

2021 -- H 6053

LC001943

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- AUTOMATED SCHOOL-ZONE-SPEED-ENFORCEMENT SYSTEM ACT OF 2016

Introduced By: Representative Jean Phillippe Barros

Date Introduced: March 02, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-41.2-6 of the General Laws in Chapter 31-41.2 entitled
2 "Automated Traffic Violation Monitoring Systems" is hereby amended to read as follows:

3 **31-41.2-6. Driver/registered owner liability.**

4 (a) The registered owner of the motor vehicle shall be primarily responsible in all
5 prosecutions brought pursuant to the provisions of this chapter except as otherwise provided in this
6 section.

7 (b) In all prosecutions of civil traffic violations based on evidence obtained from an
8 automated traffic violation detection system, the registered owner of a vehicle which has been
9 operated in violation of a civil traffic violation, may be liable for such violation. The registered
10 owner of the vehicle may assume liability for the violation by paying the fine; or by defending the
11 violation pursuant to the procedures in § 31-41.2-4.

12 (c) The lessee of a leased vehicle shall be considered the owner of a motor vehicle for
13 purposes of this section.

14 (d) The owner of a rented or leased motor vehicle shall be entitled to establish non-liability
15 for violations under this section by providing to the traffic tribunal or any municipality which has
16 jurisdiction over parking tickets, a copy of a written rental or lease agreement which shall be prima
17 facie evidence that the lessee was the operator of the vehicle.

18 (e) The issuing authority shall provide to the owner of a rented or leased vehicle a notice,

1 in writing, of each parking violation in which a motor vehicle owned by the rental or leasing
2 company is involved, including the license number of the vehicle and the date and time of the
3 parking violation. Upon receipt of this notice the owner of a rented or leased vehicle shall inform
4 the issuing authority, within twenty (20) days, to the extent available, the operator's name, home
5 address, employer, employer's address, and local address, if any.

6 The renter or lessee shall not be considered an agent of the owner if the owner is engaged
7 in the business of renting or leasing vehicles.

8 SECTION 2. Section 31-41.3-10 of the General Laws in Chapter 31-41.3 entitled
9 "Automated School-Zone-Speed-Enforcement System Act of 2016" is hereby amended to read as
10 follows:

11 **31-41.3-10. Driver/registered owner liability.**

12 (a) The registered owner of the motor vehicle shall be primarily responsible in all
13 prosecutions brought pursuant to the provisions of this chapter, except as otherwise provided in this
14 section.

15 (b) In all prosecutions of civil school-zone violations based on evidence obtained from an
16 automated traffic-speed-enforcement system, the registered owner of a vehicle which has been
17 operated in violation of a civil traffic violation, may be liable for such violation. The registered
18 owner of the vehicle may assume liability for the violation by paying the fine, or by defending the
19 violation pursuant to the remedies available under the law.

20 (c) The lessee of a leased vehicle shall be considered the owner of a motor vehicle for
21 purposes of this section.

22 (d) The owner of a rented or leased motor vehicle shall be entitled to establish non-liability
23 for violations under this section by providing to the traffic tribunal or any municipality which has
24 jurisdiction over parking tickets, a copy of a written rental or lease agreement which shall be prima
25 facie evidence that the lessee was the operator of the vehicle.

26 (e) The issuing authority shall provide to the owner of a rented or leased vehicle a notice,
27 in writing, of each parking violation in which a motor vehicle owned by the rental or leasing
28 company is involved, including the license number of the vehicle and the date and time of the
29 parking violation. Upon receipt of this notice the owner of a rented or leased vehicle shall inform
30 the issuing authority, within twenty (20) days, to the extent available, the operator's name, home
31 address, employer, employer's address, and local address, if any.

32 The renter or lessee shall not be considered an agent of the owner if the owner is engaged
33 in the business of renting or leasing vehicles.

1 SECTION 3. 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 AND OTHER VEHICLES -- AUTOMATED SCHOOL-ZONE-
SPEED-ENFORCEMENT SYSTEM ACT OF 2016

- 1 This act would allow the owner of a rented or leased motor vehicle to establish non-liability
2 for parking violations by providing a copy of the lease agreement to the municipality or the traffic
3 tribunal.
4 This act would take effect upon passage.

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