

2016 -- S 2402

=====  
LC004695  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

-----  
A N A C T

RELATING TO MOTOR AND OTHER VEHICLES

Introduced By: Senators Gallo, and Lynch Prata

Date Introduced: February 11, 2016

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 31-27-2 and 31-27-24 of the General Laws in Chapter 31-27  
2 entitled "Motor Vehicle Offenses" are hereby amended to read as follows:

3           **31-27-2. Driving under influence of liquor or drugs.** -- (a) Whoever drives or  
4 otherwise operates any vehicle in the state while under the influence of any intoxicating liquor,  
5 drugs, toluene, or any controlled substance as defined in chapter 28 of title 21, or any  
6 combination of these, shall be guilty of a misdemeanor except as provided in subdivision (d)(3)  
7 and shall be punished as provided in subsection (d) of this section.

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

18           (2) Whoever drives, or otherwise operates, any vehicle in the state with a blood presence  
19 of any scheduled controlled substance as defined within chapter 28 of title 21, as shown by

1 analysis of a blood or urine sample, shall be guilty of a misdemeanor and shall be punished as  
2 provided in subsection (d) of this section.

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

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

12 (2) A true copy of the report of the test result was mailed within seventy-two (72) hours  
13 of the taking of the test to the person submitting to a breath test.

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

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

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

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

31 (d) (1) (i) Every person found to have violated subdivision (b)(1) of this section shall be  
32 sentenced as follows: for a first violation whose blood alcohol concentration is eight one-  
33 hundredths of one percent (.08%), but less than one-tenth of one percent (.1%), by weight, or who  
34 has a blood presence of any scheduled controlled substance as defined in subdivision (b)(2), shall

1 be subject to a fine of not less than one hundred dollars (\$100) nor more than three hundred  
2 dollars (\$300); shall be required to perform ten (10) to sixty (60) hours of public community  
3 restitution, and/or shall be imprisoned for up to one year. The sentence may be served in any unit  
4 of the adult correctional institutions in the discretion of the sentencing judge and/or shall be  
5 required to attend a special course on driving while intoxicated or under the influence of a  
6 controlled substance; provided, however, that the court may permit a servicemember or veteran to  
7 complete any court-approved counseling program administered or approved by the Veterans'  
8 Administration, and his or her driver's license shall be suspended for thirty (30) days up to one  
9 hundred eighty (180) days. The sentencing judge or magistrate may prohibit that person from  
10 operating a motor vehicle that is not equipped with an ignition interlock system as provided in §  
11 31-27-2.8.

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

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

1 the individual; provided, however, that the court may permit a servicemember or veteran to  
2 complete any court-approved counseling program administered or approved by the Veterans'  
3 Administration. The sentencing judge or magistrate shall prohibit that person from operating a  
4 motor vehicle that is not equipped with an ignition interlock system as provided in § 31-27-2.8.

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

22 (ii) Every person convicted of a second violation within a five-year (5) period whose  
23 blood alcohol concentration is fifteen hundredths of one percent (.15%) or above, by weight as  
24 shown by a chemical analysis of a blood, breath, or urine sample, or who is under the influence of  
25 a drug, toluene, or any controlled substance as defined in subdivision (b)(1), shall be subject to  
26 mandatory imprisonment of not less than six (6) months, nor more than one year; a mandatory  
27 fine of not less than one thousand dollars (\$1,000); and a mandatory license suspension for a  
28 period of two (2) years from the date of completion of the sentence imposed under this  
29 subsection. The sentencing judge shall require alcohol or drug treatment for the individual;  
30 provided, however, that the court may permit a servicemember or veteran to complete any court  
31 approved counseling program administered or approved by the Veterans' Administration. The  
32 sentencing judge or magistrate shall prohibit that person from operating a motor vehicle that is  
33 not equipped with an ignition interlock system as provided in § 31-27-2.8

34 (3) (i) Every person convicted of a third or subsequent violation within a five-year (5)

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

16 (ii) Every person convicted of a third or subsequent violation within a five-year (5)  
17 period whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by  
18 weight as shown by a chemical analysis of a blood, breath, or urine sample, or who is under the  
19 influence of a drug, toluene, or any controlled substance as defined in subdivision (b)(1), shall be  
20 subject to mandatory imprisonment of not less than three (3) years, nor more than five (5) years; a  
21 mandatory fine of not less than one thousand dollars (\$1,000), nor more than five thousand  
22 dollars (\$5,000); and a mandatory license suspension for a period of three (3) years from the date  
23 of completion of the sentence imposed under this subsection. The sentencing judge shall require  
24 alcohol or drug treatment for the individual. The sentencing judge or magistrate shall prohibit that  
25 person from operating a motor vehicle that is not equipped with an ignition interlock system as  
26 provided in § 31-27-2.8.

