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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 -- ELECTRONIC CONFIRMATION AND
COMPLIANCE SYSTEM

Introduced By: Senators DiPalma, Ruggiero, Lombardi, Coyne, and Lynch Prata

Date Introduced: January 27, 2016

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 31 of the General Laws entitled "MOTOR AND OTHER
2 VEHICLES" is hereby amended by adding thereto the following chapter:

3 CHAPTER 21.3

4 ELECTRONIC CONFIRMATION AND COMPLIANCE SYSTEM

5 **31-21.3-1. Short title -- Enabling act.** – This act shall be known and may be cited as the
6 "Rhode Island electronic confirmation and compliance system" and any department so designated
7 by this act may solicit proposals from a third party in order to implement the provisions of this
8 chapter which shall be enabling.

9 **31-21.3-2. Definitions.** – When used in this chapter:

10 (1) "Administrator" means the director of the division of motor vehicles;

11 (2) "Department" means the department of public safety;

12 (3) "Director" means the administrator of the department of public safety;

13 (4) "Division" means the division of motor vehicles (DMV);

14 (5) "Financial responsibility" means the ability to satisfy the requirements established in
15 chapter 31 of this title;

16 (6) "IICMVA" means the Insurance Industry Committee on Motor Vehicle
17 Administration;

18 (7) "NLETS" means the national law enforcement telecommunications system;

1 (8) "Noninvasive" means does not contain or display personal identifying information
2 including a name and address;

3 (9) "RILETS" means the Rhode Island law enforcement telecommunications system.

4 **31-21.3-3. Electronic insurance confirmation and compliance system. – (a) The**
5 director of the department of public safety and/or the director's designees shall be authorized to
6 solicit proposals from a third party to implement an electronic automobile and commercial
7 vehicle liability insurance confirmation and compliance system in the state that shall be limited to
8 the following:

9 (1) A system to make interstate vehicle insurance and registration status available to law
10 enforcement for automated query at any time through the NLETS used by law enforcement in this
11 state and all others and which is fully interfaced with the RILETS system, department's law
12 enforcement message switch communications and hot file database system and which is in turn
13 linked to the division of motor vehicles;

14 (2) A system to provide interstate automobile and commercial vehicle insurance
15 information to emergency medical service providers;

16 (3) A verification system to provide courts with financial responsibility status for the
17 court date, the citation date, the day prior to the citation date, and a history of the vehicle's periods
18 of coverage, regarding, interstate vehicles identified as non-compliant;

19 (4) An automatic license plate recognition system to electronically capture license plate
20 images in two (2) seconds or less and noninvasively attempt verification of the insurance and
21 when possible, the registration status of the interstate vehicle. If the vehicle is covered under an
22 automobile insurance policy or properly registered or there is no conclusive proof of non-
23 compliance as determined by a law enforcement officer, the automatic license plate recognition
24 system shall erase the record of the vehicle's license plate within one minute;

25 (5) A system to provide secure postal notification, telephone and internet-based help
26 desk, verification and secure collection services for the state regarding citations issued by this
27 system;

28 (6) A system that provides secure, dedicated, electronic portals with appropriate
29 information for authorized users as determined by the director;

30 (7) A system that provides a help desk service with live operators, but also an internet-
31 based response service to allow citations to be challenged and any errors corrected in support of
32 the public, and also to reduce the burdens that might otherwise be placed upon the traffic tribunal.

33 (b) All costs, including, but not limited to, development, manufacture, implementation,
34 maintenance, operation, purchasing, cost of alterations and/or upgrades to the system, connection

1 costs, and/or any other expense necessary to implement and maintain the system authorized by
2 this chapter shall be the burden of the third party and not the state.

