

2010 -- H 7245

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- ADJUDICATION OF TRAFFIC
OFFENSES

Introduced By: Representatives Flaherty, Winfield, and McNamara

Date Introduced: January 27, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-41.1-7 of the General Laws in Chapter 31-41.1 entitled
2 "Adjudication of Traffic Offenses" is hereby amended to read as follows:

3 **31-41.1-7. Application for dismissal based on good driving record.** -- (a) Any person
4 who has had a motor vehicle operator's license for more than three (3) years, and who has been
5 issued traffic violations which are his or her first violations within the preceding three (3) years,
6 may request a hearing seeking a dismissal of the violations based upon the operator's good
7 driving record.

8 (b) Upon submission of proper proof that the operator has not been issued any other
9 traffic violation within the past three (3) years, the charge shall, except for good cause shown or
10 as otherwise provided by law, be dismissed based upon a good driving record; provided, that the
11 operator pay a thirty-five dollar (\$35.00) administrative fee for court costs associated with the
12 dismissal.

13 (c) The traffic tribunal may not dismiss a charge pursuant to this section after six (6)
14 months from the date of disposition. For purposes of this section, a parking ticket shall not
15 constitute a prior violation.

16 (d) The following violations shall not be dismissed pursuant to this statute:

17 (1) Any violation within the original jurisdiction of superior or district court;

18 (2) A refusal to submit to a chemical test of breath, blood or urine pursuant to section 31-

1 27-2.1;

2 (3) Any violation involving a school bus;

3 (4) Any violation involving an accident where there has been property damage or
4 personal injury;

5 (5) Any speeding violation in excess of fourteen miles per hour (14 m.p.h.) above the
6 posted speed limit;

7 (6) Any violation involving child restraints in motor vehicles pursuant to section 31-22-
8 22;

9 (7) Any violation ~~committed by a holder of a commercial license as defined in section~~
10 ~~31-10.3-3 or any violation~~ committed in a commercial motor vehicle as defined in section 31-
11 10.3-3 by an operator who does not hold a commercial license.

12 (e) If the charge is dismissed pursuant to this section, records of the dismissal shall be
13 maintained for a period of three (3) years.

14 (f) The judge or magistrate shall have the discretion to waive court costs and fees when
15 dismissing a violation pursuant to this section, with the exception of the mandatory thirty-five
16 dollars (\$35.00) administrative fee provided for in section 31-41.1-7(b).

17 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 allow holders of a commercial driver's license to exercise their rights
- 2 under the good driving statute if otherwise eligible.
- 3 This act would take effect upon passage.

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