280-RICR-30-10-3

TITLE 280 – DEPARTMENT OF REVENUE

CHAPTER 30 – DIVISION OF MOTOR VEHICLES

SUBCHAPTER 10 - REGISTRATION

PART 3 – Rules of Practice and Procedure for Insurance Verification Program

3.1 Purpose, Scope, and Authority

A. These Rules and Regulations establish the practice and procedures for administering and enforcing an insurance verification program to verify compliance with motor vehicle owner's insurance requirements under R.I. Gen. Laws Cehapter 31-47 and other provisions under R.I. Gen. Laws Chapter 31-47.4, so as to assist in reducing the number of uninsured motor vehicles on the highways of the state;

B. These Rules and Regulations are promulgated under the authority of R.I. Gen. Laws § 31-47.4-2 and R.I. Gen. Laws Chapter 42-35 ~~of the General Laws of Rhode Island~~, as amended.

~~C. Pursuant to the provisions of R.I. Gen. Laws §42-35-3(c) of the General Laws of Rhode Island, as amended, consideration was given to: (1) alternative approaches to the regulations; and (2) duplication or overlap with other state regulations. No alternative approach, overlap or duplication nor any significant economic impact was identified; consequently, these Regulations are adopted in the best interest of the health, safety and welfare of the public.~~

3.2 Definitions

A. The following words used in these Rules and Regulations shall have the following meaning, except when the context otherwise requires~~;~~:

1. ~~The term~~ "Administrator" ~~refers to~~means the Administrator of the Division of Motor Vehicles or his/her designee.

2. ~~The term~~ "a~~A~~ccount" means the Uninsured Motorist Identification Restricted Account created in R.I. Gen. Laws § 31-47.4-2.

3. "Contested case" means an adjudicatory proceeding before a hearing officer of the Division of Motor Vehicles wherein the legal rights, duties or privileges of a party are determined.

4. "Database" means the Uninsured Motorist Identification Database created in R.I. Gen. Laws § 31- 47.4-2.

5. "Designated agent" means the third party the Division of Motor Vehicles contracts with under R.I. Gen. Laws § 31-47.4-2.

6. ~~The term~~ "Division" ~~as used in these regulations shall~~ means the ~~"~~Division of Motor Vehicles~~",~~ a division that exists within the State of Rhode Island Department of Revenue, pursuant to the requirements of R.I. Gen. Laws § 42-142-1 ~~of the Rhode Island General Laws~~, or any successor Department.

7. ~~The term~~ "Hearing" ~~wherever used in these Regulations, shall be deemed to refer to~~means any contested case that is brought before the Administrator of the Division of Motor Vehicles.

8. "Hearing Officer" means the person authorized by law or duly designated by the Administrator to conduct hearings and to recommend decisions, or render final determinations in contested cases.

9. ~~The term~~ "Insurer" ~~as used in these regulations shall~~ means every property and casualty insurance company that is licensed to issue motor vehicle insurance policies or is authorized to do business in Rhode Island.

10. "Owner" means a person who holds the legal title of a motor vehicle. If a motor vehicle is the subject of an agreement for conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, the vendee or lessee is the owner. If a mortgagor of a motor vehicle is entitled to possession, the mortgagor is the owner.

11. "Personal information" as defined in 18 U.S.C. § 2753(3) and R.I. Gen. L~~.~~aws § 27-49-3.1 meaning "information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the 5~~-~~ digit zip code), telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver's status."

12. "Program" means the Uninsured Motorist Identification Database Program created in R.I. Gen. Laws § 31-47.4-2.

13. "Proof of Insurance" ~~shall~~ means proof of financial security to respond in damages for liability arising out of the ownership of a motor vehicle as

evidenced by an owner's policy of liability insurance, a financial security bond, a financial security deposit, or qualification as a self-insurer under this title. Proof of financial security may be produced in either paper or electronic format. Acceptable electronic formats include display of documentation on any mobile electronic device. Said proof to be equivalent to the Rhode Island required minimum limits for each motor vehicle as set in R.I. Gen. Laws § 31-47-2(13)(i)(A). ~~of twenty-five thousand dollars ($25,000) because of bodily injury to, or death of, one person in any one accident, fifty thousand dollars ($50,000), because of bodily injury to, or death of, two (2) or more persons in any one accident; and twenty-five thousand dollars ($25,000) because of injury to, or destruction of, property of others in any one accident; or seventy-five thousand dollars ($75,000) combined, single limit,~~

14. "Registration" means registration certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles.

