

2024 -- H 8209

=====
LC005933
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES

Introduced By: Representatives Noret, Serpa, and Dawson

Date Introduced: April 25, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 31-27-2, 31-27-2.1 and 31-27-2.8 of the General Laws in Chapter
2 31-27 entitled "Motor Vehicle Offenses" are hereby amended to read as follows:

3 **31-27-2. Driving under influence of liquor or drugs.**

4 (a) Whoever drives or otherwise operates any vehicle in the state while under the influence
5 of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in chapter 28 of
6 title 21, or any combination of these, shall be guilty of a misdemeanor, except as provided in
7 subsection (d)(3), and shall be punished as provided in subsection (d) of this section.

8 (b)(1) Any person charged under subsection (a), whose blood alcohol concentration is eight
9 one-hundredths of one percent (.08%) or more by weight, as shown by a chemical analysis of a
10 blood, breath, or urine sample, shall be guilty of violating subsection (a). This provision shall not
11 preclude a conviction based on other admissible evidence, including the testimony of a drug
12 recognition expert or evaluator, certified pursuant to training approved by the Rhode Island
13 department of transportation office on highway safety. Proof of guilt under this section may also
14 be based on evidence that the person charged was under the influence of intoxicating liquor, drugs,
15 toluene, or any controlled substance defined in chapter 28 of title 21, or any combination of these,
16 to a degree that rendered the person incapable of safely operating a vehicle. The fact that any person
17 charged with violating this section is, or has been, legally entitled to use alcohol or a drug shall not
18 constitute a defense against any charge of violating this section.

19 (2) [Deleted by P.L. 2021, ch. 170, § 1 and P.L. 2021, ch. 171, § 1.]

1 (c) In any criminal prosecution for a violation of subsection (a), evidence as to the amount
2 of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of title 21, or
3 any combination of these, in the defendant's blood at the time alleged as shown by a chemical
4 analysis of the defendant's breath, blood, saliva or urine or other bodily substance, shall be
5 admissible and competent, provided that evidence is presented that the following conditions have
6 been complied with:

7 (1) The defendant has consented to the taking of the test upon which the analysis is made.
8 Evidence that the defendant had refused to submit to the test shall not be admissible unless the
9 defendant elects to testify.

10 (2) A true copy of the report of the test result was hand delivered at the location of the test
11 or mailed within seventy-two (72) hours of the taking of the test to the person submitting to a breath
12 test.

13 (3) Any person submitting to a chemical test of blood, urine, saliva or other body fluids
14 shall have a true copy of the report of the test result mailed to him or her within thirty (30) days
15 following the taking of the test.

16 (4) The test was performed according to methods and with equipment approved by the
17 director of the department of health of the state of Rhode Island and by an authorized individual.

18 (5) Equipment used for the conduct of the tests by means of breath analysis had been tested
19 for accuracy within thirty (30) days preceding the test by personnel qualified as hereinbefore
20 provided, and breathalyzer operators shall be qualified and certified by the department of health
21 within three hundred sixty-five (365) days of the test.

22 (6) The person arrested and charged with operating a motor vehicle while under the
23 influence of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of
24 title 21 or any combination of these in violation of subsection (a), was afforded the opportunity to
25 have an additional chemical test. The officer arresting or so charging the person shall have informed
26 the person of this right and afforded him or her a reasonable opportunity to exercise this right, and
27 a notation to this effect is made in the official records of the case in the police department. Refusal
28 to permit an additional chemical test shall render incompetent and inadmissible in evidence the
29 original report.

30 (d)(1)(i) Every person found to have violated subsection (b)(1) shall be sentenced as
31 follows: for a first violation whose blood alcohol concentration is eight one-hundredths of one
32 percent (.08%), but less than one-tenth of one percent (.1%), by weight, ~~or who has a blood presence~~
33 ~~of any scheduled controlled substance as defined in chapter 28 of title 21,~~ shall be subject to a fine
34 of not less than one hundred dollars (\$100), nor more than three hundred dollars (\$300); shall be

1 required to perform ten (10) to sixty (60) hours of public community restitution, and/or shall be
2 imprisoned for up to one year. The sentence may be served in any unit of the adult correctional
3 institutions in the discretion of the sentencing judge and/or shall be required to attend a special
4 course on driving while intoxicated or under the influence of a controlled substance; provided,
5 however, that the court may permit a servicemember or veteran to complete any court-approved
6 counseling program administered or approved by the Veterans' Administration, and his or her
7 driver's license shall be suspended for thirty (30) days up to one hundred eighty (180) days. The
8 sentencing judge or magistrate ~~may~~ shall prohibit that person from operating a motor vehicle,
9 pursuant to subsection (d)(9) or (d)(10) of this section, that is not equipped with an ignition
10 interlock system and/or blood and urine testing as provided in § 31-27-2.8 for a period of six (6)
11 months.

12 (ii) Every person convicted of a first violation whose blood alcohol concentration is one-
13 tenth of one percent (.1%) by weight or above, but less than fifteen hundredths of one percent
14 (.15%), or whose blood alcohol concentration is unknown, shall be subject to a fine of not less than
15 one hundred (\$100) dollars, nor more than four hundred dollars (\$400), and shall be required to
16 perform ten (10) to sixty (60) hours of public community restitution and/or shall be imprisoned for
17 up to one year. The sentence may be served in any unit of the adult correctional institutions in the
18 discretion of the sentencing judge. The person's driving license shall be suspended for a period of
19 three (3) months to twelve (12) months. The sentencing judge shall require attendance at a special
20 course on driving while intoxicated or under the influence of a controlled substance and/or
21 alcoholic or drug treatment for the individual; provided, however, that the court may permit a
22 servicemember or veteran to complete any court-approved counseling program administered or
23 approved by the Veterans' Administration. The sentencing judge or magistrate ~~may~~ shall prohibit
24 that person from operating a motor vehicle that is not equipped with an ignition interlock system
25 and/or blood and urine testing, as provided in § 31-27-2.8, for a period of not less than six (6)
26 months and up to a period of twenty-four (24) months.

