

**2007 -- H 5023 AS AMENDED**

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LC00168  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2007**

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A N A C T

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

Introduced By: Representatives Gemma, Ginaitt, Lally, Scott, and Serpa

Date Introduced: January 09, 2007

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 31-47-12 of the General Laws in Chapter 31-47 entitled "Motor  
2   Vehicle Reparations Act" is hereby amended to read as follows:

3           **31-47-12. Police officers and agents of administrator of the division of motor**  
4 **vehicles -- Fees collected, forms of proof. --** (a) For the purpose of enforcing the provisions of  
5 this chapter, every police officer of a state, town, or municipality is deemed an agent of the  
6 administrator of the division of motor vehicles. Any police officer who, in the performance of his  
7 or her duties as authorized by law, becomes aware of a person whose license is under an order of  
8 suspension, or whose certificate of registration and registration plates are under an order of  
9 impoundment, pursuant to this section may confiscate the license, certificate of registration, and  
10 registration plates, and return them to the administrator of the division of motor vehicles. Any  
11 forms used by law enforcement agencies in administering this section shall be prescribed by the  
12 administrator of the division of motor vehicles, the cost of which shall be borne by these  
13 agencies. No police officer, law enforcement agency employing a police officer, or political  
14 subdivision or governmental agency that employs a police officer shall be liable in a civil action  
15 for damages or loss to persons arising out of the performance of the duty required or authorized  
16 by this section. "Police officer" means the full time police from the rank of patrolman up to and  
17 including the rank of chief, including policewomen of any police department in any city or town  
18 within the state of Rhode Island or of the state police.

1 (b) All fees, except court costs, collected under this chapter shall be paid into the state  
2 treasury and credited to the highway safety fund in a special account hereby created, to be known  
3 as the "financial responsibility compliance special account". This special account shall be used  
4 exclusively to cover costs incurred by the division of motor vehicles in the administration of this  
5 chapter, and by any law enforcement agency employing any police officer who returns any  
6 license, certificate of registration, and registration plates to the administrator of the division of  
7 motor vehicles pursuant to this chapter.

8 (c) The administrator of the division of motor vehicles, court, or traffic tribunal may  
9 require proof of financial security to be demonstrated by use of standard form SR 22. If the use of  
10 a standard form is not required, a person may demonstrate proof of financial responsibility under  
11 this section by presenting to the court, traffic tribunal, or administrator of the division of motor  
12 vehicles any of the following documents or a copy of these documents:

- 13 (1) A certificate of proof of financial responsibility;
- 14 (2) A bond or certification of the issuance of a bond;
- 15 (3) A certificate of deposit of money or securities; or
- 16 (4) A certificate of self insurance.

17 (d) At the time of investigation of a motor vehicle offense or accident by a police officer  
18 or when a motor vehicle is stopped by a police officer for probable cause, the police officer  
19 making the investigation or stopping the motor vehicle shall ask for evidence of proof of financial  
20 security as defined in this chapter. If the evidence is not provided, a citation to appear before the  
21 traffic tribunal shall be issued to the operator. However, any citation issued solely for failing to  
22 provide evidence of financial responsibility shall be held by the issuing police officer or law  
23 enforcement agency for at least one business day before submitting the citation to the traffic  
24 tribunal. Any operator who receives a citation for failing to provide valid evidence of financial  
25 responsibility shall have the opportunity to provide evidence of financial responsibility that  
26 existed at the time of the violation within the one business day period, at which time the issuing  
27 police officer or law enforcement agency shall withdraw the citation, and the motorist shall not be  
28 required to appear before the traffic tribunal. Notwithstanding this provision, police officers who  
29 issue a citation for lack of evidence of financial responsibility in addition to one or more other  
30 citations need not wait the one business day waiting period before submitting the citation for lack  
31 of evidence of financial responsibility to the traffic tribunal. The traffic tribunal may by rule and  
32 regulation prescribe the procedures for processing the citations. Motor vehicles may not be  
33 stopped solely for the purpose of checking for evidence of proof of financial security.

34 (e) (1) Upon a first offense, one must provide proof of current insurance and a binder or

1 release letter covering the cost of the accident, as long as the accident does not include bodily  
2 injury, death, etc.

3 (2) In addition, penalties do not release the motorist from any pending matter before any  
4 other appropriate court.

5 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 require law enforcement agencies who issue tickets to motorists for lack  
2 of evidence of financial responsibility to withhold submission of the traffic citation to the traffic  
3 tribunal for one business day in order to allow the motorist the opportunity to submit evidence of  
4 financial responsibility to the issuing police department, who shall then withdraw the citation.  
5 The motorist would not have to appear at the traffic tribunal if valid evidence of financial  
6 responsibility is submitted to the issuing police department within the one business day period.

7           This act would take effect upon passage.

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