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

34 (4) Whoever drives or otherwise operates any vehicle in the state while under the

1 influence of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in  
2 chapter 28 of title 21, or any combination of these, when his or her license to operate is  
3 suspended, revoked, or cancelled for operating under the influence of a narcotic drug or  
4 intoxicating liquor, shall be guilty of a felony punishable by imprisonment for not more than three  
5 (3) years and by a fine or not more than three thousand dollars (\$3,000). The court shall require  
6 alcohol and/or drug treatment for the individual; provided, the penalties provided for in § 31-27-  
7 2(d)(4) shall not apply to an individual who has surrendered his or her license and served the  
8 court-ordered period of suspension, but who, for any reason, has not had his or her license  
9 reinstated after the period of suspension, revocation, or suspension has expired; provided, further,  
10 the individual shall be subject to the provisions of §§ 31-27-2(d)(2)(i) or (ii) or 31-27-22(d)(3)(i),  
11 (ii), or (iii) regarding subsequent offenses, and any other applicable provision of § 31-27-2.

12 (5) (i) For purposes of determining the period of license suspension, a prior violation  
13 shall constitute any charge brought and sustained under the provisions of this section or § 31-27-  
14 2.1.

15 (ii) Any person over the age of eighteen (18) who is convicted under this section for  
16 operating a motor vehicle while under the influence of alcohol, other drugs, or a combination of  
17 these, while a child under the age of thirteen (13) years was present as a passenger in the motor  
18 vehicle when the offense was committed, may be sentenced to a term of imprisonment of not  
19 more than one year, and further, shall not be entitled to the benefit of suspension or deferment of  
20 this sentence. The sentence imposed under this section may be served in any unit of the adult  
21 correctional institutions in the discretion of the sentencing judge.

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

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

28 (7) (i) If the person convicted of violating this section is under the age of eighteen (18)  
29 years, for the first violation he or she shall be required to perform ten (10) to sixty (60) hours of  
30 public community restitution and the juvenile's driving license shall be suspended for a period of  
31 six (6) months, and may be suspended for a period up to eighteen (18) months. The sentencing  
32 judge shall also require attendance at a special course on driving while intoxicated or under the  
33 influence of a controlled substance and alcohol or drug education and/or treatment for the  
34 juvenile. The juvenile may also be required to pay a highway assessment fine of no more than

1 five hundred dollars (\$500) and the assessment imposed shall be deposited into the general fund.

2 (ii) If the person convicted of violating this section is under the age of eighteen (18)  
3 years, for a second or subsequent violation regardless of whether any prior violation and  
4 subsequent conviction was a violation and subsequent under this statute or under the driving  
5 under the influence of liquor or drugs statute of any other state, he or she shall be subject to a  
6 mandatory suspension of his or her driving license until such time as he or she is twenty-one (21)  
7 years of age and may, in the discretion of the sentencing judge, also be sentenced to the Rhode  
8 Island training school for a period of not more than one year and/or a fine of not more than five  
9 hundred dollars (\$500).

10 (8) Any person convicted of a violation under this section may undergo a clinical  
11 assessment at the community college of Rhode Island's center for workforce and community  
12 education. Should this clinical assessment determine problems of alcohol, drug abuse, or  
13 psychological problems associated with alcoholic or drug abuse, this person shall be referred to  
14 an appropriate facility, licensed or approved by the department of mental health, retardation and  
15 hospitals for treatment placement, case management, and monitoring. In the case of a  
16 servicemember or veteran, the court may order that the person be evaluated through the Veterans'  
17 Administration. Should the clinical assessment determine problems of alcohol, drug abuse, or  
18 psychological problems associated with alcohol or drug abuse, the person may have their  
19 treatment, case management, and monitoring administered or approved by the Veterans'  
20 Administration.

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

23 (f) (1) There is established an alcohol and drug safety unit within the division of motor  
24 vehicles to administer an alcohol safety action program. The program shall provide for placement  
25 and follow-up for persons who are required to pay the highway safety assessment. The alcohol  
26 and drug safety action program will be administered in conjunction with alcohol and drug  
27 programs licensed by the department of mental health retardation and hospitals.

