

2008 -- S 2032

LC00200

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

A N A C T

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

Introduced By: Senators Raptakis, Sosnowski, Maselli, McCaffrey, and Sheehan

Date Introduced: January 02, 2008

Referred To: Senate 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)(1) Any person who drives a motor vehicle on any highway of this state who never applied for
5 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
7 license to operate is suspended, revoked, or cancelled; for: ~~(1) operating under the influence of a~~
8 ~~narcotic drug or intoxicating liquor; (2) refusing to submit to a chemical test; reckless driving; (3)~~
9 :(1) manslaughter from the operation of a motor vehicle or operating so as to endanger resulting
10 in death; or ~~(4)~~ (2) for three (3) moving violations within a one-year period; shall be guilty of a
11 misdemeanor for the first and second offenses and shall be deemed guilty of a felony for the third
12 or subsequent offenses.

13 (2) Any person who drives a motor vehicle on any highway of this state when his or her
14 license to operate is suspended, revoked or cancelled, for operating under the influence of a
15 narcotic drug or intoxicating liquor or for refusing to submit to a chemical text shall be guilty of a
16 felony punishable by imprisonment for not more than five (5) years and by a fine of not more
17 than five thousand dollars (\$5,000). The judge shall require alcohol and/or drug treatment for the
18 individual.

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

15 (c) (1) Upon a first conviction under this section a mandatory fine of five hundred dollars
16 (\$500) shall be imposed, and if the person was driving after his or her application for a license
17 had been refused, or at a time when his or her license to operate was suspended, revoked, ~~or~~
18 ~~cancelled for operating under the influence of a controlled substance or intoxicating liquor, or his~~
19 ~~or her refusal to submit to a chemical test,~~ reckless driving, manslaughter from the operation of a
20 motor vehicle, or operation so as to endanger, death resulting, the person shall be imprisoned for
21 a minimum of ten (10) days.

22 (2) A mandatory fine of five hundred dollars (\$500) for a second conviction under this
23 section within a five (5) year period shall be imposed, and if the person was driving after his or
24 her application for a license had been refused, ~~or at a time when his or her license to operate was~~
25 ~~suspended, revoked, or cancelled for operating under the influence of a controlled substance or~~
26 ~~intoxicating liquor or his or her refusal to submit to a chemical test,~~ reckless driving,
27 manslaughter from the operation of a motor vehicle, or operation so as to endanger, death
28 resulting, the person shall be imprisoned for a minimum of six (6) months to one year.

29 (3) For any subsequent conviction within a five (5) year period, a fine of one thousand
30 dollars (\$1,000) shall be imposed and the person may be imprisoned for up to one year or be
31 required to participate in a public service program designated and approved by the court. If the
32 person was driving after his or her application for a license had been refused or at a time when his
33 or her license to operate was suspended, revoked, or cancelled for: (i) ~~operating under the~~
34 ~~influence of a controlled substance or intoxicating liquor; (ii) his or her refusal to submit to a~~

1 ~~chemical test; (iii)~~ reckless driving; ~~(iv)~~ (ii) manslaughter from the operation of a motor vehicle;
2 or ~~(v)~~ (iii) operating so as to endanger, death resulting; the person shall be imprisoned for a
3 minimum of one year. Jurisdiction for violations of this section is given to the district court and
4 the court shall have full authority to impose any sentence authorized for violations of this section.

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

7 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 make it a felony to operate a motor vehicle when an individual's license to
2 operate is suspended, revoked, or cancelled for operating under the influence of a narcotic drug or
3 intoxicating liquor or refusing to submit to a chemical test. This act would also require mandatory
4 drug and/or alcohol treatment for violations.

5 This act would take effect upon passage.

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