

2009 -- H 5074 SUBSTITUTE A

LC00098/SUB A/3

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

**RELATING TO MOTOR VEHICLES AND OTHER VEHICLES -- PASSING, USE OF
LANES, AND RULES OF THE ROAD**

Introduced By: Representatives Gemma, Flaherty, Ferri, and Trillo

Date Introduced: January 13, 2009

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 31-15 of the General Laws entitled "Passing, Use of Lanes, and
2 Rules of the Road" is hereby amended by adding thereto the following section:

3 **31-15-18. Unsafe passing of a person operating a bicycle; penalty.** – (a) A driver of a
4 motor vehicle commits the offense of unsafe passing of a person operating a bicycle if the driver
5 violates any of the following requirements:

6 (1) The driver of a motor vehicle may only pass a person operating a bicycle by driving
7 to the left of the bicycle at a safe distance and returning to the lane of travel once the motor
8 vehicle is safely clear of the overtaken bicycle. For the purposes of this subdivision, a “safe
9 distance” means a distance that is sufficient to prevent contact with the person operating the
10 bicycle if the person were to fall into the driver’s lane of traffic. This subdivision does not apply
11 to a driver operating a motor vehicle:

12 (i) In a lane that is separate from and adjacent to a designated bicycle lane;

13 (ii) At a speed not greater than thirty-five miles per hour (35 mph); or

14 (iii) When the driver is passing a person operating a bicycle on the person’s right side and
15 the person operating the bicycle is turning left.

16 (2) The driver of a motor vehicle may drive to the left of the center of a roadway to pass a
17 person operating a bicycle proceeding in the same direction only if the roadway to the left of the
18 center is unobstructed for a sufficient distance to permit the driver to pass the person operating

1 the bicycle safely and avoid interference with oncoming traffic. This subdivision does not
2 authorize driving to the left of center of a roadway when prohibited under section 31-15-1 (failure
3 to drive on right), section 31-15-3 (passing of vehicles proceeding in opposite directions) or
4 section 31-15-13 (divided highway).

5 (b) The driver of a motor vehicle that passes a person operating a bicycle shall return to
6 an authorized lane of traffic as soon as practicable.

7 (c) Passing a person operating a bicycle in a no passing zone in violation of section 31-
8 15-8 (passing in no passing zone) constitutes prima facie evidence of commission of the offense
9 described in this section, unsafe passing of a person operating a bicycle, if the passing results in
10 injury to or the death of the person operating the bicycle.

11 (d) Violations of this section are subject to the fine enumerated in section 31-41.1-4.

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

14 **31-41.1-4. Schedule of violations.** -- (a) The penalties for violations of the enumerated
15 sections, listed in numerical order, correspond to the fines described. However, those offenses for
16 which punishments which may vary according to the severity of the offense, or punishment which
17 require the violator to perform a service, shall be heard and decided by the traffic tribunal or
18 municipal court. The following violations may be handled administratively through the method
19 prescribed in this chapter. This list is not exclusive and jurisdiction may be conferred on the
20 traffic tribunal with regard to other violations. VIOLATIONS SCHEDULE

21 VIOLATIONS SCHEDULE

22	8-8.2-2	DOT, DEM, or other agency and department violations	\$85.00
23	24-10-17	Soliciting rides in motor vehicles	85.00
24	24-10-18	Backing up prohibited	85.00
25	24-10-20	Park and ride lots	85.00
26	24-12-37	Nonpayment of toll	100.00
27	31-3-12	Visibility of plates	85.00
28	31-3-18	Display of plates	85.00
29	31-3-32	Driving with expired registration	85.00
30	31-3-34	Failure to notify division of change of address	85.00
31	31-3-35	Notice of change of name	85.00
32	31-3-40	Temporary plates - dealer issued	85.00
33	31-4-3	Temporary registration - twenty (20) day bill of sale	85.00
34	31-10-10	Rules as to armed forces license	85.00