27 (iii) Every person convicted of a first offense whose blood alcohol concentration is fifteen
28 hundredths of one percent (.15%) or above, or who is under the influence of a drug, toluene, or any
29 controlled substance as defined in subsection (b)(1), shall be subject to a fine of five hundred dollars
30 (\$500) and shall be required to perform twenty (20) to sixty (60) hours of public community
31 restitution and/or shall be imprisoned for up to one year. The sentence may be served in any unit
32 of the adult correctional institutions in the discretion of the sentencing judge. The person's driving
33 license shall be suspended for a period of three (3) months to eighteen (18) months. The sentencing
34 judge shall require attendance at a special course on driving while intoxicated or under the influence

1 of a controlled substance and/or alcohol or drug treatment for the individual; provided, however,
2 that the court may permit a servicemember or veteran to complete any court-approved counseling
3 program administered or approved by the Veterans' Administration. The sentencing judge or
4 magistrate shall prohibit that person from operating a motor vehicle, pursuant to subsection (d)(9)
5 or (d)(10) of this section, that is not equipped with an ignition interlock system and/or blood and
6 urine testing as provided in § 31-27-2.8 [for a period of not less than nine \(9\) months and up to a](#)
7 [period of twenty-four \(24\) months.](#)

8 (2)(i) Every person convicted of a second violation within a five-year (5) period with a
9 blood alcohol concentration of eight one-hundredths of one percent (.08%) or above, but less than
10 fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is unknown, or
11 who has a blood presence of any controlled substance as defined in chapter 28 of title 21, and every
12 person convicted of a second violation within a five-year (5) period, regardless of whether the prior
13 violation and subsequent conviction was a violation and subsequent conviction under this statute
14 or under the driving under the influence of liquor or drugs statute of any other state, shall be subject
15 to a mandatory fine of four hundred dollars (\$400). The person's driving license shall be suspended
16 for a period of one year to two (2) years, and the individual shall be sentenced to not less than ten
17 (10) days, nor more than one year, in jail. The sentence may be served in any unit of the adult
18 correctional institutions in the discretion of the sentencing judge; however, not less than forty-eight
19 (48) hours of imprisonment shall be served consecutively. The sentencing judge shall require
20 alcohol or drug treatment for the individual; provided, however, that the court may permit a
21 servicemember or veteran to complete any court-approved counseling program administered or
22 approved by the Veterans' Administration and shall prohibit that person from operating a motor
23 vehicle, pursuant to subsection (d)(9) or (d)(10) of this section, that is not equipped with an ignition
24 interlock system and/or blood and urine testing as provided in § 31-27-2.8 [for a period of not less](#)
25 [than twelve \(12\) months and up to a period of twenty-four \(24\) months.](#)

26 (ii) Every person convicted of a second violation within a five-year (5) period whose blood
27 alcohol concentration is fifteen hundredths of one percent (.15%) or above, by weight as shown by
28 a chemical analysis of a blood, breath, or urine sample, or who is under the influence of a drug,
29 toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to mandatory
30 imprisonment of not less than six (6) months, nor more than one year; a mandatory fine of not less
31 than one thousand dollars (\$1,000); and a mandatory license suspension for a period of two (2)
32 years from the date of completion of the sentence imposed under this subsection. The sentencing
33 judge shall require alcohol or drug treatment for the individual; provided, however, that the court
34 may permit a servicemember or veteran to complete any court approved counseling program

1 administered or approved by the Veterans' Administration. The sentencing judge or magistrate
2 shall prohibit that person from operating a motor vehicle, pursuant to subsection (d)(9) or (d)(10)
3 of this section, that is not equipped with an ignition interlock system and/or blood and urine testing
4 as provided in § 31-27-2.8 [for a period of not less than eighteen \(18\) months and up to a period of](#)
5 [twenty-four \(24\) months.](#)

6 (3)(i) Every person convicted of a third or subsequent violation within a five-year (5)
7 period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above,
8 but less than fifteen hundredths of one percent (.15%), or whose blood alcohol concentration is
9 unknown or who has a blood presence of any scheduled controlled substance as defined in chapter
10 28 of title 21, regardless of whether any prior violation and subsequent conviction was a violation
11 and subsequent conviction under this statute or under the driving under the influence of liquor or
12 drugs statute of any other state, shall be guilty of a felony and be subject to a mandatory fine of
13 four hundred (\$400) dollars. The person's driving license shall be suspended for a period of two
14 (2) years to three (3) years, and the individual shall be sentenced to not less than one year and not
15 more than three (3) years in jail. The sentence may be served in any unit of the adult correctional
16 institutions in the discretion of the sentencing judge; however, not less than forty-eight (48) hours
17 of imprisonment shall be served consecutively. The sentencing judge shall require alcohol or drug
18 treatment for the individual; provided, however, that the court may permit a servicemember or
19 veteran to complete any court-approved counseling program administered or approved by the
20 Veterans' Administration, and shall prohibit that person from operating a motor vehicle, pursuant
21 to subsection (d)(9) or (d)(10) of this section, that is not equipped with an ignition interlock system
22 and/or blood and urine testing as provided in § 31-27-2.8 [for a period of not less than twelve \(12\)](#)
23 [months and up to a period of forty-eight \(48\) months.](#)

24 (ii) Every person convicted of a third or subsequent violation within a ten-year (10) period
25 whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by weight as
26 shown by a chemical analysis of a blood, breath, or urine sample, or who is under the influence of
27 a drug, toluene, or any controlled substance as defined in subsection (b)(1), shall be subject to
28 mandatory imprisonment of not less than three (3) years, nor more than five (5) years; a mandatory
29 fine of not less than one thousand dollars (\$1,000), nor more than five thousand dollars (\$5,000);
30 and a mandatory license suspension for a period of three (3) years from the date of completion of
31 the sentence imposed under this subsection. The sentencing judge shall require alcohol or drug
32 treatment for the individual. The sentencing judge or magistrate shall prohibit that person from
33 operating a motor vehicle, pursuant to subsection (d)(9) or (d)(10) of this section, that is not
34 equipped with an ignition interlock system and/or blood and urine testing as provided in § 31-27-

1 2.8 for twenty-four (24) to forty-eight (48) months.

2 (iii) In addition to the foregoing penalties, every person convicted of a third or subsequent
3 violation within a five-year (5) period, regardless of whether any prior violation and subsequent
4 conviction was a violation and subsequent conviction under this statute or under the driving under
5 the influence of liquor or drugs statute of any other state, shall be subject, in the discretion of the
6 sentencing judge, to having the vehicle owned and operated by the violator seized and sold by the
7 state of Rhode Island, with all funds obtained by the sale to be transferred to the general fund.

