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2000 Survey of Rhode Island Law: Legislation: Motor Vehicles: An Act Relating to Motor Vehicles, An Act Relating to Motor & Other Vehicles

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Motor Vehicles. *An Act Relating to Motor Vehicles.* Provides that individuals found to be driving “aggressively” as defined by the chapter shall be civilly penalized. Effective July 13, 2000. 2000 R.I. Pub. Laws ch. 254.

This legislation (the Act) amends Title 31 of the Rhode Island General Laws, entitled “Motor and Other Vehicles” by adding Chapter 27.1, entitled “Aggressive Driving.”¹ Pursuant to the Act, “aggressive driving” means that an individual operates a motor vehicle in violation of both the speed limit² and two or more of the following sections: 1) obeying traffic control devices;³ 2) overtaking on the right;⁴ 3) driving within a traffic lane;⁵ 4) following too closely-interval between vehicles;⁶ 5) yielding right of way;⁷ 6) entering the roadway;⁸ 7) using turn signals;⁹ 8) relating to school buses, special stops, stop signs and yield signs;¹⁰ and 9) using the emergency break-down lane for travel.¹¹

Any person found in violation of this chapter shall be fined between \$260 and \$500.¹² Also, anyone convicted of a first offense of aggressive driving may be required to attend an educational program approved by the Department of Motor Vehicles and may be subject to a minimum thirty-day suspension of his or her driver’s license.¹³ In addition, the lesser-included offenses which together establish “aggressive driving” may be individually prosecuted.¹⁴ All violations of this chapter shall be heard by the traffic tribunal.¹⁵

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1. See R.I. Gen. Laws § 31-27.1-2 (1956) (2000 Reenactment).
 2. See *id.* § 31-27.1-3 (citing § 31-14-1 *et seq.*).
 3. See *id.* (citing § 31-13-4).
 4. See *id.* (citing § 31-15-5).
 5. See *id.* (citing § 31-15-1).
 6. See *id.* (citing § 31-15-12).
 7. See *id.* (citing §§ 31-15-12.1, 31-17-1, 31-17-2, 31-17-4, 31-17-6, 31-17-7, 31-17-8).
 8. See *id.* (citing §§ 31-15-14, 31-17-3, 31-17-5).
 9. See *id.* (citing §§ 31-16-5, 31-16-6, 31-16-8, 31-16-9).
 10. See *id.* (citing § 31-20-1 *et seq.*).
 11. See *id.* (citing § 31-15-16).
 12. See *id.* § 31-27.1-4(a).
 13. See *id.*
 14. See *id.* § 31-27.1-4(b).
 15. See *id.* § 31-27.1-4(c).

Motor Vehicles. *An Act Relating to Motor & Other Vehicles.* Provides that a "Traffic Stop Study" will be conducted in order to determine whether police are detaining individuals solely on the basis of their race or ethnicity. Effective July 13, 2000. 2000 R.I. Pub. Laws ch. 251.

This legislation (the Act) amends Title 31 of the Rhode Island General Laws, entitled "Motor and Other Vehicles" by adding Chapter 21.1, entitled "Traffic Stops Statistics Act."¹ The Act authorizes the study of traffic stops made by the Rhode Island State Police and the municipal police departments in order to assess whether "racial profiling" is occurring.² "Racial profiling" is defined as "the detention, interdiction or other disparate treatment of an individual solely on the basis of the racial or ethnic status of such individual."³ The data that is to be collected and analyzed includes: 1) the date, time and location of the stop; 2) the race or ethnicity, gender and approximate age of the driver stopped as perceived by the officer making the stop; 3) the reason for the stop; 4) whether a search was performed; 5) the scope of any search performed; 6) whether the search was performed pursuant to consent, probable cause or reasonable suspicion; 7) whether contraband or money was seized during the search; 8) whether a warning or citation was issued; 9) whether an arrest was made; 10) the approximate duration of the stop; and 11) whether the vehicle was registered in Rhode Island.⁴

The Act establishes a "Traffic Stop Study Advisory Committee" which comprises thirteen members: three from the House of Representatives (no more than two from one party) who are appointed by the Speaker, three from the Senate (no more than two from one party) who are appointed by the Majority Leader, two individuals appointed by the Governor, one who is the attorney general's designee (the president of the Rhode Island Police Chiefs Association), the executive director of the Urban League of Rhode Island or his or her designee, the executive director of the National Conference for Community and Justice or his or her designee, the executive director of the Rhode Island Commission for Human

1. See R.I. Gen. Laws § 31-21.1-1 (1956) (2000 Reenactment).

2. See *id.* § 31-21.1-2.

3. *Id.*

4. See *id.* § 31-21.1-4(a).

Rights or his or her designee and a professor of statistics from a Rhode Island college or university as appointed by the Governor.⁵ The committee's purpose is to advise the Attorney General with respect to the study.⁶

The Act provides that the Attorney General, within ninety days of the passage of the Act, must devise an electronic and printed form which may be used by officers to record the preceding information.⁷ Beginning January 15, 2001, and each month thereafter, the Rhode Island State Police and each municipal police department are responsible for submitting a monthly report that contains all of the forms collected, any complaints made by motorists who believe they were a subject of racial profiling and any other pertinent information.⁸ The Attorney General shall prepare a quarterly summary of data that shall be a public record.⁹ The study shall be conducted over a period of not less than two years.¹⁰ No later than twenty-eight months after the beginning of data collection, the findings and conclusions shall be reported to the Governor and General Assembly.¹¹

No more than ninety days after the passage of the Act, all municipal police departments and the State Police shall have adopted written policies which provide for the collection of such data, the reporting of the data to the Attorney General and which prohibit the practice of racial profiling.¹² Copies of these policies must be submitted to the Attorney General and the Committee and shall be public records.¹³

The Act provides that all data that is collected may be used only for the purposes of research and may not be used for any kind of legal or administrative proceeding in order to establish discrimination, unless ordered by the court.¹⁴ The Act also provides that any organization established for the purpose of protecting civil liberties or opposing discrimination may file a civil action against a

5. *See id.* § 31-21.1-3(a).

6. *See id.* § 31-21.1-3(b).

7. *See id.* § 31-21.1-4(b).

8. *See id.* § 31-21.1-4(c).

9. *See id.* § 31-21.1-4(e).

10. *See id.* § 31-21.1-4(d).

11. *See id.*

12. *See id.* § 31-21.1-5(a).

13. *See id.* § 31-21.1-5(b).

14. *See id.* § 31-21.1-6(a).

police department not in compliance with the Act, provided that the organization gives notice to the Attorney General and Advisory Committee and waits fifteen days to allow the department to come into compliance or for the Attorney General to file a civil action.¹⁵

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15. *See id.* § 31-21.1-7.