1	31-10-30	Driving on expired license	85.00
2	31-10-32	Notice of change of address	85.00
3	31-10.1-4	No motorcycle helmet (operator)	85.00
4	31-10.1-5	Motorcycle handlebar violation	85.00
5	31-10.1-6	No motorcycle helmet (passenger)	85.00
6	31-10.1-7	Inspection of motorcycle required	85.00
7	31-12-12	Local motor vehicle ordinance	85.00
8	31-13-04	Obedience to devices	85.00
9	31-13-6(3)(i)	Eluding traffic light	85.00
10	31-13-09	Flashing signals	85.00
11	31-13-11	Injury to signs or devices	85.00
12	31-14-1	Reasonable and prudent speed	95.00
13	31-14-03	Condition requiring reduced speed	95.00
14	31-14-09	Below minimum speed	95.00
15	31-14-12	Speed limit on bridges and structures	95.00
16	31-15-1	Leaving lane of travel	85.00
17	31-15-2	Slow traffic to right	85.00
18	31-15-3	Operator left of center	85.00
19	31-15-4	Overtaking on left	85.00
20	31-15-5(a)	Overtaking on right	85.00
21	31-15-6 C	clearance for overtaking	85.00
22	31-15-7	Places where overtaking prohibited	85.00
23	31-15-8	No passing zone	85.00
24	31-15-9	One way highways	85.00
25	31-15-10	Rotary traffic islands	85.00
26	31-15-11	Laned roadway violation	85.00
27	31-15-12	Following too closely	85.00
28	31-15-12.1	Entering intersection	100.00
29	31-15-13	Crossing center section of divided highway	85.00
30	31-15-14	Entering or leaving limited access roadways	85.00
31	31-15-16	Use of emergency break-down lane for travel	85.00
32	13-15-17	Crossing bicycle lane	85.00
33	31-15-18	Unsafe passing of person operating a bicycle	85.00
34	31-16-1	Care in starting from stop	85.00

1	31-16-2	Manner of turning at intersection	85.00
2	31-16-4	U turn where prohibited	85.00
3	31-16-5	Turn signal required	85.00
4	31-16-6	Time of signaling turn	85.00
5	31-16-7	Failure to give stop signal	85.00
6	31-16-8	Method of giving signals	85.00
7	31-16.1-3	Diesel vehicle idling rules	
8		first offense not to exceed	100.00
9		second and subsequent offense not to exceed	500.00
10	31-17-1	Failure to yield right of way	85.00
11	31-17-2	Vehicle turning left	85.00
12	31-17-3	Yield right of way (intersection)	85.00
13	31-17-4	Obedience to stop signs	85.00
14	31-17-5	Entering from private road or driveway	85.00
15	31-17-8	Vehicle within right of way, rotary	85.00
16	31-17-9	Yielding to bicycles on bicycle lane	85.00
17	31-18-3	Right of way in crosswalks	85.00
18		first violation	\$100.00
19		second violation	
20		or any subsequent violation	
21	31-18-5	Crossing other than at crosswalks	85.00
22	31-18-8	Due care by drivers	85.00
23	31-18-12	Hitchhiking	85.00
24	31-18-18	Right of way on sidewalks	85.00
25	31-19-3	Traffic laws applied to bicycles	85.00
26	31-19-20	Sale of new bicycles	85.00
27	31-19-21	Sale of used bicycles	85.00
28	31-19.1-2	Operating motorized bicycle on an interstate highway	85.00
29	31-19.2-2	Operating motorized tricycle on an interstate highway	85.00
30	31-20-1	Failure to stop at railroad crossing	85.00
31	31-20-2	Driving through railroad gate	85.00
32	31-20-9	Obedience to stop sign	85.00
33	31-21-4	Places where parking or stopping prohibited	85.00
34	31-21-14	Opening of vehicle doors	85.00

