

§ 31-27-2.8. Ignition interlock system imposed as part of sentence - requirements.

## Rhode Island Statutes

### Title 31. Motor and Other Vehicles

#### Chapter 31-27. Motor Vehicle Offenses

*Current through Public Law 7 of the 2015 Legislative Session*

#### § 31-27-2.8. Ignition interlock system imposed as part of sentence - requirements

- (a) Any person convicted under the provisions of paragraph 31-27-2(d) 1, 2 or 3 (1)(i) or (ii) or whose violation is sustained under the provisions of subdivision 31-27-2.1(b)(1) may be prohibited by the sentencing judge or magistrate from operating a motor vehicle that is not equipped with an ignition interlock system.
- (b) Notwithstanding any other provisions contained in this chapter, after a finding of eligibility, any mandatory period of license suspension may be reduced by the imposition of an ignition interlock system ordered by the court or traffic tribunal as follows:
  - (1) For a violation of subdivision 31-27-2(d)(1), a person shall be subject to a minimum thirty (30) day license suspension and an imposition of an ignition interlock system for three (3) months to one year.
  - (2) For a violation of subdivision 31-27-2.1(b)(1), a person shall be subject to a minimum thirty (30) day license suspension and an imposition of an ignition interlock system for a period of six (6) months to two (2) years.
  - (3) For a violation of subdivision 31-27-2(d)(2), a person shall be subject to a minimum forty-five (45) day license suspension and an imposition of an ignition interlock system for a period of six (6) months to two (2) years.
  - (4) For a violation of subdivision 31-27-2.1(b)(2), a person shall be subject to a minimum sixty (60) day license suspension and an imposition of an ignition interlock system for a period of one to four (4) years.
  - (5) For a violation of subdivision 31-27-2(d)(3), a person shall be subject to a minimum sixty (60) day license suspension and imposition of an ignition interlock system for a period of one to four (4) years.
  - (6) For a violation of subdivision 31-27-2.1(b)(3), a person shall be subject to a minimum ninety (90) day license suspension and imposition of an ignition interlock system for a period of two (2) to ten (10) years.
  - (7) In any case where a person is convicted of a first offense under the provisions of §

31-27-2(d)(1), or a second offense under the provisions of § 31-27-2(d)(2), or under § 31-27-2.1(b)(1), the sentencing judge or magistrate may grant the person a conditional hardship license during the period of license suspension. Said hardship license shall be valid only for twelve (12) hours per day to get to and from employment. A hardship license shall only be granted in conjunction with the installation of an ignition interlock device. Any conditional driving privileges must be set by the sentencing judge or magistrate after a hearing in which the motorist must provide proof of employment status and hours of employment. Any individual who violates the requirements of this subsection shall be subject to the penalties enumerated in § 31-27-18.1.

- (c) Any person convicted of an offense of driving under the influence of liquor or drugs resulting in death, § 31-27-2.2, driving under the influence of liquor or drugs resulting in serious bodily injury, § 31-27-2.6, driving to endanger resulting in death, § 31-27-1, or driving to endanger resulting in serious bodily injury, § 31-27-1.1, may, in addition to any other penalties provided by law, be prohibited from operating a motor vehicle which is not equipped with an approved ignition interlock system for one to five (5) years.
- (d) Any person who operates a motor vehicle with a suspended license and the reason for the suspension was due to a conviction of driving under the influence of drugs or alcohol or a sustained violation or conviction of refusal to submit to a chemical test, shall be subject to the imposition of an ignition interlock system for six (6) months to be ordered by the court or the traffic tribunal.
- (e) When the court orders the use of an ignition interlock system, the judge or magistrate shall cause an appropriate notation to be made on the person's record which clearly sets forth the requirement for and the period of the use of the ignition interlock system.
- (f) In addition to the requirements of subsection (e) of this section, the court or traffic tribunal shall:
  - (1) Require proof of the installation of the ignition interlock system and periodic reporting by the person for the purpose of verification of the proper operation of the ignition interlock system;
  - (2) Require the person to have the ignition interlock system monitored for the proper use and accuracy by a person, firm, corporation or other association to be approved by the division of motor vehicles at least once every six (6) months, or more frequently as the circumstances may require; and
  - (3) Require the person to pay the reasonable cost of leasing or buying, monitoring and maintenance of the ignition interlock system.
- (g) If a person is required, in the course of the person's employment, to operate a motor vehicle owned or provided by the person's employer, the person may operate that motor

vehicle in the course of the person's employment without installation of an ignition interlock system if the court makes specific findings expressly permitting the person to operate in the course of the person's employment a motor vehicle that is not equipped with an ignition interlock system.

- (h) Any person subject to an ignition interlock order who violates such order shall be guilty of a misdemeanor punishable by up to one year imprisonment or a fine of up to one thousand dollars (\$1,000), or both. For the purposes of this subsection, a violation of the interlock order, includes, but is not limited to:
- (1) Altering, tampering or in any way attempting to circumvent the operation of an ignition interlock system that has been installed in the motor vehicle of a person under this section;
  - (2) Operating a motor vehicle that is not equipped with an ignition interlock system; or
  - (3) Soliciting or attempting to have another person start a motor vehicle equipped with an ignition interlock system for the purpose of providing an operable motor vehicle to a person who is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system.
- (i) Any person who attempts to start or starts a motor vehicle equipped with an ignition interlock system, tampers with or in any way attempts to circumvent, the operation of an ignition interlock system that has been installed in the motor vehicle for the purpose of providing an operable motor vehicle to a person who is prohibited from operating a motor vehicle that is not equipped with an ignition interlock system shall be guilty of a misdemeanor punishable by up to one year imprisonment or a fine of up to one thousand dollars (\$1,000), or both.

**Cite as R.I. Gen. Laws § 31-27-2.8**

**History.** Amended by 2014 Pub. Laws, ch. 326, §2, eff. 1/1/2015.

Amended by 2014 Pub. Laws, ch. 230, §2, eff. 1/1/2015.

P.L. 1990, ch. 405, § 2.