

SUMMARY

Increases penalty for offense of careless driving if commission of offense contributed to serious physical injury or death of vulnerable user of public roadway. Requires person committing offense to complete traffic safety course and perform 100 to 200 hours of community service related to driver improvement. Directs court to impose, but suspend on condition that person complete safety course and community service requirements, fine of up to \$12,500, suspend person's driving privileges and set hearing date up to one year from date of sentencing to determine person's compliance with requirements. Requires police officer issuing citation for offense of careless driving to note on citation if cited offense contributed to serious physical injury or death of vulnerable user of public roadway. Requires defendant who has been issued citation to make first appearance by personally appearing in court at time indicated in summons.

A BILL FOR AN ACT

Relating to vehicular contact with vulnerable user of a public roadway; creating new provisions; and amending Rhode Island Motor and Other Vehicles Code (Title 31): **§ 31-27-1**

Be It Enacted by the People of the State Rhode Island

SECTION 1. Section 2 of this 2008 Act is added to and made a part of the Rhode Island Motor and Other Vehicles Code (Title 31)

SECTION 2. "Vulnerable user of a public roadway" means a pedestrian, a highway worker, emergency personnel, a person riding an animal or a person operating any of the following on a public roadway, crosswalk or shoulder of the highway:

- (1) A farm tractor or implement of husbandry without an enclosed shell;
- (2) A skateboard;
- (3) Roller skates;
- (4) In-line skates;
- (5) A scooter; or
- (6) A bicycle

SECTION 3. Rhode Island Motor and other Vehicles Code (Title 31) **§ 31-27-1** is amended to add **§ 31-27-1.3** which reads:

§ 31-27-1.3 Careless Driving. –

- A. A person commits the offense of careless driving if the person drives any vehicle upon any

public roadway or other premises in a manner that endangers or would be likely to endanger any person or vulnerable user of a public roadway.

B. In addition to any other penalty imposed for an offense committed under § 31-27-1, if the court determines that the commission of the offense described in this section constituted careless driving, the court shall:

I. Impose a sentence that requires the person to:

- a. Complete a traffic safety course; and
- b. Perform between 100 and 200 hours of community service. The community service must include activities related to driver improvement and providing public education on traffic safety;

II. Impose, but suspend on the condition that the person complete the requirements of paragraph (I) of this subsection:

- a. A fine of up to \$12,500; and
- b. A suspension of driving privileges as provided in § 31-11-6 ; and

III. Set a hearing date up to one year from the date of sentencing.

C. At the hearing described in subsection (B)(III) of this section, the court shall:

I. If the person has successfully completed the requirements described in subsection (B)(I) of this section, dismiss the penalties imposed under subsection (B)(II) of this section; or

II. If the person has not successfully completed the requirements described in subsection (B)(I) of this section:

- a. Grant the person an extension based on good cause shown; or
- b. Impose the penalties under subsection (B)(II) of this section.

D. The police officer issuing the citation for an offense under this section shall note on the citation if the cited offense contributed to the serious physical injury or death of a person or vulnerable user of a public roadway.