1	31-22-2	Improper backing up	85.00
2	31-22-4	Overloading vehicle	85.00
3	31-22-5	Violation of safety zone	85.00
4	31-22-6	Coasting	85.00
5	31-22-7	Following fire apparatus	85.00
6	31-22-8	Crossing fire hose	85.00
7	31-22-9	Throwing debris on highway - snow removal	85.00
8	31-22-11.5	Improper use of school bus	
9		- not to exceed five hundred dollars	(\$500)
10		for each day of improper use	
11	31-22-22(a)	No child restraint	85.00
12	31-22-22(a)	Child restraint/seat belt but not in any rear	85.00
13		seating position	
14	31-22-22(b),	(f) No seat belt - passenger	85.00
15	31-22-22(g)	No seat belt - operator	85.00
16	31-22-23	Tow trucks - proper identification	275.00
17	31-22-24	Operation of interior lights	85.00
18	31-23-1(b)(2)	U.S. department of transportation motor carrier	
19		safety rules and regulations	
20		Not less than	\$85.00
21		or more than	\$500.00
22	31-23-1(e)(6)	Removal of an "out of service vehicle" sticker	125.00
23	31-23-1(e)(7)	Operation of an "out of service vehicle"	100.00
24	31-23-2(b)	Installation or adjustment of unsafe or (first prohibited	
25		parts, equipment, or accessories: offense)	250.00
26		(second offense)	500.00
27		(third and subsequent offenses)	1,000.00
28	31-23-4	Brake equipment required	85.00
29	31-23-8	Horn required	85.00
30	31-23-10	Sirens prohibited	85.00
31	31-23-13	Muffler required	85.00
32	31-23-13.1	Altering height or operating a motor vehicle with an	
33		altered height	85.00
34	31-23-14	Prevention of excessive fumes or smoke	85.00

1	31-23-16	Windshield and window stickers (visibility)	85.00
2	31-23-17	Windshield wipers	85.00
3	31-23-19	Metal tires prohibited	85.00
4	31-23-20	Protuberances on tires	85.00
5	31-23-26	Fenders and wheel flaps required	85.00
6	31-23-27	Rear wheel flaps on buses, trucks and trailers	85.00
7	31-23-29	Flares or red flag required over	
8		four thousand pounds (4,000 lbs.)	85.00
9	31-23-40	Approved types of seat belt requirements	85.00
10	31-23-42.1	Special mirror - school bus	85.00
11	31-23-43	Chocks required (1 pair) - over	
12		four thousand pounds (4,000 lbs.)	85.00
13	31-23-45	Tire treads - defective tires	85.00
14	31-23-47	Slow moving emblem required	85.00
15	31-23-49	Transportation of gasoline - passenger vehicle	85.00
16	31-23-51	Operating bike or motor vehicle wearing ear phones	85.00
17		(first offense)	95.00
18		second offense	140.00
19		for the third and each subsequent offense	
20	31-24-1	Times when lights required	85.00
21		through 31-24-54	
22	31-25-03	Maximum width of one hundred	
23		and two inches (102") exceeded	85.00
24	31-25-04	Maximum height of one hundred sixty-two inches	
25		(162") exceeded	85.00
26	31-25-06	Maximum number and length of coupled vehicles	500.00
27	31-25-07	Load extending three feet (3') front, six feet	
28		(6') rear exceeded	85.00
29	31-25-9	Leaking load	85.00
30	31-25-11	Connections between coupled vehicles	85.00
31	31-25-12	Towing chain, twelve inch (12") square flag required	85.00
32	31-25-12.1	Tow truck - use of lanes (first offense)	85.00
33		second offense	95.00
34		for the third and each subsequent offense	100.00

