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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

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

Introduced By: Representative Robert B. Jacquard

Date Introduced: January 27, 2016

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 ACT

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 Act", and any department so  
7 designated by this act may solicit proposals with a third party in order to implement the  
8 provisions of this chapter which shall be enabling.

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

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

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

12 (3) "Department" means 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 of this title;

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 personal identifying information including a name and address  
2 is not contained or displayed;

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 commissioner of the department of public safety or designee(s) shall be authorized to solicit  
6 proposals from 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;

14 (2) A system to provide interstate automobile and commercial vehicle insurance  
15 information to 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, interstate vehicles identified as non-compliant;

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

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

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

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

33 (b) All costs, including, but not limited to, development, manufacture, implementation,  
34 maintenance, operation, purchasing, cost of alterations and upgrades to the system, connection

1 costs, or any other expense necessary to implement and maintain the system authorized by this  
2 chapter shall be borne by the third party and not the state.

3 **31-21.3-4. Procedure -- Notice.** – (a) Except as expressly provided in this chapter, all  
4 prosecutions based on evidence produced by this confirmation and compliance system shall  
5 follow the procedures established in chapter 41.1 of this title, chapter 18 of title 8 of the general  
6 laws and the rules promulgated by the chief magistrate of the traffic tribunal for the hearing of  
7 civil traffic violations in the traffic tribunal; provided, that in an action brought pursuant to the  
8 provisions of this chapter, referenced in chapter 41.1 of this title to an "operator" shall apply to  
9 the registered owner of the vehicle. A universal summons shall be issued by a Rhode Island  
10 police officer solely based on evidence obtained by use of a live digital video vehicle  
11 confirmation and compliance system. All summonses issued based on evidence obtained from a  
12 live digital video vehicle confirmation and compliance system shall be issued within seven (7)  
13 days of the violation. Notwithstanding any provisions of the general or public laws to the  
14 contrary, exclusive jurisdiction to hear and decide any violation under this chapter shall be with  
15 the traffic tribunal.

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

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

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

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

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

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

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

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

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

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

13           **31-21.3-5. Driver/registered owner liability.** – (a) The registered owner of a motor  
14 vehicle shall not operate or allow the motor vehicle to be operated in violation of this chapter.

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

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

22           **31-21.3-6. Fines revenue allocation.** – (a) The state shall not be responsible for the cost  
23 of the implementation and administration of the electronic verification system created by this  
24 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.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would create an electronic automobile and commercial vehicle liability insurance  
2 confirmation and compliance system in the state, which system would be known and cited as the  
3 "Electronic Confirmation and Compliance System Act".

4           This act would take effect upon passage.

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