28 (2) Persons convicted under the provisions of this chapter shall be required to attend a  
29 special course on driving while intoxicated or under the influence of a controlled substance,  
30 and/or participate in an alcohol or drug treatment program; provided, however, that the court may  
31 permit a servicemember or veteran to complete any court-approved counseling program  
32 administered or approved by the Veterans' Administration. The course shall take into  
33 consideration any language barrier that may exist as to any person ordered to attend, and shall  
34 provide for instruction reasonably calculated to communicate the purposes of the course in

1 accordance with the requirements of the subsection. Any costs reasonably incurred in connection  
2 with the provision of this accommodation shall be borne by the person being retrained. A copy of  
3 any violation under this section shall be forwarded by the court to the alcohol and drug safety  
4 unit. In the event that persons convicted under the provisions of this chapter fail to attend and  
5 complete the above course or treatment program, as ordered by the judge, then the person may be  
6 brought before the court, and after a hearing as to why the order of the court was not followed,  
7 may be sentenced to jail for a period not exceeding one year.

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

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

14 (h) Jurisdiction for misdemeanor violations of this section shall be with the district court  
15 for persons eighteen (18) years of age or older and to the family court for persons under the age  
16 of eighteen (18) years. The courts shall have full authority to impose any sentence authorized, and  
17 to order the suspension of any license, for violations of this section. All trials in the district court  
18 and family court of violations of the section shall be scheduled within thirty (30) days of the  
19 arraignment date. No continuance or postponement shall be granted except for good cause shown.  
20 Any continuances that are necessary shall be granted for the shortest practicable time. Trials in  
21 superior court are not required to be scheduled within thirty (30) days of the arraignment date.

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

25 (j) An order to attend a special course on driving while intoxicated that shall be  
26 administered in cooperation with a college or university accredited by the state, shall include a  
27 provision to pay a reasonable tuition for the course in an amount ~~not less than twenty-five dollars~~  
28 ~~(\$25.00);~~ to be determined by the college or university and a fee of one hundred seventy-five  
29 dollars (\$175), which fee shall be deposited into the general fund.

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

33 (l) If any provision of this section, or the application of any provision, shall for any  
34 reason be judged invalid, such a judgment shall not affect, impair, or invalidate the remainder of



1 the section, but shall be confined in this effect to the provision or application directly involved in  
2 the controversy giving rise to the judgment.

3 (m) For the purposes of this section, "servicemember" means a person who is presently  
4 serving in the armed forces of the United States, including the Coast Guard, a reserve component  
5 thereof, or the National Guard. "Veteran" means a person who has served in the armed forces,  
6 including the Coast Guard of the United States, a reserve component thereof, or the National  
7 Guard, and has been discharged under other than dishonorable conditions.

8 **31-27-24. Multiple moving offenses.** -- (a) Every person convicted of moving violations  
9 on four (4) separate and distinct occasions within an eighteen (18) month period may be fined up  
10 to one thousand dollars (\$1,000), and shall be ordered to attend sixty (60) hours of driver  
11 retraining, shall be ordered to perform sixty (60) hours of public community service, and the  
12 person's operator license in this state may be suspended up to one year or revoked by the court for  
13 a period of up to two (2) years. [An order to attend driver retraining shall be administered in](#)  
14 [cooperation with a college or university accredited by the state, and shall include a provision to](#)  
15 [pay a reasonable tuition for the course in an amount determined by the college or university.](#) Prior  
16 to the suspension or revocation of a person's license to operate within the state, the court shall  
17 make specific findings of fact and determine if the person's continued operation of a motor  
18 vehicle would pose a substantial traffic safety hazard.

19 (b) At the expiration of the time of revocation as set by the court pursuant to subsection  
20 (a) above, the person may petition that court for restoration of his or her privilege to operate a  
21 motor vehicle in this state. The license privilege shall not thereafter be reinstated until evidence  
22 satisfactory to the court, following a hearing, establishes that no grounds exist which would  
23 authorize refusal to issue a license and until the person gives proof of financial responsibility  
24 pursuant to chapter 32 of this title.