8 (4) Whoever drives or otherwise operates any vehicle in the state while under the influence
9 of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in chapter 28 of
10 title 21, or any combination of these, when his or her license to operate is suspended, revoked, or
11 cancelled for operating under the influence of a narcotic drug or intoxicating liquor, shall be guilty
12 of a felony punishable by imprisonment for not more than three (3) years and by a fine of not more
13 than three thousand dollars (\$3,000). The court shall require alcohol and/or drug treatment for the
14 individual; provided, the penalties provided for in this subsection (d)(4) shall not apply to an
15 individual who has surrendered his or her license and served the court-ordered period of suspension,
16 but who, for any reason, has not had his or her license reinstated after the period of suspension,
17 revocation, or suspension has expired; provided, further, the individual shall be subject to the
18 provisions of subsection (d)(2)(i), (d)(2)(ii), (d)(3)(i), (d)(3)(ii), or (d)(3)(iii) regarding subsequent
19 offenses, and any other applicable provision of this section.

20 (5)(i) For purposes of determining the period of license suspension, a prior violation shall
21 constitute any charge brought and sustained under the provisions of this section or § 31-27-2.1.

22 (ii) Any person over the age of eighteen (18) who is convicted under this section for
23 operating a motor vehicle while under the influence of alcohol, other drugs, or a combination of
24 these, while a child under the age of thirteen (13) years was present as a passenger in the motor
25 vehicle when the offense was committed shall be subject to immediate license suspension pending
26 prosecution. Any person convicted of violating this section shall be guilty of a misdemeanor for a
27 first offense and may be sentenced to a term of imprisonment of not more than one year and a fine
28 not to exceed one thousand dollars (\$1,000). Any person convicted of a second or subsequent
29 offense shall be guilty of a felony offense and may be sentenced to a term of imprisonment of not
30 more than five (5) years and a fine not to exceed five thousand dollars (\$5,000). The sentencing
31 judge shall also order a license suspension of up to two (2) years, require attendance at a special
32 course on driving while intoxicated or under the influence of a controlled substance, and alcohol
33 or drug education and/or treatment. The individual may also be required to pay a highway
34 assessment fee of no more than five hundred dollars (\$500) and the assessment shall be deposited

1 in the general fund.

2 (6)(i) Any person convicted of a violation under this section shall pay a highway
3 assessment fine of five hundred dollars (\$500) that shall be deposited into the general fund. The
4 assessment provided for by this subsection shall be collected from a violator before any other fines
5 authorized by this section.

6 (ii) Any person convicted of a violation under this section shall be assessed a fee of eighty-
7 six dollars (\$86).

8 (7)(i) If the person convicted of violating this section is under the age of eighteen (18)
9 years, for the first violation he or she shall be required to perform ten (10) to sixty (60) hours of
10 public community restitution and the juvenile's driving license shall be suspended for a period of
11 six (6) months, and may be suspended for a period up to eighteen (18) months. [The sentencing
12 judge or magistrate shall prohibit the person from operating a motor vehicle that is not equipped
13 with an ignition interlock system and/or blood and urine testing as provided in § 31-27-2.8 for a
14 period of twelve \(12\) months.](#) The sentencing judge shall also require attendance at a special course
15 on driving while intoxicated or under the influence of a controlled substance and alcohol or drug
16 education and/or treatment for the juvenile. The juvenile may also be required to pay a highway
17 assessment fine of no more than five hundred dollars (\$500) and the assessment imposed shall be
18 deposited into the general fund.

19 (ii) If the person convicted of violating this section is under the age of eighteen (18) years,
20 for a second or subsequent violation regardless of whether any prior violation and subsequent
21 conviction was a violation and subsequent conviction under this statute or under the driving under
22 the influence of liquor or drugs statute of any other state, he or she shall be subject to a mandatory
23 suspension of his or her driving license until such time as he or she is twenty-one (21) years of age
24 and may, in the discretion of the sentencing judge, also be sentenced to the Rhode Island training
25 school for a period of not more than one year and/or a fine of not more than five hundred dollars
26 (\$500). [The sentencing judge or magistrate shall prohibit the person from operating a motor vehicle
27 that is not equipped with an ignition interlock system and/or blood and urine testing as provided in
28 § 31-27-2.8 for a period of twenty-four \(24\) months.](#)

29 (8) Any person convicted of a violation under this section may undergo a clinical
30 assessment at the community college of Rhode Island's center for workforce and community
31 education. Should this clinical assessment determine problems of alcohol, drug abuse, or
32 psychological problems associated with alcoholic or drug abuse, this person shall be referred to an
33 appropriate facility, licensed or approved by the department of behavioral healthcare,
34 developmental disabilities and hospitals, for treatment placement, case management, and

1 monitoring. In the case of a servicemember or veteran, the court may order that the person be
2 evaluated through the Veterans' Administration. Should the clinical assessment determine
3 problems of alcohol, drug abuse, or psychological problems associated with alcohol or drug abuse,
4 the person may have their treatment, case management, and monitoring administered or approved
5 by the Veterans' Administration.

6 (9) Notwithstanding any other sentencing and disposition provisions contained in this
7 chapter, if the judge or magistrate makes a finding beyond a reasonable doubt that a motorist was
8 operating a vehicle in the state while under the influence of drugs, toluene, or any controlled
9 substance as evidenced by the presence of controlled substances on or about the person or vehicle,
10 or other reliable indicia or articulable conditions thereof, but not intoxicating liquor based on a
11 preliminary breath test, results from a breathalyzer that indicates no blood alcohol concentration,
12 or both, the judge or magistrate may exercise his or her discretion and eliminate the requirement of
13 an ignition interlock system; provided, that blood and/or urine testing is mandated as a condition
14 to operating a motor vehicle as provided in § 31-27-2.8 for a period of not less than six (6) months
15 and up to a period of twenty-four (24) months.

16 (10) Notwithstanding any other sentencing and disposition provisions contained in this
17 chapter, if the judge or magistrate makes a finding beyond a reasonable doubt that a motorist was
18 operating a vehicle in the state while under the influence of drugs, toluene, or any controlled
19 substance as evidenced by the presence of controlled substances on or about the person or vehicle,
20 or other reliable indicia or articulable conditions thereof and intoxicating liquor based on a
21 preliminary breath test, results from a breathalyzer that indicates blood alcohol concentration, or
22 both, the judge or magistrate ~~may~~ shall require an ignition interlock system in addition to blood
23 and/or urine testing as a condition to operating a motor vehicle as provided in § 31-27-2.8. The
24 ignition interlock system and blood and/or urine testing requirements shall be for a period of time
25 as mandated in subsections (d)(1)(i), (d)(1)(ii), (d)(1)(iii), (d)(2)(i), (d)(2)(ii), (d)(3)(i) and
26 (d)(3)(iii) of this section.

