

2016 -- H 7944

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LC005415
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

H O U S E R E S O L U T I O N

**RESPECTFULLY REQUESTING GOVERNOR GINA RAIMONDO TO SEEK AN
ADVISORY OPINION FROM THE RHODE ISLAND SUPREME COURT AS TO THE
CONSTITUTIONALITY OF BILL 2016 H --7409 SUBSTITUTE A**

Introduced By: Representatives Morgan, Filippi, Chippendale, Giarrusso, and Price

Date Introduced: March 16, 2016

Referred To: House Judiciary

1 WHEREAS, On February 11, 2016, Bill 2016 H-7409 Substitute A, (the "statute") was
2 enacted and became law; and

3 WHEREAS, Pursuant to said statute, the state is undertaking and will continue to
4 undertake steps for the collection of tolls on interstate highways located within the state,
5 including the erection of toll facilities and contracts for the management of said toll facilities; and

6 WHEREAS, According to the Rhode Island Department of Transportation Director, Peter
7 Alviti, it may take up to three years before the collection of tolls at tolling facilities located within
8 the state may occur; and

9 WHEREAS, The state will be expending millions of dollars in preparation for the
10 collection of tolls before tolls are able to be collected; and

11 WHEREAS, The head of the Rhode Island Trucking Association, Chris Maxwell, has
12 stated that while he believes that said statute is unconstitutional, it cannot be commenced until
13 tolling facilities are operational; and

14 WHEREAS, The American Truckers Association (ATA), a national lobbying entity
15 representing truckers throughout the nation, has indicated that there exists significant
16 constitutional impediments under the United States and Rhode Island Constitutions which would
17 prohibit the state from enforcing or implementing the collection provision of the statute; and

18 WHEREAS, The ATA has indicated that it intends to commence litigation against the
19 state seeking to prohibit the collection of tolls by the state under the statute based upon the

1 constitutional impediments that it believes exist; and

2 WHEREAS, Article X and Section 3 of the Rhode Island Constitution provides that the
3 Governor has the authority to require the Rhode Island Supreme Court to render an advisory
4 opinion concerning the constitutionality of the statute both under the United States and Rhode
5 Island Constitutions and with respect to the implementation of the statute by the Governor; now,
6 therefore be it

7 RESOLVED, That this House of Representatives of the State of Rhode Island and
8 Providence Plantations hereby believes that it is prudent that an advisory opinion be sought by the
9 Rhode Island Supreme Court concerning the constitutionality of the statute prior to expending
10 large sums of money and state resources are depleted in connection with the erection and
11 management of the tolling facilities described in the statute; and be it further

12 RESOLVED, That this House hereby respectfully requests that the Governor requests
13 and receive an advisory opinion from the Rhode Island Supreme Court as to the constitutionality
14 of the statute both under the United States Constitution and the Rhode Island Constitution prior to
15 expending any funds or depleting state resources, including, but not limited to, the
16 constitutionality of collecting tolls on the limited classification of vehicles described in the statute
17 and the constitutionality of the toll rates to be collected from said limited class of vehicles under
18 the statute; and be it further

19 RESOLVED, That this House hereby respectfully requests that the Governor requests the
20 ATA and any other known organization or individual which have indicated that significant
21 constitutional impediments exist to the implementation or enforcement of the statute provide the
22 Governor with any specific constitutional provisions which they believe would render the statute
23 unconstitutional, both on its face and as applied, in order that the Governor may be able to request
24 an advisory opinion from the Rhode Island Supreme Court with respect to the constitutional
25 impediments raised by the individuals or organization described above; and be it further

26 RESOLVED, That the Secretary of State be and hereby is authorized and directed to
27 transmit a duly certified copy of this resolution to the Honorable Gina Raimondo, Governor of the
28 State of Rhode Island.

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