

2017 -- H 5151

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- SCHOOL BUSES--IGNITION
INTERLOCK SYSTEMS

Introduced By: Representatives Lima, Nardolillo, Costantino, Serpa, and Fellela

Date Introduced: January 19, 2017

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 31-51 of the General Laws entitled "School Bus Safety
2 Enforcement" is hereby amended by adding thereto the following section:

3 **31-51-2.3. Ignition interlock systems for school buses.**

4 (a) Every school bus as defined in §31-2-3 shall be equipped with an ignition interlock
5 system that has been certified by the division of motor vehicles.

6 (b) A warning label as described in §31-49-4 shall be affixed to the system stating that a
7 person who tampers, circumvents, uses the system but is not the operator of the bus or otherwise
8 misuses the system is guilty of a misdemeanor, and on conviction is subject to a fine up to one
9 thousand dollars (\$1,000), or one year imprisonment, or both.

10 SECTION 2. Section 31-27-2.8 of the General Laws in Chapter 31-27 entitled "Motor
11 Vehicle Offenses" is hereby amended to read as follows:

12 **31-27-2.8. Ignition interlock system imposed as part of sentence -- Requirements.**

13 (a) Any person convicted under the provisions of §§ 31-27-2(d)(1), 31-27-2(d)(2), 31-27-
14 2(d)(3)(i) or 31-27-2(d)(3)(ii), or whose violation is sustained under the provisions of § 31-27-
15 2.1(b)(1), may be prohibited by the sentencing judge or magistrate from operating a motor vehicle
16 that is not equipped with an ignition interlock system.

17 (b) Notwithstanding any other provisions contained in this chapter, after a finding of
18 eligibility, any mandatory period of license suspension shall, upon request, be reduced by the

1 imposition of an ignition interlock system ordered by the court or traffic tribunal as follows:

2 (1) For a violation of § 31-27-2(d)(1), a person shall be subject to a minimum thirty-day
3 (30) license suspension and an imposition of an ignition interlock system for three (3) months to
4 one year.

5 (2) For a violation of § 31-27-2.1(b)(1), a person shall be subject to a minimum thirty-day
6 (30) license suspension and an imposition of an ignition interlock system for a period of six (6)
7 months to two (2) years.

8 (3) For a violation of § 31-27-2(d)(2), a person shall be subject to a minimum forty-five-
9 day (45) license suspension and an imposition of an ignition interlock system for a period of six
10 (6) months to two (2) years.

11 (4) For a violation of § 31-27-2.1(b)(2), a person shall be subject to a minimum sixty-day
12 (60) license suspension and an imposition of an ignition interlock system for a period of one to
13 four (4) years.

14 (5) For a violation of § 31-27-2(d)(3), a person shall be subject to a minimum sixty-day
15 (60) license suspension and imposition of an ignition interlock system for a period of one to four
16 (4) years.

17 (6) For a violation of § 31-27-2.1(b)(3), a person shall be subject to a minimum ninety-
18 day (90) license suspension and imposition of an ignition interlock system for a period of two (2)
19 to ten (10) years.

20 (7) In any case where a person is convicted of a first offense under the provisions of § 31-
21 27-2(d)(1) or under § 31-27-2.1(b)(1), the sentencing judge or magistrate shall, upon request,
22 grant the person a conditional hardship license immediately upon a plea or admission of guilt, or
23 an initial suspension under § 31-27-2.1(b), and after a finding of need under this section;
24 provided, however, that in a case where a conditional hardship license shall be granted by the
25 sentencing judge or magistrate upon an initial suspension under § 31-27-2.1(b) and prior to the
26 installation of an ignition interlock device, said hardship license shall be issued to the motorist
27 upon proof of installation of an ignition interlock device. However, in any case where a motorist
28 has a prior alcohol-related offense or a prior reckless driving conviction under § 31-27-4 or
29 reckless eluding conviction under § 31-27-4.1, within the prior ten (10) years of the offense, or
30 when the instant offense involves a motor vehicle accident, the judge or magistrate may exercise
31 their discretion in the granting of the hardship license by imposing up to a ninety (90) day loss of
32 license prior to any imposition of the hardship license. If the instant matter involves a blood
33 alcohol level of fifteen hundredths (.15) BAC or above, the judge or magistrate may exercise his
34 or her discretion in the granting of the hardship license by imposing up to a six (6) month loss of

1 license prior to any imposition of the hardship license. Said hardship license shall be valid only
2 for twelve (12) hours per day to get to and from employment, necessary medical appointments,
3 job training, schooling, or any other valid reason approved in advance by the sentencing judge or
4 magistrate. A hardship license shall only be granted in conjunction with the installation of an
5 ignition interlock device. Any conditional driving privileges must be set by the sentencing judge
6 or magistrate after a hearing in which the motorist must provide proof of employment status and
7 hours of employment, or any other legitimate reasons justifying a hardship license. These shall
8 include, but not be limited to, any unemployment training, schooling, medical appointments,
9 therapy treatments, or any other valid requests set forth by sworn affidavit. Once said hardship
10 period has concluded, the motorist must still be subject to the conditions of the ignition interlock
11 system as set forth under this section for the period of time as directed by the court. Any
12 individual who violates the requirements of this subsection shall be subject to the penalties
13 enumerated in § 31-11-18.1.