27 (e) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per
28 one hundred cubic centimeters (100 cc) of blood.

29 (f)(1) There is established an alcohol and drug safety unit within the division of motor
30 vehicles to administer an alcohol safety action program. The program shall provide for placement
31 and follow-up for persons who are required to pay the highway safety assessment. The alcohol and
32 drug safety action program will be administered in conjunction with alcohol and drug programs
33 licensed by the department of behavioral healthcare, developmental disabilities and hospitals.

34 (2) Persons convicted under the provisions of this chapter shall be required to attend a

1 special course on driving while intoxicated or under the influence of a controlled substance, and/or
2 participate in an alcohol or drug treatment program, which course and programs must meet the
3 standards established by the Rhode Island department of behavioral healthcare, developmental
4 disabilities and hospitals; provided, however, that the court may permit a servicemember or veteran
5 to complete any court-approved counseling program administered or approved by the Veterans'
6 Administration. The course shall take into consideration any language barrier that may exist as to
7 any person ordered to attend, and shall provide for instruction reasonably calculated to
8 communicate the purposes of the course in accordance with the requirements of the subsection.
9 Any costs reasonably incurred in connection with the provision of this accommodation shall be
10 borne by the person being retrained. A copy of any violation under this section shall be forwarded
11 by the court to the alcohol and drug safety unit. In the event that persons convicted under the
12 provisions of this chapter fail to attend and complete the above course or treatment program, as
13 ordered by the judge, then the person may be brought before the court, and after a hearing as to
14 why the order of the court was not followed, may be sentenced to jail for a period not exceeding
15 one year.

16 (3) The alcohol and drug safety action program within the division of motor vehicles shall
17 be funded by general revenue appropriations.

18 (g) The director of the department of health is empowered to make and file with the
19 secretary of state regulations that prescribe the techniques and methods of chemical analysis of the
20 person's body fluids or breath and the qualifications and certification of individuals authorized to
21 administer this testing and analysis.

22 (h) Jurisdiction for misdemeanor violations of this section shall be with the district court
23 for persons eighteen (18) years of age or older and to the family court for persons under the age of
24 eighteen (18) years. The courts shall have full authority to impose any sentence authorized and to
25 order the suspension of any license for violations of this section. Trials in superior court are not
26 required to be scheduled within thirty (30) days of the arraignment date.

27 (i) No fines, suspensions, assessments, alcohol or drug treatment programs, course on
28 driving while intoxicated or under the influence of a controlled substance, public community
29 restitution, or jail provided for under this section can be suspended.

30 (j) An order to attend a special course on driving while intoxicated, that shall be
31 administered in cooperation with a college or university accredited by the state, shall include a
32 provision to pay a reasonable tuition for the course in an amount not less than twenty-five dollars
33 (\$25.00), and a fee of one hundred seventy-five dollars (\$175), which fee shall be deposited into
34 the general fund.

1 (k) For the purposes of this section, any test of a sample of blood, breath, or urine for the
2 presence of alcohol that relies in whole or in part upon the principle of infrared light absorption is
3 considered a chemical test.

4 (l) If any provision of this section, or the application of any provision, shall for any reason
5 be judged invalid, such a judgment shall not affect, impair, or invalidate the remainder of the
6 section, but shall be confined in this effect to the provision or application directly involved in the
7 controversy giving rise to the judgment.

8 (m) For the purposes of this section, “servicemember” means a person who is presently
9 serving in the armed forces of the United States, including the Coast Guard, a reserve component
10 thereof, or the National Guard. “Veteran” means a person who has served in the armed forces,
11 including the Coast Guard of the United States, a reserve component thereof, or the National Guard,
12 and has been discharged under other than dishonorable conditions.

13 [\(n\) In addition to any other fines and highway assessments, any person found in violation](#)
14 [of this section shall pay a one hundred dollar \(\\$100\) assessment to the ignition interlock system](#)
15 [fund established in § 31-27-2.10.](#)

16 **31-27-2.1. Refusal to submit to chemical test.**

17 (a) Any person who operates a motor vehicle within this state shall be deemed to have
18 given his or her consent to chemical tests of his or her breath, blood, saliva and/or urine for the
19 purpose of determining the chemical content of his or her body fluids or breath. No more than two
20 (2) complete tests, one for the presence of intoxicating liquor and one for the presence of toluene
21 or any controlled substance, as defined in § 21-28-1.02, shall be administered at the direction of a
22 law enforcement officer having reasonable grounds to believe the person to have been driving a
23 motor vehicle within this state while under the influence of intoxicating liquor, toluene, or any
24 controlled substance, as defined in chapter 28 of title 21, or any combination of these. The director
25 of the department of health is empowered to make and file, with the secretary of state, regulations
26 that prescribe the techniques and methods of chemical analysis of the person’s body fluids or breath
27 and the qualifications and certification of individuals authorized to administer the testing and
28 analysis.

29 (b) If a person, for religious or medical reasons, cannot be subjected to blood tests, the
30 person may file an affidavit with the division of motor vehicles stating the reasons why he or she
31 cannot be required to take blood tests and a notation to this effect shall be made on his or her
32 license. If that person is asked to submit to chemical tests as provided under this chapter, the person
33 shall only be required to submit to chemical tests of his or her breath, saliva or urine. When a person
34 is requested to submit to blood tests, only a physician or registered nurse, or a medical technician

1 certified under regulations promulgated by the director of the department of health, may withdraw
2 blood for the purpose of determining the alcoholic content in it. This limitation shall not apply to
3 the taking of breath, saliva or urine specimens. The person tested shall be permitted to have a
4 physician of his or her own choosing, and at his or her own expense, administer chemical tests of
5 his or her breath, blood, saliva and/or urine in addition to the tests administered at the direction of
6 a law enforcement officer. If a person, having been placed under arrest, refuses upon the request of
7 a law enforcement officer to submit to the tests, as provided in § 31-27-2, none shall be given.

