRONIC CONFIRMATION AND  
COMPLIANCE SYSTEM

Introduced By: Representative Robert B. Jacquard

Date Introduced: February 25, 2015

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 31 of the General Laws entitled "MOTOR AND OTHER  
2 VEHICLES" is hereby amended by adding thereto the following chapter:

3 CHAPTER 21.3

4 ELECTRONIC CONFIRMATION AND COMPLIANCE SYSTEM

5 **31-21.3-1. Short title -- Enabling act.** – This act shall be known and may be cited as the  
6 "Rhode Island electronic confirmation and compliance system" and any department so designated  
7 by this act may solicit proposals with a third party in order to implement the provisions of this  
8 chapter which shall be enabling.

9 **31-21.3-2. Definitions.** – When used in this chapter:

10 (1) "Administrator" means the director of the division of motor vehicles;

11 (2) "Department" means the department of public safety;

12 (3) "Director" means the administrator of the department of public safety;

13 (4) "Division" means the division of motor vehicles (DMV);

14 (5) "Financial responsibility" means the ability to satisfy the requirements established in  
15 chapter 31-31;

16 (6) "IICMVA" means the Insurance Industry Committee on Motor Vehicle  
17 Administration;

18 (7) "NLETS" means the national law enforcement telecommunications system;

1 (8) "Noninvasive" means does not contain or display personal identifying information  
2 including a name and address;

3 (9) "RILETS" means the Rhode Island law enforcement telecommunications system.

4 **31-21.3-3. Electronic insurance confirmation and compliance system. – (a) The**  
5 director of the department of public safety and/or his or her designees shall be authorized to  
6 solicit proposals with a third party to implement an electronic automobile and commercial vehicle  
7 liability insurance confirmation and compliance system in the state that shall be limited to the  
8 following:

9 (1) A system to make interstate vehicle insurance and registration status available to law  
10 enforcement for automated query at any time through the NLETS used by law enforcement in this  
11 state and all others and which is fully interfaced with the RILETS system, department's law  
12 enforcement message switch communications and hot file database system and which is in turn  
13 linked to the division of motor vehicles (DMV);

14 (2) A system to provide automobile and commercial vehicle insurance information to  
15 emergency medical service providers;

16 (3) A verification system to provide courts with financial responsibility status for the  
17 court date, the citation date, the day prior to the citation date, and a history of the vehicle's periods  
18 of coverage, regarding both intrastate and whenever possible, interstate vehicles identified as non-  
19 compliant;

20 (4) An automatic license plate recognition system to electronically capture license plate  
21 images in two (2) seconds or less and noninvasively attempt verification of the insurance and  
22 when possible, the registration status of the vehicle. If the vehicle is covered under an automobile  
23 insurance policy or properly registered or there is no conclusive proof of non-compliance as  
24 determined by a law enforcement officer, the automatic license plate recognition system shall  
25 erase the record of the vehicle's license plate within one minute;

26 (5) A system to provide secure postal notification, telephone and internet-based help  
27 desk, verification and secure collection services for the state regarding citations issued by this  
28 system;

29 (6) A system that provides secure, dedicated, electronic portals with appropriate  
30 information for authorized users as determined by the director;

31 (7) A system that provides a help desk service with live operators, but also an internet-  
32 based response service so that citations can be challenged and any errors corrected in support of  
33 the public, and also to reduce the burdens that might otherwise be placed upon the traffic tribunal.

34 (b) All costs, including, but not limited to, development, manufacture, implementation,

1 maintenance, operation, purchasing, cost of alterations and/or upgrades to the system, connection  
2 costs, and/or any other expense necessary to implement and maintain the system authorized by  
3 this chapter shall be the burden of the third party and not the state.