14 (c) Any person convicted of an offense of driving under the influence of liquor or drugs
15 resulting in death, § 31-27-2.2; driving under the influence of liquor or drugs resulting in serious
16 bodily injury, § 31-27-2.6; driving to endanger resulting in death, § 31-27-1; or driving to
17 endanger resulting in serious bodily injury, § 31-27-1.1; may, in addition to any other penalties
18 provided by law, be prohibited from operating a motor vehicle that is not equipped with an
19 approved ignition interlock system for one to five (5) years.

20 (d) Any person who operates a motor vehicle with a suspended license during the period
21 of suspension, and the reason for the suspension was due to a conviction of driving under the
22 influence of drugs or alcohol or a sustained violation or conviction of refusal to submit to a
23 chemical test, shall be subject to the further use of the ignition interlock system for a period of six
24 (6) months subsequent to the penalties enumerated in § 31-11-18.1.

25 (e) When the court orders the use of an ignition interlock system, the judge or magistrate
26 shall cause an appropriate notation to be made on the person's record that clearly sets forth the
27 requirement for, and the period of the use of, the ignition interlock system.

28 (f) In addition to the requirements of subsection (e), the court or traffic tribunal shall:

29 (1) Require proof of the installation of the ignition interlock system and periodic
30 reporting by the person for the purpose of verification of the proper operation of the ignition
31 interlock system;

32 (2) Require the person to have the ignition interlock system monitored for the proper use
33 and accuracy by a person, firm, corporation, or other association to be approved by the division of
34 motor vehicles at least once every six (6) months, or more frequently as the circumstances may

1 require; and

2 (3) Require the person to pay the reasonable cost of leasing or buying, monitoring, and
3 maintenance of the ignition interlock system.

4 (4) The requirements under subsection (f) shall be the responsibility of the probation
5 department or justice assistance, if the individual is under their control, or the division of motor
6 vehicles if the individual is not monitored as a condition of the individual's plea or finding of
7 guilt.

8 (g) If a person is required, in the course of the person's employment, to operate a motor
9 vehicle owned or provided by the person's employer, the person may operate that motor vehicle
10 in the course of the person's employment without installation of an ignition interlock system if the
11 court makes specific findings expressly permitting the person to operate, in the course of the
12 person's employment, a motor vehicle that is not equipped with an ignition interlock system.

13 (h) Any person subject to an ignition interlock order who violates such order shall be
14 guilty of a misdemeanor punishable by up to one year imprisonment, or a fine of up to one
15 thousand dollars (\$1,000), or both. For the purposes of this subsection, a violation of the interlock
16 order, includes, but is not limited to:

17 (1) Altering, tampering, or in any way attempting to circumvent the operation of an
18 ignition interlock system that has been installed in the motor vehicle of a person under this
19 section;

20 (2) Operating a motor vehicle that is not equipped with an ignition interlock system; or

21 (3) Soliciting or attempting to have another person start a motor vehicle equipped with an
22 ignition interlock system for the purpose of providing an operable motor vehicle to a person who
23 is prohibited from operating a motor vehicle that is not equipped with an ignition interlock
24 system.

25 (i) Any person who attempts to start, or starts, a motor vehicle equipped with an ignition
26 interlock system, tampers with, or in any way attempts to circumvent, the operation of an ignition
27 interlock system that has been installed in the motor vehicle for the purpose of providing an
28 operable motor vehicle to a person who is prohibited from operating a motor vehicle that is not
29 equipped with an ignition interlock system, shall be guilty of a misdemeanor ~~punishable by up to~~
30 ~~one year imprisonment or a fine of up to one thousand dollars (\$1,000), or both~~ subject to all
31 minimum mandatory driving under the influence of liquor or drugs penalties found in §31-27-2.

1 SECTION 3. This act shall take effect on January 1, 2018.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- SCHOOL BUSES--IGNITION
INTERLOCK SYSTEMS

- 1 This act would require all school buses to be equipped with ignition interlock systems.
- 2 This act would take effect on January 1, 2018.

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