8 (1) At the initial traffic tribunal appearance, the magistrate shall review the incident, action,
9 and/or arrest reports submitted by the law enforcement officer to determine if there exists
10 reasonable grounds to believe that the person had been driving a motor vehicle while under the
11 influence of intoxicating liquor, toluene, or any controlled substance as defined in chapter 28 of
12 title 21, or any combination thereof. The magistrate shall also determine if the person had been
13 informed of the penalties incurred as a result of failing to submit to a chemical test as provided in
14 this section and that the person had been informed of the implied consent notice contained in
15 subsection (c)(10) of this section. For the purpose of this subsection only, “driving a motor vehicle
16 while under the influence of any controlled substance as defined in chapter 28 of title 21” shall be
17 indicated by the presence or aroma of a controlled substance on or about the person or vehicle of
18 the individual refusing the chemical test or other reliable indicia or articulable conditions that the
19 person was impaired due to their intake of a controlled substance.

20 (2) If the magistrate determines that subsection (b)(1) of this section has been satisfied they
21 shall promptly order that the person’s operator’s license or privilege to operate a motor vehicle in
22 this state be immediately suspended. Said suspension shall be subject to the hardship provisions
23 enumerated in § 31-27-2.8.

24 (c) A traffic tribunal judge or magistrate, or a district court judge or magistrate, pursuant
25 to the terms of subsection (d) of this section, shall order as follows:

26 (1) Impose, for the first violation, a fine in the amount of two hundred dollars (\$200) to
27 five hundred dollars (\$500) and shall order the person to perform ten (10) to sixty (60) hours of
28 public community restitution. The person’s driving license in this state shall be suspended for a
29 period of six (6) months to one year. The traffic tribunal judge or magistrate shall require attendance
30 at a special course on driving while intoxicated or under the influence of a controlled substance
31 and/or alcohol or drug treatment for the individual. Following the initial suspension of the person’s
32 operator’s license, the ~~The~~ traffic tribunal judge or magistrate ~~may~~ shall prohibit that person from
33 operating a motor vehicle that is not equipped with an ignition interlock system and/or blood and
34 urine testing as provided in § 31-27-2.8 for a period of not less than six (6) months and for up to a

1 [period of twelve \(12\) months.](#)

2 (2) Every person convicted of a second violation within a five-year (5) period, except with
3 respect to cases of refusal to submit to a blood test, shall be guilty of a misdemeanor; shall be
4 imprisoned for not more than six (6) months; shall pay a fine in the amount of six hundred dollars
5 (\$600) to one thousand dollars (\$1,000); perform sixty (60) to one hundred (100) hours of public
6 community restitution; and the person's driving license in this state shall be suspended for a period
7 of one year to two (2) years. The judge or magistrate shall require alcohol and/or drug treatment
8 for the individual. [Following the initial suspension of the person's operator's license, the](#) ~~The~~
9 sentencing judge or magistrate shall prohibit that person from operating a motor vehicle that is not
10 equipped with an ignition interlock system and/or blood and urine testing as provided in § 31-27-
11 2.8 [for a period of not less than twelve \(12\) months and for up to a period of forty-eight\(48\) months.](#)

12 (3) Every person convicted for a third or subsequent violation within a five-year (5) period,
13 except with respect to cases of refusal to submit to a blood test, shall be guilty of a misdemeanor;
14 and shall be imprisoned for not more than one year; fined eight hundred dollars (\$800) to one
15 thousand dollars (\$1,000); shall perform not less than one hundred (100) hours of public community
16 restitution; and the person's operator's license in this state shall be suspended for a period of two
17 (2) years to five (5) years. [Following the initial suspension of the person's operator's license, the](#)
18 ~~The~~ sentencing judge or magistrate shall prohibit that person from operating a motor vehicle that
19 is not equipped with an ignition interlock system and/or blood and urine testing as provided in §
20 31-27-2.8 [for a period of not less than twenty-four \(24\) months and up to a period of one hundred](#)
21 [twenty \(120\) months.](#) The judge or magistrate shall require alcohol or drug treatment for the
22 individual. Provided, that prior to the reinstatement of a license to a person charged with a third or
23 subsequent violation within a three-year (3) period, a hearing shall be held before a judge or
24 magistrate. At the hearing, the judge or magistrate shall review the person's driving record, his or
25 her employment history, family background, and any other pertinent factors that would indicate
26 that the person has demonstrated behavior that warrants the reinstatement of his or her license.

27 (4) For a second violation within a five-year (5) period with respect to a case of a refusal
28 to submit to a blood test, a fine in the amount of six hundred dollars (\$600) to one thousand dollars
29 (\$1,000); the person shall perform sixty (60) to one hundred (100) hours of public community
30 restitution; and the person's driving license in this state shall be suspended for a period of two (2)
31 years. The judicial officer shall require alcohol and/or drug treatment for the individual. [Following](#)
32 [the initial suspension of the person's operator's license, the](#) ~~The~~ sentencing judicial officer shall
33 prohibit that person from operating a motor vehicle that is not equipped with an ignition interlock
34 system as provided in § 31-27-2.8 [for a period of not less than twelve \(12\) months and for up to a](#)

1 [period of twenty-four \(24\) months](#). Such a violation with respect to refusal to submit to a chemical
2 blood test shall be a civil offense.

3 (5) For a third or subsequent violation within a five-year (5) period with respect to a case
4 of a refusal to submit to a blood test, a fine in the amount of eight hundred dollars (\$800) to one
5 thousand dollars (\$1,000); the person shall perform not less than one hundred (100) hours of public
6 community restitution; and the person's driving license in this state shall be suspended for a period
7 of two (2) to five (5) years. [Following the initial suspension of the person's operator's license, the](#)
8 ~~The~~ sentencing judicial officer shall prohibit that person from operating a motor vehicle that is not
9 equipped with an ignition interlock system as provided in § 31-27-2.8 [for a period of forty-eight](#)
10 [\(48\) months](#). The judicial officer shall require alcohol and/or drug treatment for the individual.

11 Such a violation with respect to refusal to submit to a chemical test of blood shall be a civil offense.
12 Provided, that prior to the reinstatement of a license to a person charged with a third or subsequent
13 violation within a three-year (3) period, a hearing shall be held before a judicial officer. At the
14 hearing, the judicial officer shall review the person's driving record, his or her employment history,
15 family background, and any other pertinent factors that would indicate that the person has
16 demonstrated behavior that warrants the reinstatement of their license.

17 (6) For purposes of determining the period of license suspension, a prior violation shall
18 constitute any charge brought and sustained under the provisions of this section or § 31-27-2.

19 (7) In addition to any other fines, a highway safety assessment of five hundred dollars
20 (\$500) shall be paid by any person found in violation of this section, the assessment to be deposited
21 into the general fund. The assessment provided for by this subsection shall be collected from a
22 violator before any other fines authorized by this section.