25 (c) For the purposes of this section only, the term "moving violations" shall mean any  
26 violation of the following sections of the general laws:

- 27 (1) 31-13-4. Obedience to devices.
- 28 (2) 31-14-1. Reasonable and prudent speeds.
- 29 (3) 31-14-2. Prima facie limits.
- 30 (4) 31-14-3. Conditions requiring reduced speeds.
- 31 (5) 31-15-5. Overtaking on the right.
- 32 (6) 31-15-11. Laned roadways.
- 33 (7) 31-15-12. Interval between vehicles.
- 34 (8) 31-15-16. Use of emergency break-down lane for travel.

1 (9) 31-17-4. Vehicle entering stop or yield intersection.

2 (10) 31-20-9. Obedience to stop signs.

3 (11) 31-27.1-3. "Aggressive driving" defined.

4 SECTION 2. Section 31-41.1-6 of the General Laws in Chapter 31-41.1 entitled  
5 "Adjudication of Traffic Offenses" is hereby amended to read as follows:

6 **31-41.1-6. Hearings.** -- (a) Every hearing for the adjudication of a traffic violation, as  
7 provided by this chapter, shall be held before a judge or magistrate of the traffic tribunal or a  
8 judge of the municipal court, where provided by law. The burden of proof shall be upon the state,  
9 city, or town and no charge may be established except by clear and convincing evidence. A  
10 verbatim recording shall be made of all proceedings. The chief magistrate of the traffic tribunal  
11 may prescribe, by rule or regulation, the procedures for the conduct of the hearings and for pre-  
12 hearing discovery.

13 (b) After due consideration of the evidence and arguments, the judge or magistrate shall  
14 determine whether the charges have been established, and appropriate findings of fact shall be  
15 made on the record. If the charges are not established, an order dismissing the charges shall be  
16 entered. If a determination is made that a charge has been established or if an answer admitting  
17 the charge has been received, an appropriate order shall be entered in the records of the traffic  
18 tribunal.

19 (c) An order entered after the receipt of an answer admitting the charge or where a  
20 determination is made that the charge has been established shall be civil in nature, and shall be  
21 treated as an adjudication that a violation has been committed. A judge or magistrate may include  
22 in the order the imposition of any penalty authorized by any provisions of this title for the  
23 violation, including, but not limited to, license suspension and/or in the case of a motorist under  
24 the age of twenty (20), community service, except that no penalty for it shall include  
25 imprisonment. A judge or magistrate may order the suspension or revocation of a license or of a  
26 registration in the name of the defendant in accordance with any provisions of this title which  
27 authorize the suspension or revocation of a license or of a registration, or may order the  
28 suspension of the license and the registration of the defendant for the willful failure to pay a fine  
29 previously imposed. In addition, after notice and opportunity to be heard, a judge or magistrate  
30 may order the suspension of the registration of the vehicle with which the violation was  
31 committed, if the defendant has willfully failed to pay a fine previously imposed.

32 (d) A judge or magistrate may, as authorized by law, order a motorist to attend a  
33 rehabilitative driving course operated under the jurisdiction of a college or university accredited  
34 by the state of Rhode Island, or the trained personnel of the department of revenue. An order to

1 attend a course may also include a provision to pay reasonable tuition for the course to the  
2 institution in an amount ~~not to exceed twenty five dollars (\$25.00)~~ determined by the institution.

3 The order shall contain findings of fact. Failure to comply with an order of attendance may, after  
4 notice and hearing, result in the suspension or revocation of a person's license or registration.

5 (e) Unless a judge or magistrate shall determine that a substantial traffic safety hazard  
6 would result from it, he or she shall, pursuant to the regulations of the traffic tribunal, delay for a  
7 period of thirty (30) days the effective date of any suspension or revocation of a driver's license or  
8 vehicle registration imposed pursuant to this chapter. However, the regulations may provide for  
9 the immediate surrender of any item to be suspended or revoked and the issuance of appropriate  
10 temporary documentation to be used during the thirty (30) day period. Any order for immediate  
11 surrender of a driver's license or vehicle registration shall contain a statement of reasons for it.

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

=====  
LC004695  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
RELATING TO MOTOR AND OTHER VEHICLES

\*\*\*

1           This act would permit the college or university that offers driver retraining courses,  
2           which are mandated due to a conviction of certain moving violations statutes or as part of a court  
3           order relative to driving while intoxicated, to determine the tuition rate for the driving course so  
4           required.

5           This act would take effect upon passage.

=====  
LC004695  
=====