

2018 -- S 2804

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LC004584
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

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

Introduced By: Senators Morgan, Paolino, and Raptakis

Date Introduced: April 05, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-47-8 of the General Laws in Chapter 31-47 entitled "Motor
2 Vehicle Reparations Act" is hereby amended to read as follows:

3 **31-47-8. Revocation of registrations -- Drivers' licenses and nonresident privileges.**

4 (a) (1) The administrator of the division of motor vehicles, upon receipt of evidence as
5 provided for in § 31-47-17, that financial security for any motor vehicle registered in this state is
6 no longer in effect, may within seven (7) days revoke the registration of the vehicle, [except as](#)
7 [provided in subsection \(j\) of this section.](#)

8 (2) The motor vehicle shall not be registered or reregistered in the name of the person, or
9 in any other name where the administrator of the division of motor vehicles has reasonable
10 grounds to believe that the registration or re-registration will have the effect of defeating the
11 purposes of this chapter, and no other motor vehicle shall be registered in the name of the person
12 for a period of thirty (30) days from the date of the revocation.

13 (b) (1) The administrator of the division of motor vehicles, upon receipt of evidence that
14 the owner of a motor vehicle registered in this state has operated or permitted a motor vehicle to
15 be operated upon the public highways of this or any other state while financial security was not in
16 effect with respect to the vehicle, may revoke the registration of the vehicle and the driver's
17 license, if any, of the owner.

18 (2) The motor vehicle shall not be registered in the name of the person or in any other

1 name where the administrator of the division of motor vehicles has reasonable grounds to believe
2 that the registration will have the effect of defeating the purpose of this chapter, and no other
3 motor vehicle shall be registered in the name of the person, nor any driver's license issued to the
4 person, for a period of three (3) months from the date of the revocation.

5 (c) (1) The administrator of the division of motor vehicles, upon receipt of evidence that a
6 person, other than the owner, has operated upon the public highways of this state a motor vehicle
7 registered in this state with knowledge that financial security was not in effect with respect to the
8 vehicle, may revoke the driver's license of the person, or if he or she is a nonresident, the
9 nonresident driving privileges of the person.

10 (2) No new driver's license may be issued, or nonresident driving privilege restored to the
11 person for a period of one to three (3) months from the date of the revocation.

12 (3) This subsection shall not apply to any person who at the time of operation of the
13 motor vehicle, had in effect an operator's policy of liability insurance with respect to his or her
14 operation of the vehicle.

15 (d) (1) The administrator of the division of motor vehicles, upon receipt of evidence that
16 the owner of a motor vehicle not registered in this state has operated or permitted a motor vehicle
17 to be operated upon the public highways of this state while financial security was not in effect
18 with respect to the vehicle, may revoke the person's privilege to operate any motor vehicle in this
19 state and the privilege of the operation within this state of any motor vehicle owned by him or
20 her.

21 (2) The nonresident privilege may not be restored for a period of one to three (3) months
22 from the date of the revocation.

23 (e) (1) The administrator of the division of motor vehicles, upon receipt of evidence that a
24 nonresident, other than the owner of the vehicle, has operated upon the public highways of this
25 state a motor vehicle not registered in this state, with knowledge that financial security was not in
26 effect with respect to the vehicle, may revoke the nonresident's privilege to operate any motor
27 vehicle in this state.

28 (2) The nonresident privilege may not be restored for a period of one to three (3) months
29 from the date of the revocation.

30 (3) This subsection shall not apply to any person who at the time of operation of the
31 motor vehicle had in effect an operator's policy of liability insurance with respect to his or her
32 operation of the motor vehicle.

33 (f) Notice of revocation pursuant to this section may be given to the owner of a vehicle
34 registered in this state or to a driver licensed in this state, by mailing the notice to the owner or

1 licensee at the address contained in the certificate of registration for the vehicle owned by the
2 person or to the address contained in his or her driving license. The suspension shall be effective
3 upon receipt of notice and the one to three (3) month period of suspension shall commence upon
4 receipt of the license, registration, and registration plates by the division.