23 (8) In addition to any other fines and highway safety assessments, a two-hundred-dollar
24 (\$200) assessment shall be paid by any person found in violation of this section to support the
25 department of health's chemical testing programs outlined in §§ 31-27-2(f) and 31-27-2(g), that
26 shall be deposited as general revenues, not restricted receipts.

27 (9) No fines, suspensions, assessments, alcohol or drug treatment programs, course on
28 driving while intoxicated or under the influence of a controlled substance, or public community
29 restitution provided for under this section can be suspended.

30 (10) Implied consent notice for persons eighteen (18) years of age or older: "Rhode Island
31 law requires you to submit to a chemical test of your blood, breath, or urine for the purpose of
32 determining the chemical content of your body fluids or breath. If you refuse this testing, certain
33 penalties can be imposed and include the following: for a first offense, your Rhode Island driver's
34 license or privilege to operate a motor vehicle in this state can be suspended for six (6) months to

1 one year or modified to permit operation in connection with an ignition interlock device for a period
2 specified by law; a fine from two hundred dollars (\$200) to five hundred dollars (\$500) can be
3 imposed; and you can be ordered to perform ten (10) to sixty (60) hours of community service and
4 attend a special course on driving while intoxicated or under the influence of a controlled substance
5 and/or alcohol or drug treatment. You shall pay a one hundred dollar (\$100) assessment to the
6 ignition interlock fund. If you have had one or more previous offenses within the past five (5) years,
7 your refusal to submit to a chemical test of breath or urine at this time can have criminal penalties,
8 including incarceration up to six (6) months for a second offense and up to one year for a third or
9 subsequent offense, and can carry increased license suspension ~~or~~ and a mandatory ignition
10 interlock period, fines, and community service. All violators shall pay a five hundred dollar (\$500)
11 highway safety assessment fee, a two hundred dollar (\$200) department of health chemical testing
12 programs assessment fee, and a license reinstatement fee. Refusal to submit to a chemical test of
13 blood shall not subject you to criminal penalties for the refusal itself, but if you have one or more
14 previous offenses other civil penalties may increase. You have the right to be examined at your
15 own expense by a physician selected by you. If you submit to a chemical test at this time, you have
16 the right to have an additional chemical test performed at your own expense. You will be afforded
17 a reasonable opportunity to exercise these rights. Access to a telephone will be made available for
18 you to make those arrangements. You may now use a telephone.”

19 Use of this implied consent notice shall serve as evidence that a person’s consent to a
20 chemical test is valid in a prosecution involving driving under the influence of liquor, controlled
21 substances, and/or drugs.

22 (11) In addition to any other fines and highway assessments, any person found in violation
23 of this section shall pay a one hundred dollar (\$100) assessment to the ignition interlock system
24 fund established in § 31-27-2.10.

25 (d) Upon suspending or refusing to issue a license or permit as provided in subsection (a),
26 the traffic tribunal or district court shall immediately notify the person involved in writing, and
27 upon his or her request, within fifteen (15) days, afford the person an opportunity for a hearing as
28 early as practical upon receipt of a request in writing. Upon a hearing, the judge may administer
29 oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books
30 and papers. If the judge finds after the hearing that:

31 (1) The law enforcement officer making the sworn report had reasonable grounds to believe
32 that the arrested person had been driving a motor vehicle within this state while under the influence
33 of intoxicating liquor, toluene, or any controlled substance, as defined in chapter 28 of title 21, or
34 any combination of these;

1 (2) The person, while under arrest, refused to submit to the tests upon the request of a law
2 enforcement officer;

3 (3) The person had been informed of his or her rights in accordance with § 31-27-3; and

4 (4) The person had been informed of the penalties incurred as a result of noncompliance
5 with this section, the judge shall sustain the violation. The judge shall then impose the penalties set
6 forth in subsection (c) of this section. Action by the judge must be taken within seven (7) days after
7 the hearing or it shall be presumed that the judge has refused to issue his or her order of suspension.

8 (e) For the purposes of this section, any test of a sample of blood, breath, or urine for the
9 presence of alcohol that relies, in whole or in part, upon the principle of infrared light absorption is
10 considered a chemical test.

11 (f) If any provision of this section, or the application of any provision, shall, for any reason,
12 be judged invalid, the judgment shall not affect, impair, or invalidate the remainder of the section,
13 but shall be confined in this effect to the provisions or application directly involved in the
14 controversy giving rise to the judgment.

15 **31-27-2.8. Ignition interlock system and/or blood and urine testing imposed as a part**
16 **of sentence — Requirements.**

17 (a) Any person subject to suspension pursuant to §§ 31-27-2.1(b)(1) and 31-27-2.1(b)(2)
18 or convicted under the provisions of § 31-27-2(d)(1), § 31-27-2(d)(2), § 31-27-2(d)(3)(i), or § 31-
19 27-2(d)(3)(ii), or whose violation is sustained under the provisions of §§ 31-27-2.1(b)(1) and 31-
20 27-2.1(b)(2), ~~may~~ shall be prohibited by the sentencing judge or magistrate from operating a motor
21 vehicle that is not equipped with an ignition interlock system as provided by law, and/or blood and
22 urine testing by a licensed physician with knowledge and clinical experience in the diagnosis and
23 treatment of drug-related disorders, a licensed or certified psychologist, social worker, or EAP
24 professional with like knowledge, or a substance abuse counselor certified by the National
25 Association of Alcohol and Drug Abuse Counselors (all of whom shall be licensed in Rhode
26 Island), pursuant to this section.

27 (1) Notwithstanding any other sentencing and disposition provisions contained in this
28 chapter, if a Rhode Island traffic tribunal magistrate makes a finding that a motorist was operating
29 a vehicle in the state while under the influence of drugs, toluene, or any controlled substance as
30 evidenced by the presence of controlled substances on or about the person or vehicle, or other
31 reliable indicia or articulable conditions thereof, but not intoxicating liquor based on a preliminary
32 breath test, results from a breathalyzer that indicates no blood alcohol concentration or both, the
33 magistrate may exercise his or her discretion and eliminate the requirement of an ignition interlock
34 system; provided, that blood and/or urine testing is mandated as a condition to operating a motor

1 vehicle as provided in this section [and as provided in §§ 31-27-2 and 31-27-2.1](#).

