

2019 -- H 6113

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- MOTOR VEHICLE OFFENSES

Introduced By: Representatives Alzate, Ucci, Casimiro, Maldonado, and Barros

Date Introduced: May 15, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 31-27 of the General Laws entitled "Motor Vehicle Offenses" is
2 hereby amended by adding thereto the following section:

3 **31-27-24.1. Probationary licenses.**

4 (a) Notwithstanding any other provisions of this chapter, any person who has had their
5 motor vehicle operator's license suspended or revoked for violations of this chapter, or has been
6 declared a habitual offender of the motor vehicle laws, shall be entitled to apply for a
7 probationary license entitling them to drive for the enumerated purposes outlined in this section.

8 (b) No person who has been convicted of offenses in §§ 31-27-1 through 31-27-2.7 shall
9 be eligible for probationary licenses authorized under this section. This prohibition shall not
10 affect the provisions afforded these offenders under § 31-27-2.8.

11 (c) Any person who applies for a probationary license under this section shall provide
12 proof that they have completed a defensive driving course as mandated by and made a condition
13 of any penalties imposed; has completed any alcohol or substance abuse classes as ordered, if
14 any, by the sentencing judge; has submitted a sworn affidavit that they do not excessively use
15 alcohol or illegally use controlled substances; and has provided proof of liability insurance for
16 any motor vehicle owned, used or intended to be used during the term of the probationary license.

17 (d) The division of motor vehicles (the "division") shall issue a probationary license to
18 those persons who have had their operator's license suspended or revoked only upon a finding
19 that the suspension or revocation would cause an extreme hardship to the applicant. For purposes

1 of this section, extreme hardship means that the person would be prohibited from:

2 (1) Going to their place of employment, usual place of occupation or performing the

3 normal duties of their occupation;

4 (2) Receiving scheduled medical care or obtaining prescription drugs;

5 (3) Attending college, graduate school or any other school at which they are regularly

6 enrolled as a student;

7 (4) Attending regularly scheduled sessions or meetings of support groups, counseling

8 sessions, therapy sessions or other meetings with organizations that the division recognizes as

9 legitimate groups;

10 (5) Attending under court order, any driver education classes.

11 (e) A probationary operator's license shall be endorsed with such conditions and

12 restrictions as the division deems necessary to ensure that such license will be used only to avoid

13 conditions of extreme hardship. Such conditions and limitations may include the following:

14 (1) Specific places between which the licensee may be allowed to operate a motor

15 vehicle;

16 (2) Routes to be followed to work, school, medical care provider(s), counselor or any

17 other destination permitted by the division;

18 (3) Times of travel;

19 (4) The specific vehicles that the licensee may operate;

20 (5) Such other restrictions as the division may require.

21 (f) A probationary license, if approved by the division, shall be issued for a period not to

22 exceed three (3) years.

23 (g) Any person who violates the conditions of their probationary license shall have the

24 probationary license suspended immediately. Upon suspension, the division shall schedule a

25 hearing to determine whether said probationary license shall be revoked for the period originally

26 ordered by the court.

27 (h) Any person who violates the conditions of their probationary license shall be guilty of

28 a misdemeanor and shall be sentenced for a period of up to one year imprisonment and/or a fine

29 of up to one thousand dollar (\$1000).

30 (i) Application for a probationary license shall be made upon such forms as the division

31 may prescribe and shall be signed by the applicant before a person authorized to administer oaths.

32 (j) All applications for a probationary license shall be accompanied by an application fee

33 of two hundred fifty dollars (\$250), which shall only be waived by the division in its sole

34 discretion, upon a finding of financial hardship.

1 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 permit the division of motor vehicles to issue probationary operator's
2 licenses to those persons who have had their licenses suspended, under certain conditions and for
3 reasons of extreme hardship. Those persons convicted of alcoholic related offenses or those
4 whose violations involved injury or death to any other person would not be eligible for such
5 probationary licenses.

6 This act would take effect upon passage.

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