4 **31-21.3-4. Procedure -- Notice.** – (a) Except as expressly provided in this chapter, all  
5 prosecutions based on evidence produced by this confirmation and compliance system shall  
6 follow the procedures established in chapter 41.1 of this title, chapter 18 of title 8 of the general  
7 laws and the rules promulgated by the chief magistrate of the traffic tribunal for the hearing of  
8 civil traffic violations in the traffic tribunal. Provided, that in an action brought pursuant to the  
9 provisions of this chapter, references in chapter 41.1 of this title to an "operator" shall apply to  
10 the registered owner of the vehicle. A universal summons shall be issued by a Rhode Island  
11 police officer solely based on evidence obtained by use of a live digital video vehicle  
12 confirmation and compliance system. All summonses issued based on evidence obtained from a  
13 live digital video vehicle confirmation and compliance system shall be issued within seven (7)  
14 days of the violation. Notwithstanding any provisions of the general laws to the contrary,  
15 exclusive jurisdiction to hear and decide any violation under this chapter shall be with the traffic  
16 tribunal.

17 (b) It shall be sufficient to commence a prosecution based on evidence obtained from a  
18 live digital video vehicle confirmation and compliance system. A copy of the summons and  
19 supporting documentation shall be mailed to the address of the registered owner. For purposes of  
20 this section, the date of issuance shall be the date of mailing.

21 (c) The officer issuing the summons shall certify under penalties of perjury that the  
22 evidence obtained from the live digital video vehicle confirmation and compliance system was  
23 sufficient to demonstrate a violation of the motor vehicle code. Such certification shall be  
24 sufficient in all prosecutions pursuant to this chapter to justify the entry of a default judgment  
25 upon sufficient proof of actual notice in all cases where the citation is not answered within the  
26 time period permitted.

27 (d) The summons shall contain all the information provided for on the uniform summons  
28 as referred to in § 31-41.1-1 and the rules of procedure promulgated by the chief magistrate of the  
29 traffic tribunal as well as the date, time, and location of the violation. In addition, the following  
30 information shall be attached to or accompany the summons:

31 (1) Copies of two (2) or more photographs, or microphotographs, videos, or other  
32 enforcement information approved by the officer that, based on inspection of recorded images,  
33 the motor vehicle was being operated in violation of this chapter;

34 (2) A signed statement that the recorded images are evidence of a violation of this

1 chapter:

2 (3) A statement that the person who receives the summons under this chapter may either  
3 pay the civil fine or elect to stand trial for the alleged violation;

4 (4) A signed affidavit by a law enforcement officer who witnessed the motor vehicle  
5 being operated in violation of this chapter as he or she reviewed recorded images;

6 (5) The contact telephone numbers, addresses and both facsimile and internet addresses  
7 to provide proof of compliance along with a statement of procedures and confirmation that the  
8 record will be modified should proper proof be provided and pending charges dismissed; and

9 (6) A signed statement certified under the penalties of perjury by a trained law  
10 enforcement officer that the summons and attachments required under this subsection were  
11 mailed to the address of the registered owner kept on file by the registry of motor vehicles.

12 (e) Any summons issued pursuant to this chapter shall be issued by a law enforcement  
13 officer authorized to issue a traffic violation summons pursuant to title 31.

14 **31-21.3-5. Driver/registered owner liability.** – (a) The registered owner of a motor  
15 vehicle shall not operate or allow the motor vehicle to be operated in violation of this chapter.

16 (b) In all prosecutions of civil traffic violations based on evidence obtained from a live  
17 digital video vehicle confirmation and compliance system as provided under this chapter, the  
18 registered owner of the vehicle shall be responsible in all prosecutions of violations pursuant to  
19 the provisions of this chapter, except as otherwise provided under this chapter.

20 (c) In the event that the registered owner of the vehicle operated in violation of this  
21 chapter was not the operator of the vehicle at the time of the violation, the registered owner shall  
22 be responsible for the violation;

23 **31-21.3-6. Fines revenue allocation.** – (a) The state shall not pay the cost of the  
24 implementation and administration of the electronic verification system created by this chapter.

25 (b) All revenue generated by the implementation of this chapter shall be shared equally  
26 by the state and the third party, unless otherwise agreed to in writing by the parties.

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

=====  
LC001175/SUB A  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- ELECTRONIC CONFIRMATION AND  
COMPLIANCE SYSTEM

\*\*\*

- 1           This act would create an electronic automobile and commercial vehicle liability insurance
- 2           confirmation and compliance system in the state.
- 3           This act would take effect upon passage.

=====  
LC001175/SUB A  
=====