

2023 -- S 0339

LC001548

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- SUSPENSION OR REVOCATION OF LICENSES

Introduced By: Senators Raptakis, Tikoian, Sosnowski, Burke, F. Lombardi, Ciccone, DiMario, Felag, Paolino, and McKenney

Date Introduced: February 16, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-11-18.1 of the General Laws in Chapter 31-11 entitled  
2 "Suspension or Revocation of Licenses - Violations" is hereby amended to read as follows:

3 **31-11-18.1. Driving after denial, revocation, or suspension for certain violations.**

4 (a) Any person who drives a motor vehicle on any highway of this state who never applied  
5 for a license or who drives after his or her application for a license has been refused, or after his or  
6 her license has expired or who otherwise drives without a license or at a time when his or her license  
7 to operate is suspended, revoked, or cancelled, for: (1) operating under the influence of a narcotic  
8 drug or intoxicating liquor; (2) refusing to submit to a chemical test; (3) reckless driving; ~~(4)~~  
9 manslaughter from the operation of a motor vehicle or operating so as to endanger resulting in  
10 death; or ~~(4)~~(5) three (3) moving violations within a one-year period; shall be guilty of a  
11 misdemeanor for the first and second offenses and shall be deemed guilty of a felony for the third  
12 or subsequent offenses.

13 (b) The division of motor vehicles upon receiving a record of the conviction of any person  
14 upon a charge of driving a motor vehicle while the license of the person was suspended, for reasons  
15 set forth in this section shall suspend the person's license or deny the person's application for any  
16 length of time that it shall deem proper but in no case less than an additional three (3) months. Upon  
17 receiving a record of conviction of a second violation of driving a motor vehicle while the license  
18 of that person was suspended for reasons set forth in this section, the division of motor vehicles

1 shall suspend the person's license or deny the person's application for any length of time that it shall  
2 deem proper but in no case less than an additional six (6) months. Any subsequent conviction shall  
3 result in license revocation. Upon receiving a record of the conviction of any person upon a charge  
4 of driving after his or her application for a license had been refused, or after his or her license had  
5 been revoked or cancelled for reasons set forth in this section, the division of motor vehicles shall  
6 not issue a new license for an additional period of one year from and after the date the person would  
7 otherwise have been entitled to apply for a new license.

8 (c)(1) Upon a first conviction under this section a mandatory fine of five hundred dollars  
9 (\$500) shall be imposed, and if the person was driving after his or her application for a license had  
10 been refused, or at a time when his or her license to operate was suspended, revoked, or cancelled  
11 for operating under the influence of a controlled substance or intoxicating liquor, or his or her  
12 refusal to submit to a chemical test, reckless driving, manslaughter from the operation of a motor  
13 vehicle, or operation so as to endanger, death resulting, the person shall be imprisoned for a  
14 minimum of ten (10) days.

15 (2) A mandatory fine of five hundred dollars (\$500) for a second conviction under this  
16 section within a five (5) year period shall be imposed, and if the person was driving after his or her  
17 application for a license had been refused, or at a time when his or her license to operate was  
18 suspended, revoked, or cancelled for operating under the influence of a controlled substance or  
19 intoxicating liquor or his or her refusal to submit to a chemical test, reckless driving, manslaughter  
20 from the operation of a motor vehicle, or operation so as to endanger, death resulting, the person  
21 shall be imprisoned for a minimum of six (6) months to one year.

22 (3) For any subsequent conviction within a five (5) year period, a fine of one thousand  
23 dollars (\$1,000) shall be imposed and the person may be imprisoned for up to one year or be  
24 required to participate in a public service program designated and approved by the court. If the  
25 person was driving after his or her application for a license had been refused or at a time when his  
26 or her license to operate was suspended, revoked, or cancelled for: (i) operating under the influence  
27 of a controlled substance or intoxicating liquor; (ii) his or her refusal to submit to a chemical test;  
28 (iii) reckless driving; (iv) manslaughter from the operation of a motor vehicle; or (v) operating so  
29 as to endanger, death resulting; the person shall be imprisoned for a minimum of one year.  
30 Jurisdiction for violations of this section is given to the district court and the court shall have full  
31 authority to impose any sentence authorized for violations of this section.

32 (d) Upon a conviction for driving a motor vehicle while the license of the person was  
33 suspended, revoked or cancelled for any of the charges set forth in subsection (a) of this section,  
34 the judge may order the confiscation of the license plate.

1           (e) If the court finds that the surrender of the license plate would cause undue hardship to  
2 the dependents of the offender, a judge may order the plate not be impounded.

3           (f) Any conviction of a subsequent offense of this section shall result in the mandatory  
4 impoundment of the license plate by the court.

5           ~~(d)~~(g) No fines, suspensions, treatment, or jail provided for under this section can be  
6 suspended.

7           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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LICENSES

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1           This act would allow a judge to order the impoundment of the license plates of an individual  
2 convicted of the offenses listed in this section. Upon a finding by the court of an undue hardship to  
3 the dependents of the offender the court may order the plates not be impounded. A subsequent  
4 conviction shall result in a mandatory impoundment of the plate.

5           This act would take effect upon passage.

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