



STATE OF RHODE ISLAND

**DIVISION OF MOTOR VEHICLES
ADMINISTRATION OFFICE**

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May 7, 2024

The Honorable Robert E. Craven, Sr.
Chair, House Committee on Judiciary
State House
Providence, RI 02903

**RE: 2024 H8209- AN ACT RELATING TO MOTOR AND OTHER VEHICLES
– MOTOR VEHICLE OFFENSES**

Dear Chair Craven:

The Division of Motor Vehicles (“DMV”) writes to express concerns regarding House Bill 8209, An Act Relating to Motor and Other Vehicles – Motor Vehicle Offenses.

The proposed bill would impose a requirement that any sentence for individuals convicted of a charge of driving under the influence of liquor or drugs, or of refusing to submit to a chemical test, must include the installation of an ignition interlock system in the offender’s vehicle prior to that person being eligible for license reinstatement. The proposed bill would also require that any ignition interlock system be equipped with a camera in order to accurately identify the driver who provides a breath sample. Finally, the proposed bill would also create a funding mechanism to help pay for the interlock system for individuals who qualify as being indigent.

One of the concerns of the DMV with the proposed bill is the requirement that offenders must have “successfully” completed the prescribed ignition interlock and/or blood and urine testing period prior to being eligible for reinstatement of their license without an ignition interlock requirement. Nowhere in the proposed bill or in existing law is the term “successfully” defined, leaving open the question as to whether the DMV would be required to monitor the blood alcohol results of individuals required to use the ignition interlock. DMV previously engaged in this type of monitoring, but that strict oversight was eliminated from R.I. Gen. Laws § 31-49-3(b) in 2016 with the passage of P.L. 2016, ch. 127, § 2 and P.L. 2016, ch. 141 § 2. Currently, the DMV simply ensures that the motorist has complied with the installation of the ignition interlock device as ordered by the sentencing Judge or Magistrate, with reliance on the fact that the device will function as prescribed and prevent an individual who has been drinking from being able to start their

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vehicle. No additional monitoring is statutorily authorized nor is any conducted by the DMV.

Additionally, the proposed bill mandates that any ignition interlock system imposed under the statute must be equipped with a camera "in order to accurately identify the driver who provides a breath sample." Nowhere, however, does the proposed bill indicate which entity is responsible for monitoring the photographs produced by the camera system. The DMV presently does not have the resources to review photographs from every breathalyzer sample provided by every individual in the State of Rhode Island who is required to utilize an ignition interlock system as part of their court sentence. If responsibility were to fall on DMV, not only would it contradict legislative changes noted above, but would likely require changes to 280-RICR-30-15-9, Rules and Regulations Governing the Certification and Use of Ignition Interlock Systems, to impose camera requirements on interlock companies. This may require additional time beyond six months requested below to promulgate. Also, while the camera requirement is presumably prospective, that should be made clear with explicit language that the requirement is for convictions on or after a certain date. Otherwise, all existing interlock users will have to swap out existing devices.

Also, the proposed provisions requiring payment of a one hundred dollar (\$100) assessment to the ignition interlock system fund for indigent defendants, created by proposed R.I. Gen. Laws § 31-27-2.10, are ambiguous as to whether this new \$100 assessment is, in addition to any other fines and highway assessments, also in addition to the \$100 administrative fee required by R.I. Gen. Laws § 31-49-2 to be paid by persons ordered to install an ignition interlock system. If the intent is for it also to be in addition to this administrative fee, that should be made clear in the proposed provisions with an explicit reference to § 31-49-2.

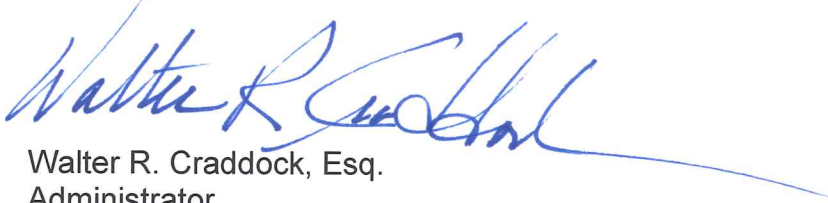
Finally, while the responsibility for administering the ignition interlock system fund for indigent defendants is assigned to the General Treasurer, the proposed bill does not indicate which agency is to collect the fee. That responsibility would most naturally lie with the courts, but if it is to be DMV's duty, it would require modifications to the DMV's computer system which, in light of ongoing projects and customer service upgrades, would require at least six months to complete after passage of the bill.

The DMV looks forward to working with the sponsor to determine if provisions can be drafted to further the goals of the proposed bill and ensure that unsafe motorists do not operate on Rhode Island's roads and highways.

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Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Walter R. Craddock". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Walter R. Craddock, Esq.
Administrator

Cc: The Honorable Members of the House Committee on Judiciary
The Honorable Thomas E. Noret
Nicole McCarty, Esq., Chief Legal Counsel to the Speaker of the House
Thomas A. Verdi, Director, Department of Revenue