3 **31-21.3-4. Procedure -- Notice.** – (a) Except as expressly provided in this chapter, all
4 prosecutions based on evidence produced by this confirmation and compliance system shall
5 follow the procedures established in chapter 41.1 of this title, chapter 18 of title 8, and the rules
6 promulgated by the chief magistrate of the traffic tribunal for the hearing of civil traffic violations
7 in the traffic tribunal. Provided, that in an action brought pursuant to the provisions of this
8 chapter, references in chapter 41.1 of this title to an "operator" shall apply to the registered owner
9 of the vehicle. A universal summons shall be issued by a Rhode Island police officer solely based
10 on evidence obtained by use of a live digital video vehicle confirmation and compliance system.
11 All summonses issued based on evidence obtained from a live digital video vehicle confirmation
12 and compliance system shall be issued within seven (7) days of the violation. Notwithstanding
13 any provisions of the general laws to the contrary, exclusive jurisdiction to hear and decide any
14 violation under this chapter shall be with the traffic tribunal.

15 (b) It shall be sufficient to commence a prosecution based on evidence obtained from a
16 live digital video vehicle confirmation and compliance system. A copy of the summons and
17 supporting documentation shall be mailed to the address of the registered owner. For purposes of
18 this section, the date of issuance shall be the date of mailing.

19 (c) The officer issuing the summons shall certify under penalties of perjury that the
20 evidence obtained from the live digital video vehicle confirmation and compliance system was
21 sufficient to demonstrate a violation of the motor vehicle code. Such certification shall be
22 sufficient in all prosecutions pursuant to this chapter to justify the entry of a default judgment
23 upon sufficient proof of actual notice in all cases where the citation is not answered within the
24 time period permitted.

25 (d) The summons shall contain all the information provided for on the uniform summons
26 as referred to in §31-41.1-1 and the rules of procedure promulgated by the chief magistrate of the
27 traffic tribunal as well as the date, time, and location of the violation. In addition, the following
28 information shall be attached to or accompany the summons:

29 (1) Copies of two (2) or more photographs, or microphotographs, videos, or other
30 enforcement information approved by the officer that, based on inspection of recorded images,
31 the motor vehicle was being operated in violation of this chapter;

32 (2) A signed statement that the recorded images are evidence of a violation of this
33 chapter;

34 (3) A statement that the person who receives the summons under this chapter may either

1 pay the civil fine or elect to stand trial for the alleged violation;

2 (4) A signed affidavit by a law enforcement officer who witnessed the motor vehicle
3 being operated in violation of this chapter as they reviewed recorded images;

4 (5) The contact telephone numbers, addresses and both facsimile and internet addresses
5 to provide proof of compliance along with a statement of procedures and confirmation that the
6 record will be modified should proper proof be provided and pending charges dismissed; and

7 (6) A signed statement certified under the penalties of perjury by a trained law
8 enforcement officer that the summons and attachments required under this subsection were
9 mailed to the address of the registered owner kept on file by the registry of motor vehicles.

10 (e) Any summons issued pursuant to this chapter shall be issued by a law enforcement
11 officer authorized to issue a traffic violation summons pursuant to title 31.

12 **31-21.3-5. Driver/registered owner liability.** – (a) The registered owner of a motor
13 vehicle shall not operate or allow the motor vehicle to be operated in violation of this chapter.

14 (b) In all prosecutions of civil traffic violations based on evidence obtained from a live
15 digital video vehicle confirmation and compliance system as provided under this chapter, the
16 registered owner of the vehicle shall be responsible in all prosecutions of violations pursuant to
17 the provisions of this chapter, except as otherwise provided under this chapter.

18 (c) In the event that the registered owner of the vehicle operated in violation of this
19 chapter was not the operator of the vehicle at the time of the violation, the registered owner shall
20 be responsible for the violation.

21 **31-21.3-6. Fines revenue allocation.** – (a) The state shall not pay the cost of the
22 implementation and administration of the electronic verification system created by this chapter.

23 (b) All revenue generated by the implementation of this chapter shall be shared equally
24 by the state and the third party, unless otherwise agreed to in writing by the parties.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- ELECTRONIC CONFIRMATION AND
COMPLIANCE SYSTEM

- 1 This act would create an electronic automobile and commercial vehicle liability insurance
- 2 confirmation and compliance system in the state.
- 3 This act would take effect upon passage.

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