

**2014 -- H 8032 SUBSTITUTE A**

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LC005342/SUB A/2  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2014**

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - AUTOMATED TRAFFIC VIOLATION  
MONITORING SYSTEMS

Introduced By: Representatives Ajello, Slater, Carnevale, and Cimini

Date Introduced: April 09, 2014

Referred To: House Finance

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 31-41.2-4 of the General Laws in Chapter 31-41.2 entitled  
2 "Automated Traffic Violation Monitoring Systems" is hereby amended to read as follows:

3           **31-41.2-4. Procedure -- Notice. --** (a) Except as expressly provided in this chapter, all  
4 prosecutions based on evidence produced by an automated, traffic-violation- detection system  
5 shall follow the procedures established in chapter 41.1 of this title, chapter ~~8-18~~ of title 8 ~~these~~  
6 ~~general laws~~, except the provision providing for payments to the state in ~~sections §§~~8-18-4 and 8-  
7 18-6, and the rules promulgated by the chief magistrate of the traffic tribunal for the hearing of  
8 civil traffic violations. A summons may be issued by an officer solely based on evidence obtained  
9 by use of an automated, traffic-violation-detection system. All summons issued based on  
10 evidence obtained from an automated, traffic-violation-detection system shall be issued within  
11 fourteen (14) days of the violation.

12           (b) Notwithstanding any rule, regulation, or other provision of the general or public laws  
13 to the contrary, no city or town shall be required to make payments to the state in implementing  
14 any provision of this chapter until July 1, 2013, nor after July 1, 2015.

15           (c) It shall be sufficient to commence a prosecution based on evidence obtained from an  
16 automated, traffic-violation-detection system that a copy of the summons and supporting  
17 documentation be mailed to the address of the registered owner kept on file by the registry of  
18 motor vehicles pursuant to ~~section §~~31-3-34 ~~of these general laws~~. For purposes of this section,

1 the date of issuance shall be the date of mailing.

2 (d) The officer issuing the summons shall certify under penalties of perjury that the  
3 evidence obtained from the automated, traffic-violation-detection system was sufficient to  
4 demonstrate a violation of the motor vehicle code. Such certification shall be sufficient in all  
5 prosecutions pursuant to this chapter to justify the entry of a default judgment upon sufficient  
6 proof of actual notice in all cases where the summons is not answered within the time period  
7 permitted.

8 (e) The summons shall contain all the information provided for on the uniform summons  
9 as referred to in ~~section §31-41.1-1 of the general laws~~ and the rules of procedure promulgated by  
10 the chief magistrate of the traffic tribunal subject to the approval of the supreme court pursuant to  
11 ~~section §8-6-2~~.

12 (f) In addition to the summons, the following information shall be attached to the  
13 summons:

14 (1) Copies of two (2) or more photographs, or microphotographs, or other recorded  
15 images taken as proof of the violation; and

16 (2) A signed statement by a trained law enforcement officer that, based on inspection of  
17 recorded images, the motor vehicle was being operated in violation of ~~section §31-13-4~~ of this  
18 subtitle; and

19 (3) A statement that recorded images are evidence of a violation of this chapter; and

20 (4) A statement that the person who receives a summons under this chapter may either  
21 pay the civil penalty in accordance with the provisions of section 31-41.1-3, or elect to stand trial  
22 for the alleged violation.

23 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 provide that the state would not require cities or towns to make payments
- 2           to the state for implementing an automatic traffic violation monitoring systems after July 1, 2015.
- 3           This act would take effect upon passage.

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