15. “Revocation proceedings” means the process by which the DMV notifies a vehicle owner of an impending revocation of registration. The process is initiated by a notice mailed to the owner. The notice includes the date the revocation goes into effect, explains the owner’s right to a hearing, how to request a hearing, and explains that no revocation goes into effect if the owner timely requests a hearing. The actual date of revocation will be no less than (10) ten days from the date the notice is mailed.

~~16. “Rules of Practice and Procedure of Division of Motor Vehicles” refer to those Rules and Regulations as adopted in August 2006 established for the purpose of describing the practices and procedures of the Division of Motor Vehicles regarding contested matters.~~

16. “VIN~~"~~ ~~shall~~ means vehicle identification number.

3.3 Administration of Program

A. Program Administration

1. General

   a. The program shall be administered by the Division of Motor Vehicles with the assistance of the designated agent.

2. Program Funding

   a. The program will be funded by allocating to the designated agent a percentage of the ~~each two hundred and fifty dollar ($250.00)~~

reinstatement fee collected pursuant to R.I. Gen. Laws Chapter 31-47.4. These fees will be maintained in the uninsured motorist identification restricted account.

3. Designated Agent

a. The Division of Motor Vehicles shall contract with a third party (hereafter the "designated agent') to establish and maintain an Uninsured Motorist Identification Database for the purposes established under R.I. Gen. Laws Chapter 31-47.4.

4. Database

a. The 'designated agent' shall develop and maintain a computer database in accordance with guidelines established by the Division of Motor Vehicles, from the information provided by automobile liability insurers under R.I. Gen. Laws § 31-47.4-3 and the Division of Motor Vehicles.

B. Transmission of Information to Database by Insurer

1. Duties of Insurer

a. ~~Pursuant to § 31-47.4-3, e~~Each insurer that issues a policy that includes motor vehicle liability coverage in Rhode Island shall, ~~before the seventh (7th) day of each month~~on the frequency set forth in R.I. Gen. Laws § 31-47.4-3, submit to the designated agent~~,~~ Book of Business (BOB) data containing a record of each motor vehicle insurance policy in effect for vehicles registered in Rhode Island.

2. Contents of Records

a. A record provided by an insurer shall include: Make, year and Vehicle Identification Number of each insured vehicle; the policy number, effective date, and expiration date of each policy; and the name, date of birth, and if available, driver's license number of each insured owner, and the address of the named insured.

3. Method of Transmission

a. Transmission of information from the insurer to the designated agent shall be accomplished via File Transfer Protocol (FTP) with Pretty Good Privacy (PGP) compatible encryption as recommended

by the Insurance Industry Committee on Motor Vehicle Administration (IICMVA).

b. Small Insurers

(1) Smaller insurers providing coverage for less than fifty (50) private passenger vehicles may perform a one-time entry of all policies via the designated agent's website. Policy additions, updates, modifications, cancellations or non-renewals may also be transmitted in the same manner.

4. Non-Compliance of Insurer

a. Should the Administrator learn of any information that brings into question an insurer's compliance with R.I. Gen. Laws ~~-~~ Chapter~~§~~ 31-47.4 or these regulations, upon a belief that sufficient evidence exists the administrator shall issue a notice of hearing to the insurer.

(1) Hearing - Hearings shall be conducted in accordance with R.I. Gen. Laws C~~e~~hapter 42-35, "The Administrative Procedures Act," and Subchapter 00 Part 1 of this Chapter. ~~Section 3 of the Rules of Practice and Procedure of the Division of Motor Vehicles.~~

(2) Decision - Should the hearing officer determine after hearing that the insurer is in non-compliance ~~with these~~the Division of Motor Vehicles may assess a fine against an insurer of up to the amount authorized in R.I. Gen. Laws § 31-47.4-3 ~~two hundred fifty dollars ($250)~~ for each day the insurer fails to comply with this section. The fine may be excused if an insurer shows that the failure to comply with this section was inadvertent, accidental or the result of excusable neglect.