1	31-25-14(d)(1)	Maximum weight and tandem axles	125.00
2	31-25-14(d)(2)	Maximum weight and tandem axles	125.00
3	31-25-14(d)(3)	Maximum weight and tandem axles	125.00
4	31-25-16(c)(2)	Maximum weight shown in registration	85.00
5		(per) thousand lbs. overweight or portion thereof.	
6	31-25-16(c)(3)	Maximum weight shown in registration	125.00
7		per thousand lbs. overweight or portion thereof.	
8	31-25-16(c)(4)	Maximum weight shown in registration (1,025.00)	
9		plus per thousand pounds overweight or portion thereof.	\$125.00
10	31-25-17	Identification of trucks and truck-tractors	
11		(first offense)	85.00
12		(second offense)	95.00
13		for the third and subsequent offenses	125.00
14	31-25-24	Carrying and inspection of excess load limit	175.00
15	31-25-27(c)	Maximum axle	3,000.00
16		(first offense) not to exceed	5,000.00
17		for each and every subsequent offense	
18	31-25-30	Maximum axle Pawtucket River Bridge and Sakonnet	
19		River Bridge (first offense)	3,000.00
20		not to exceed	5,000.00
21		for each and every subsequent offense	
22	31-27-2.3	Refusal to take preliminary breath test	85.00
23	31-28-7(d)	Wrongful use of handicapped parking placard	500.00
24	31-28-7(f)	Handicapped parking space violation:	
25		First offense	100.00
26		Second offense	175.00
27		Third offense and subsequent offenses	325.00
28	31-28-7.1(e)	Wrongful use of institutional handicapped parking placard	125.00
29	31-33-2	Failure to file accident report	85.00
30	31-36.1-17	No fuel tax stamp (out-of-state)	85.00
31		and not exceeding	(\$100)
32		for subsequent offense	
33	31-38-3	No inspection sticker	85.00
34	31-38-4	Violation of inspection laws	85.00

1	31-47.2-06	Heavy-duty vehicle emission inspections:	
2		First offense	125.00
3		Second offense	525.00
4		Third and subsequent offenses	1,025.00
5	37-15-7	Littering not less than	55.00
6		not more than five hundred dollars	(\$500)
7	39-12-26	Public carriers violation	300.00

8		SPEEDING	Fine
9		(A) One to ten miles per hour (1-10 mph)	
10		in excess of posted speed limit	\$ 95.00
11		(B) Eleven miles per hour (11 mph) in excess	
12		of posted speed limit with a fine of ten dollars	(\$10.00)
13		per mile in excess of speed limit shall be assessed	205.00
14		.	minimum

15 (b) In addition to any other penalties provided by law, a judge may impose the following
16 penalties for speeding:

17 (1) For speeds up to and including ten miles per hour (10 mph) over the posted speed
18 limit on public highways, a fine as provided for in subsection (a) of this section for the first
19 offense, ten dollars (\$10.00) per mile for each mile in excess of the speed limit for the second
20 offense if within twelve (12) months of the first offense, and fifteen dollars (\$15.00) per mile for
21 each mile in excess of the speed limit for the third and any subsequent offense if within twelve
22 (12) months of the first offense. In addition, the license may be suspended up to thirty (30) days.

23 (2) For speeds in excess of ten miles per hour (10 mph) over the posted speed limit on
24 public highways, a mandatory fine of ten dollars (\$10.00) for each mile over the speed limit for
25 the first offense, fifteen dollars (\$15.00) per mile for each mile in excess of the speed limit for the
26 second offense if within twelve (12) months of the first offense, and twenty dollars (\$20.00) per
27 mile for each mile in excess of the speed limit for the third and subsequent offense if within
28 twelve (12) months of the first offense. In addition, the license may be suspended up to sixty (60)
29 days.

30 (c) Any person charged with a violation who pays the fine administratively pursuant to
31 chapter 8.2 of title 8 shall not be subject to any additional costs or assessments, including, but not
32 limited to, the hearing fee established in section 818-4 or assessment for substance abuse
33 prevention.

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

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LC00098/SUB A/3
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO MOTOR VEHICLES AND OTHER VEHICLES -- PASSING, USE OF
LANES, AND RULES OF THE ROAD

- 1 This act would provide for a violation and penalty with respect to unsafe passing of a
- 2 person operating a bicycle.
- 3 This act would take effect upon passage.

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