5 (g) Failure of the owner or licensee to deliver a certificate of registration, number plates,
6 or driver's license to the administrator of the division of motor vehicles after revocation of it or as
7 otherwise provided in this chapter, may cause the suspension to be continued for an additional
8 period equal to the number of days between the suspension date and the actual date of
9 compliance.

10 (h) An operator's policy of liability insurance, as used in this section, shall mean a policy
11 issued by an insurance carrier duly authorized to transact business in this state which shall insure
12 the person named in it as insured, against loss from the liability imposed upon him or her by law
13 for damages, including damages for care and loss of services, because of bodily injury to or death
14 of any person and injury to or destruction of property arising out of the use by him or her, of any
15 motor vehicle not owned by him or her, subject to the same minimum provisions and approval
16 required by this chapter, with respect to an owner's policy of liability insurance. With respect to a
17 nonresident the policy may also be issued by a nonadmitted insurance carrier provided the
18 requirements of this chapter, with respect to issuance of an owner's policy of liability insurance
19 by the carrier, have been met.

20 (i) (1) If a motor vehicle has been involved in an accident, and its registration or the
21 driver's license of its operator, or both, have been revoked pursuant to this section, then neither
22 that vehicle nor any other motor vehicle shall be registered or reregistered in the name of its
23 owner or of any other person legally responsible for its use, nor shall any driver's license be
24 issued to the owner, person, or operator until three (3) months have passed since the date of the
25 revocation and, as the case may be, the administrator of the division of motor vehicles has
26 received the evidence required by subdivision (3) of this subsection.

27 (2) If a motor vehicle not registered in this state is involved in any accident in this state
28 and the privilege of its operation within the state has been revoked, then neither its owner, any
29 person legally responsible for its, use, nor its operator, shall exercise the privilege of the operation
30 within this state of any motor vehicle until three (3) months have passed since the date of the
31 revocation and, as the case may be, the administrator of the division of motor vehicles has
32 received the evidence as required in subdivision (3) of this subsection.

33 (3) The evidence referred to in subsections (a) and (b) of this section shall be evidence
34 satisfactory to the administrator of the division of motor vehicles:

1 (i) That no cause of action based upon the accident against the owner, person legally
2 responsible, or operator has been commenced within a period of one year from the date of the
3 accident or a release has been given to the owner, person, or operator; or

4 (ii) That no judgment arising out of the cause of action for amounts within the limits
5 stated in § 31-47-2(13)(i)(A) against the owner, person, or operator remains unsatisfied.

6 (j)(1) The registration of any motor vehicle being restored, repaired, rebuilt or otherwise
7 incapable of highway operation, or used on a seasonal basis, and which is not operated within this
8 or any other state, shall not be subject to revocation of registration for failure to comply with the
9 financial security requirements of chapter 47 of title 31, or for failure to comply with the
10 mechanically fit and safe requirement in § 31-8-4 during the period of its registration; provided,
11 the motor vehicle plates are removed from the vehicle. The owner of the vehicle shall comply
12 with all provisions of title 31 prior to re-affixing the vehicle plates to the vehicle or operating the
13 vehicle within this state or any other state and prior to any renewal of the registration. Any person
14 who violates the provisions of this subsection for failure to remove the motor vehicle plates from
15 a motor vehicle, without financial security in effect and/or failure to comply with the
16 mechanically fit and safe requirement in § 31-8-4, shall be subject to a fine up to one hundred
17 fifty dollars (\$150).

18 (2) An operator of a motor vehicle described in subsection (j)(1) of this section who fails
19 to remove the registration plates and operates the vehicle upon the public highways of this or any
20 other state shall be subject to the suspension or revocation of registration provisions of § 31-8-4.

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would provide that uninsured and/or uninspected motor vehicles which are not
2 being operated within this state or any other state may avoid suspension or revocation of the
3 vehicle registration in effect during the period of its registration if the vehicle plates are removed
4 from the vehicle. Failure to remove the plates shall result in a fine of up to one hundred fifty
5 dollars (\$150).

6 This act would take effect upon passage.

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