3.4 Transmission of Information to Database by Division of Motor Vehicles

A. Duties of Division of Motor Vehicles

1. The Division of Motor Vehicles shall provide the designated agent with: the name, date of birth, address (physical and mailing), and driver license number, if available of all persons having active registrations; the make, model, year, plate number/type and vehicle identification number for all active registrations; and any other Division of Motor Vehicle records

required to assist the designated agent in the comparison process outlined in § 3.5(B) of this Part. No social security numbers in full or in part shall be included in the transmitted information to the designated agent.

B. Methods of Transmission

1. Transmission of data from the Division of Motor Vehicles to the designated agent shall be accomplished via Secure File Transfer Protocol (SFTP).

3.5 Management of Database

A. Duties of Designated Agent

1. The designated agent shall update the database. The database shall be updated ~~monthly~~ on the frequency set forth in R.I. Gen. Laws § 31-47.4-2 by the designated agent with records provided by the insurers of each motor vehicle insurance policy in effect for vehicles registered in the state of Rhode Island. At least twice per month the database shall be updated by records from the Division of Motor Vehicles on all active motor vehicle registrations.

B. Conduct Data Comparisons

1. Using the information contained within the database the designated agent shall conduct data comparisons of all current motor vehicles registrations as provided by the Division of Motor Vehicles against the insurance information as provided by the insurers. Data comparisons shall consist of:~~;~~

a. All active registration data transferred to the database by the Division of Motor Vehicles (see ~~section~~ § ~~3.3(a)~~3.4(A)(1) of this Part~~ese rules~~) shall be compared against all insurance policy information in the database as transferred by the insurer (see ~~section~~ §§ ~~3.2(a)~~ 3.3(B)(1) and (2)~~b)~~ of ~~these rules~~this Part).

b. Comparisons will match vehicle/owner information for all active registrations against all active insurance policies for individual vehicles in the state. Vehicles that are actively registered and do not have a corresponding insurance policy will be listed on a report.

c. Should a vehicle be listed as actively registered and not have a corresponding insurance policy for ~~three (3) consecutive monthly comparisons~~ the time period set forth in R.I. Gen. Laws § 31-47.4-4 the designated agent shall begin the notification procedures (see ~~Rule~~ § ~~5~~3.7 of this Part~~ese regulations~~).

C. Provide Data to Division of Motor Vehicles

1. On a daily basis the designated agent shall provide the Division of Motor Vehicles with a list of vehicles and owners who have had active registrations for the time period set forth in R.I. Gen. Laws § 31-47.4-4 ~~past (3) three months~~ and who have failed to respond to the first and second Notices of Request for Insurance Verification.

D. Database Security

1. The designated agent shall implement security protocols so as to safeguard against unauthorized access to the database and to ensure the integrity of the information contained within the database, which shall include:

   a. Hosting Facility Security Protocol

      (1) Database shall be contained within a secure hosting facility hosted and maintained to a DoD classification Sensitive Compartmented Information Facility (SCIF) level. Physical control to the hosting facility shall be strictly controlled and very limited. Two-factor authentication (biometric and proximity card) shall be required for employees. Facility security shall include video/audio surveillance and 24-hour Security Force.

2. Firewall Security Protocol

   a. Two firewalls shall be put in place, an external firewall for the whole system and an internal firewall to provide security for the database servers. Firewalls shall provide fine-grained access control with the ability to identify, mitigate, and fully report on the most sophisticated security threats. Firewalls shall be configured so that everything is denied or disabled by default and only those ports and protocols that are required for the database functionality are enabled.

3. Virus Protection Security Protocol

   a. Shall include daily updates with the most current virus software as well as automated virus scanning of all files on the servers.

4. Intrusion Detection System Protocol

   a. Shall include ongoing review of network intrusion events.

5. System Monitoring/Review Protocol

a. Shall include ongoing review of system security events as well as ongoing Monitoring of system performance and application performance.

3.6 Confidentiality

A. In General

1. In accordance with R.I. Gen. Laws § 31-47.4-5 “Information in the database established under R.I. Gen. Laws § 31-47.4-2 provided by a person to the designated agent is considered to be the property of the person providing the information.”

