

2016 -- S 2117

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE REPARATIONS
ACT

Introduced By: Senators Archambault, Jabour, Lombardi, and McCaffrey

Date Introduced: January 21, 2016

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-47-12 of the General Laws in Chapter 31-47 entitled "Motor
2 Vehicle Reparations Act" is hereby amended to read as follows:
3 **31-47-12. Police officers and agents of administrator of the division of motor**
4 **vehicles -- Fees collected, forms of proof. --** (a) For the purpose of enforcing the provisions of
5 this chapter, every police officer of a state, town, or municipality is deemed an agent of the
6 administrator of the division of motor vehicles. Any police officer who, in the performance of his
7 or her duties as authorized by law, becomes aware of a person whose license is under an order of
8 suspension, or whose certificate of registration and registration plates are under an order of
9 impoundment, pursuant to this section may confiscate the license, certificate of registration, and
10 registration plates, and return them to the administrator of the division of motor vehicles. Any
11 forms used by law enforcement agencies in administering this section shall be prescribed by the
12 administrator of the division of motor vehicles, the cost of which shall be borne by these
13 agencies. No police officer, law enforcement agency employing a police officer, or political
14 subdivision or governmental agency that employs a police officer shall be liable in a civil action
15 for damages or loss to persons arising out of the performance of the duty required or authorized
16 by this section. "Police officer" means the full-time police from the rank of patrolman up to and
17 including the rank of chief, including policewomen of any police department in any city or town
18 within the state of Rhode Island or of the state police.

1 (b) All fees, except court costs, collected under this chapter shall be paid into the state
2 treasury and credited to the highway safety fund in a special account hereby created, to be known
3 as the "financial responsibility compliance special account". This special account shall be used
4 exclusively to cover costs incurred by the division of motor vehicles in the administration of this
5 chapter, and by any law enforcement agency employing any police officer who returns any
6 license, certificate of registration, and registration plates to the administrator of the division of
7 motor vehicles pursuant to this chapter.

8 (c) The administrator of the division of motor vehicles, court, or traffic tribunal may
9 require proof of financial security to be demonstrated by use of standard form SR 22. If the use of
10 a standard form is not required, a person may demonstrate proof of financial responsibility under
11 this section by presenting to the court, traffic tribunal, or administrator of the division of motor
12 vehicles any of the following documents or a copy of these documents:

- 13 (1) A certificate of proof of financial responsibility;
- 14 (2) A bond or certification of the issuance of a bond;
- 15 (3) A certificate of deposit of money or securities; or
- 16 (4) A certificate of self insurance.

17 (d) At the time of investigation of a motor vehicle offense or accident by a police officer
18 or when a motor vehicle is stopped by a police officer for probable cause, the police officer
19 making the investigation or stopping the motor vehicle shall ask for evidence of proof of financial
20 security as defined in this chapter. Proof of financial responsibility may be provided using a
21 mobile electronic device; provided, however, that the police officer requiring the proof of
22 financial responsibility shall be prohibited from viewing any other content on the mobile
23 electronic device. Any person utilizing an electronic device to provide proof of insurance shall
24 assume any and all liability for any damage sustained to the mobile electronic device. If the
25 evidence is not provided, a citation to appear before the traffic tribunal shall be issued to the
26 operator. However, any citation issued solely for failing to provide evidence of financial
27 responsibility shall be held by the issuing police officer or law enforcement agency for at least
28 one business day before submitting the citation to the traffic tribunal. Any operator who receives
29 a citation for failing to provide valid evidence of financial responsibility shall have the
30 opportunity to provide evidence of financial responsibility that existed at the time of the violation
31 within the one-business-day period, at which time the issuing police officer or law enforcement
32 agency shall withdraw the citation, and the motorist shall not be required to appear before the
33 traffic tribunal. Notwithstanding this provision, police officers who issue a citation for lack of
34 evidence of financial responsibility, in addition to one or more other citations, need not wait the

1 one-business-day waiting period before submitting the citation for lack of evidence of financial
2 responsibility to the traffic tribunal. The traffic tribunal may, by rule and regulation, prescribe the
3 procedures for processing the citations. Motor vehicles may not be stopped solely for the purpose
4 of checking for evidence of proof of financial security.

5 (e) (1) Upon a first offense, one must provide proof of current insurance and a binder or
6 release letter covering the cost of the accident, as long as the accident does not include bodily
7 injury, death, etc.

8 (2) In addition, penalties do not release the motorist from any pending matter before any
9 other appropriate court.

10 (f) Any operator of a motor vehicle registered in this state who shall operate a motor
11 vehicle without proof of financial security, as defined in this chapter, being in full force and effect
12 on the date of the motor vehicle stop or accident, may be subject to suspension of license and
13 finer as follows:

14 (1) For a first offense, a suspension of up to thirty (30) days and may be fined one
15 hundred dollars (\$100) up to two hundred and fifty dollars (\$250);

16 (2) For a second offense, a suspension of up to three (3) months and may be fined from
17 two hundred and fifty dollars (\$250) up to five hundred (\$500); and

18 (3) For a third and subsequent offense, a suspension of up to one year. Additionally, any
19 person violating this section a third or subsequent time shall be punished as a civil violation and
20 may be fined one thousand dollars (\$1,000).

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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- 1 This act would enhance the penalties for driving a motor vehicle without proof of
- 2 financial responsibility.
- 3 This act would take effect upon passage.

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