2 (2) Notwithstanding any other sentencing and disposition provisions contained in this
3 chapter, if a Rhode Island traffic tribunal magistrate makes a finding that a motorist was operating
4 a vehicle in the state while under the influence of drugs, toluene, or any controlled substance as
5 evidenced by the presence of controlled substances on or about the person or vehicle, or other
6 reliable indicia or articulable conditions thereof and intoxicating liquor based on a preliminary
7 breath test, results from a breathalyzer that indicates blood alcohol concentration or both, the
8 magistrate may require an ignition interlock system in addition to blood and/or urine testing as a
9 condition to operating a motor vehicle as provided in this section [and as provided in §§ 31-27-2](#)
10 [and 31-27-2.1](#).

11 (b) Notwithstanding any other provisions contained in this chapter, any mandatory period
12 of license suspension shall, upon request, be reduced by the imposition of an ignition interlock
13 system and/or blood and urine testing ordered by the court or traffic tribunal as follows:

14 (1) For a violation of § 31-27-2(d)(1), a person shall be subject to a minimum thirty-day
15 (30) license suspension and an imposition of an ignition interlock system and/or blood and urine
16 testing for ~~three (3) months to one year~~ [for the period provided in § 31-27-2\(d\)\(1\)](#).

17 (2) For a violation of § 31-27-2.1(c)(1), a person shall be subject to a minimum thirty-day
18 (30) license suspension and an imposition of an ignition interlock system and/or blood and urine
19 testing for ~~a the period of six (6) months to two (2) years~~ [provided in § 31-27-2.1\(c\)\(1\)](#).

20 (3) For a violation of § 31-27-2(d)(2), a person shall be subject to a minimum forty-five-
21 day (45) license suspension and an imposition of an ignition interlock system and/or blood and
22 urine testing for ~~a the period of six (6) months to two (2) years~~ [provided in § 31-27-2\(d\)\(2\)](#).

23 (4) For a violation of § 31-27-2.1(c)(2), a person shall be subject to a minimum sixty-day
24 (60) license suspension and an imposition of an ignition interlock system and/or blood and urine
25 testing for ~~a the period of one year to four (4) years~~ [provided in § 31-27-2.1\(c\)\(2\)](#).

26 (5) For a violation of § 31-27-2(d)(3), a person shall be subject to a minimum sixty-day
27 (60) license suspension and imposition of an ignition interlock system and/or blood and urine
28 testing for ~~a the period of one year to four (4) years~~ [provided in § 31-27-2\(d\)\(3\)](#).

29 (6) For a violation of § 31-27-2.1(c)(3), a person shall be subject to a minimum ninety-day
30 (90) license suspension and imposition of an ignition interlock system and/or blood and urine
31 testing for ~~a the period of two (2) years to ten (10) years~~ [provided in § 31-27-2.1\(c\)\(3\)](#).

32 (7) No license suspension shall be subject to more than a thirty-day (30) license suspension
33 based solely upon the imposition of an ignition interlock system.

34 (i) If a conviction pursuant to § 31-27-2(d)(1) or § 31-27-2.1(c)(1) is a first offense, or upon

1 an initial suspension pursuant to § 31-27-2.1(b)(1), where there has been a finding or determination
2 that the motorist was under the influence of intoxicating liquor only, the magistrate shall, upon
3 request, immediately grant a conditional hardship license after a finding of need pursuant to this
4 section and upon proof of the installation of an ignition interlock device.

5 (ii) If a conviction pursuant to § 31-27-2(d)(1) or § 31-27-2.1(c)(1) is a first offense, or
6 upon an initial suspension pursuant to § 31-27-2.1(b)(1), where there has been a finding or
7 determination that the motorist was under the influence of drugs, toluene, or a controlled substance,
8 but not intoxicating liquor, the judge or magistrate shall, upon request immediately grant a
9 conditional hardship license after a finding of need pursuant to this section and upon proof of blood
10 and urine testing pursuant to this section.

11 (iii) If a conviction pursuant to § 31-27-2(d)(1) or § 31-27-2.1(c)(1) is a first offense, or
12 upon an initial suspension pursuant to § 31-27-2.1(b)(1), where there has been a finding or
13 determination that the motorist was under the influence of intoxicating liquor, toluene, a controlled
14 substance, or any combination thereof, the magistrate shall, upon request immediately grant a
15 conditional hardship license after a finding of need pursuant to this section and upon proof of the
16 installation of an ignition interlock device, subject also to the following testing:

17 (A) The testing of either blood or urine is being performed by or monitored by a licensed
18 physician with knowledge and clinical experience in the diagnosis and treatment of drug-related
19 disorders, a licensed or certified psychologist, social worker, or EAP professional with like
20 knowledge, or a substance abuse counselor certified by the National Association of Alcohol and
21 Drug Abuse Counselors (all of whom shall be licensed in Rhode Island).

22 (B) The motorist is required to pay for the substance abuse professional, any testing,
23 retesting, monitoring, and reporting costs of the blood and urine testing.

24 (C) Samples are to be collected, tested and confirmed by a federally certified laboratory by
25 means of gas chromatography/mass spectrometry or technology recognized as being at least as
26 scientifically accurate.

27 (D) Samples are to be taken weekly for the first sixty (60) days, thereafter in accordance
28 with the recommendation of the substance abuse professional. The samples taken thereafter may
29 be ordered randomly, but must be provided by the motorist within twenty-four (24) hours of the
30 request. The substance abuse professional shall report to the department of the attorney general
31 within twenty-four (24) hours any failure by the motorist to comply with a request for a sample.

32 (E) A positive test of urine or blood that evidences any controlled substances shall be
33 reported by the substance abuse professional to the motorist and to the department of the attorney
34 general within twenty-four (24) hours of receipt of the results. The motorist may, at his or her own

1 expense, have an opportunity to have the sample retested or reevaluated by an independent testing
2 facility which shall provide the result directly to the substance abuse professional. The attorney
3 general may request, at any time, a copy of any or all test results from the substance abuse
4 professional, who shall forward the requested results within forty-eight (48) hours.

5 (F) Upon completion of the license suspension, conditional hardship, ignition interlock and
6 substance abuse testing periods, a finalized report shall be presented to the department of motor
7 vehicles prior to any license reinstatement. The motorist's license shall not be fully reinstated unless
8 the motorist has successfully completed the prescribed ignition interlock and/or blood and urine
9 testing period to which the motorist was sentenced.

