

2024 -- S 2904

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LC005124
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

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

Introduced By: Senator F. Lombardi

Date Introduced: March 22, 2024

Referred To: Senate Judiciary

(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:

8 (1) operating under the influence of a ~~narco~~~~tic drug~~ controlled substance or intoxicating
9 liquor;

10 (2) refusing to submit to a chemical test;

11 (3) reckless driving;

12 ~~(3)(4) manslaughter from the operation of a motor vehicle or~~ operating a motor vehicle so
13 as to endanger resulting in death; or

14 ~~(4)(5)~~ (5) three (3) moving violations within a one-year period; shall be guilty of a
15 misdemeanor for the first and second offenses and shall be deemed guilty of a felony for the third
16 or subsequent offenses.

17 (b) The division of motor vehicles upon receiving a record of the conviction of any person
18 upon a charge of driving a motor vehicle while the license of the person was suspended, for reasons

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9 had been revoked or cancelled for reasons set forth in this section, the division of motor vehicles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

12 (c)(1) Upon a first conviction under this section a mandatory fine of five hundred dollars
13 (\$500) shall be imposed, and if the person was driving after his or her application for a license had
14 been refused, or at a time when his or her license to operate was suspended, revoked, or cancelled
15 for:

- 16 (i) operating under the influence of a controlled substance or intoxicating liquor;
- 17 ~~(ii) or his or her~~ refusal to submit to a chemical test;
- 18 (iii) reckless driving;
- 19 ~~(iv) manslaughter from the operation of a motor vehicle, or operation~~ operating a motor
20 vehicle so as to endanger, ~~death~~ resulting, in death; or

21 (v) having three (3) moving violations within a one year period; the person shall be
22 imprisoned for a minimum of ten (10) days.

23 (2) A mandatory fine of five hundred dollars (\$500) for a second conviction under this
24 section within a five (5) year period shall be imposed, and if the person was driving after his or her
25 application for a license had been refused, or at a time when his or her license to operate was
26 suspended, revoked, or cancelled for:

- 27 (i) operating under the influence of a controlled substance or intoxicating liquor; ~~or his or~~
28 ~~her~~
- 29 (ii) refusal to submit to a chemical test;
- 30 (iii) reckless driving, ~~manslaughter from the operation of a motor vehicle, or operation;~~
- 31 (iv) operating a motor vehicle so as to endanger, ~~death~~ resulting in death or driving so as
32 to endanger resulting in death; or

33 (v) having three (3) moving violation within a one year period; the person shall be
34 imprisoned for a minimum of six (6) months to one year.

1 (3) For any subsequent conviction within a five (5) year period, a fine of one thousand
2 dollars (\$1,000) shall be imposed and the person may be imprisoned for up to one year or be
3 required to participate in a public service program designated and approved by the court. If the
4 person was driving after his or her application for a license had been refused or at a time when his
5 or her license to operate was suspended, revoked, or cancelled for:

- 6 (i) operating under the influence of a controlled substance or intoxicating liquor;
- 7 (ii) ~~his or her~~ refusal to submit to a chemical test;
- 8 (iii) reckless driving;
- 9 (iv) ~~manslaughter from the operation of a motor vehicle; or (v)~~ operating a motor vehicle

10 so as to endanger, ~~death~~ resulting; in death; or

11 (v) having three (3) moving violations within a one year period; the person shall be
12 imprisoned for a minimum of one year. ~~Jurisdiction for violations of this section is given to the~~
13 ~~district court and the court shall have full authority to impose any sentence authorized for violations~~
14 ~~of this section.~~

15 (d) No fines, suspensions, treatment, or jail provided for under this section can be
16 suspended.

17 SECTION 2. Section 31-27-4 of the General Laws in Chapter 31-27 entitled "Motor
18 Vehicle Offenses" is hereby amended to read as follows:

19 **31-27-4. Reckless driving and other offenses against public safety.**

20 Any person who operates a motor vehicle recklessly so that the lives or safety of the public
21 might be endangered, or operates a vehicle in an attempt to elude or flee from a traffic officer or
22 police vehicle, shall be:

- 23 (1) guilty Guilty of a misdemeanor for the first conviction; and
- 24 (2) Guilty of a felony for the second and each subsequent conviction.

25 SECTION 3. 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 -- SUSPENSION OR REVOCATION OF
LICENSES -- VIOLATIONS

- 1 This act would provide updates and clarifications to the current penalties for driving after
- 2 denial, revocation, or suspension of an individual's license.
- 3 This act would take effect upon passage.

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