10 (G) If a judge or magistrate determines that a motorist either failed, without good cause, to
11 comply with a sample request or tested positive for any controlled substance, he or she may exercise
12 his or her discretion and revoke the conditional hardship license, extend the time period for the
13 ignition interlock system and/or substance abuse testing for an additional period of up to twelve
14 (12) months and/or impose an additional loss of license for up to twenty-four (24) months.

15 (H) A motorist who has failed, without good cause, to comply with a sample request or
16 tested positive for any controlled substance for a second time within twelve (12) months of the first
17 failure and/or positive test determination shall be guilty of a misdemeanor punishable by up to one
18 year imprisonment, or a fine of up to one thousand dollars (\$1,000), or both.

19 (c) However, in any case where a motorist is convicted of an alcohol-related offense
20 pursuant to the provisions of this chapter, the judge or magistrate may exercise his or her discretion
21 in the granting of the hardship license by imposing up to a ninety (90) day loss of license prior to
22 any imposition of the hardship license. The hardship license shall be valid for twelve (12)
23 continuous hours per day for any valid reason approved in advance by the sentencing judge or
24 magistrate, which shall include employment, medical appointments, job training, schooling, or
25 religious purposes. The hardship license shall not be for less than twelve (12) continuous hours per
26 day. A hardship license shall only be granted in conjunction with the installation of an ignition
27 interlock device and/or blood and urine testing. Any conditional driving privileges must be set by
28 the sentencing judge or magistrate after a hearing in which the motorist must provide proof of
29 employment status and hours of employment, or any other legitimate reasons justifying a hardship
30 license. These shall include, but not be limited to, any unemployment training, schooling, medical
31 appointments, therapy treatments, or any other valid requests set forth by sworn affidavit. Once
32 said hardship period has concluded, the motorist must still be subject to the conditions of the
33 ignition interlock system and/or blood and urine testing as set forth under this section for the period
34 of time as directed by the court. Any individual who violates the requirements of this subsection

1 shall be subject to the penalties enumerated in § 31-11-18.1.

2 (d) Any person convicted of an offense of driving under the influence of liquor or drugs
3 resulting in death, § 31-27-2.2; driving under the influence of liquor or drugs resulting in serious
4 bodily injury, § 31-27-2.6; driving to endanger resulting in death, § 31-27-1; or driving to endanger
5 resulting in serious bodily injury, § 31-27-1.1; may, in addition to any other penalties provided by
6 law, be prohibited from operating a motor vehicle that is not equipped with an approved ignition
7 interlock system and/or blood and urine testing for one to five (5) years.

8 (e) Any person who operates a motor vehicle with a suspended license during the period
9 of suspension, and the reason for the suspension was due to a conviction of driving under the
10 influence of drugs or alcohol or a sustained violation or conviction of refusal to submit to a chemical
11 test, shall be subject to the further use of the ignition interlock system and/or blood and urine testing
12 for a period of six (6) months subsequent to the penalties enumerated in § 31-11-18.1.

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

16 (g) In addition to the requirements of subsection (f) of this section, the court or traffic
17 tribunal shall:

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

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

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

26 (4) The requirements under subsection (g) of this section shall be the responsibility of the
27 probation department or justice assistance, if the individual is under their control, or the division of
28 motor vehicles if the individual is not monitored as a condition of the individual's plea or finding
29 of guilt.

30 (h) Any person granted a conditional hardship license upon proof of installation of an
31 ignition interlock device, may operate that motor vehicle during the entire twelve-hour (12) period
32 of operation granted by the sentencing judge or magistrate including during the scope of the
33 person's employment and/or any other valid reason approved by the sentencing judge or magistrate.

34 (i) If a person is required, in the course of the person's employment, to operate a motor

1 vehicle owned or provided by the person's employer, the person may operate that motor vehicle in
2 the course of the person's employment without installation of an ignition interlock system if the
3 court makes specific findings expressly permitting the person to operate, in the course of the
4 person's employment, a motor vehicle that is not equipped with an ignition interlock system.

5 (j)(1) Any person subject to an ignition interlock order and/or blood and urine testing who
6 violates such order shall be guilty of a misdemeanor punishable by up to one year imprisonment,
7 or a fine of up to one thousand dollars (\$1,000), or both.

8 (2) For a second violation within six (6) months from entry of the order, the person
9 violating the order shall be imprisoned for a term of not less than ten (10) days and not more than
10 one year.

11 (k) For the purposes of this subsection, a violation of the interlock order, includes, but is
12 not limited to:

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

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

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

19 (l) Any person who attempts to start, or starts, a motor vehicle equipped with an ignition
20 interlock system, tampers with, or in any way attempts to circumvent, the operation of an ignition
21 interlock system that has been installed in the motor vehicle for the purpose of providing an
22 operable motor vehicle to a person who is prohibited from operating a motor vehicle that is not
23 equipped with an ignition interlock system, shall be guilty of a misdemeanor punishable by up to
24 one year imprisonment or a fine of up to one thousand dollars (\$1,000), or both.

25 (m) Any ignition interlock system installed pursuant to the provisions of this chapter shall
26 be equipped with a camera in order to accurately identify the driver who provides a breath sample.
27 The provisions of subsections (k) and (l) of this section shall apply to the function of the camera,
28 and any blocking or moving of the camera as installed shall be considered a violation of subsection
29 (k)(1) of this section.

30 SECTION 2. Chapter 31-27 of the General Laws entitled "Motor Vehicle Offenses" is
31 hereby amended by adding thereto the following section:

32 **31-27-2.10. Ignition interlock system fund.**

33 (a) This section shall be administered by the office of the general treasurer.

34 (b) The office shall designate a program administrator and shall promulgate rules and

1 regulations in accordance with chapter 35 of title 42 (“administrative procedures”) necessary to
2 implement the purposes of this section.

3 (c) There is hereby created an ignition interlock system fund to be administered by the
4 office of the general treasurer to provide funding for the indigent defendants as defined in § 12-15-
5 8 who are required to comply with the provisions of §§ 31-27-2, 31-27-2.1 and 31-27-2.8 relating
6 to ignition interlock systems and who are unable to pay for the system.

7 SECTION 3. This act shall take effect upon passage.

=====
LC005933
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES

1 This act would require any person convicted of driving under the influence or refusal to
2 submit to a chemical test, have an ignition interlock system installed in their vehicle as part of any
3 sentence before being eligible for a license reinstatement and would establish a fund that all
4 offenders would contribute in order to pay for the ignition interlock systems for indigent motorists.

5 This act would take effect upon passage.

=====
LC005933
=====