B. Access to Database Information

1. Any personal information submitted pursuant to these regulations, by and between Insurers, the Division of Motor Vehicles, it’s officers and employees, and the designated agent shall not knowingly be disclosed or otherwise be made available to any person or entity unless done so in accordance with these regulations and the provisions of 18 U.S.C. § 2721 *et seq.*, "Drivers Privacy Protection Act", and R.I. Gen. Laws § 27-49-3.1 or as otherwise may be prescribed by law.

C. Permissible Uses of Information

1. Information contained in the database may be disclosed for those reasons provided for in R.I. Gen. Laws § 31-47.4-5. ~~as attached to these regulations as Appendix A.~~

D. Intent of Use

1. At this time the Division of Motor vehicles will use the information contained within the database solely to ensure vehicle owner’s compliance with Rhode Island’s Mandatory Insurance requirements.

E. Insurer Access to Database

1. Insurance company/agent

a. Shall be permitted to submit compliance transactions in response to a request for insurance verification notice received by one of their customers. A company/agent may enter the Notice Reference Number and the corresponding notice information will be displayed.

The company/agent shall also have access to historical transaction data submitted by hat company/agent. The customer information that will be displayed for the aforementioned transactions shall be limited to the vehicle owner's name.

2. Main Insurance Company

a. Main insurance company users will have access to all compliance transactions submitted for their NAIC (National Association of Insurance Commissioners). Main insurance company users shall also have access to reports regarding the ~~monthly~~ policy files submitted on the frequency set forth in R.I. Gen. Laws § 31-47.4-3 by their insurance company. These reports will not include any vehicle or customer information.

F. Third Party Access to Database

1. The Division of Motor Vehicles will not provide access to the database to third parties other than the designated agent. ~~Should the Division of Motor Vehicles wish to provide access to third parties in the future these regulations will be amended accordingly, to set forth further security protocols. Any such amendments shall be done so in accordance with Chapter 42-35 of the Rhode Island General Laws.~~

G. Penalty for Disclosure

1. In accordance with R.I. Gen. Laws~~.~~ § 31-47.4-5 any person "who knowingly releases or discloses information from the database for a purpose other than those authorized in this section or to a person who is not entitled to it is guilty of a felony."

H. Data Breach

1. In the event of a data breach, the DMV will notify affected parties by mail within (10) ten days of the breach.

3.7 Notification Procedures

A. Notice Requirements

1. For each notice provided, the designated agent shall provide information relating to the owner's failure to provide proof of insurance in the database, and designate a final due date by which the owner must achieve compliance with the Requests for Insurance Verification, after

which their information shall be transmitted to the Division of Motor Vehicles for the commencement of Revocation proceedings.

B. Initial Request for Insurance Verification

1. ~~Pursuant to R.I.G.L. § 31-47.4-4 s~~Should the comparison of data by the designated agent (as specified in ~~Rule~~ § ~~3.4~~3.5(B)(1) of this Part~~b~~)) show that a motor vehicle has not been insured for the time period set forth in R.I. Gen. Laws § 31-47.4-4~~three (3) consecutive months~~, the Division of Motor Vehicles shall direct that the designated agent issue notice to the owner of the motor vehicle that the owner must comply with request for insurance verification by the due date listed on the notice by providing to the designated agent one of the following forms of verification:

   a. Owners Proof of Insurance

      (1) The owner may have their insurance company/agent utilize the database secure website to electronically transmit their proof of insurance information regarding the vehicle listed on the request for insurance verification notice to the designated agent by providing the initial notice letter to the insurance company and having the Insurance company or agent utilize the database secure website to electronically transmit the vehicle owner's insurance information to the designated agent.

   b. Proof of Exemption from the Owners Insurance Requirements. The following constitute vehicles that are exempt from these regulations in accordance with the provisions of R.I. Gen. Laws~~.~~ Chapter 31-47.4:

      (1) Commercial exemption. In accordance with R.I. Gen. Laws § 31-47.4-8, vehicles insured under commercial auto coverages shall not be subject to the requirements of this chapter. Pursuant to R.I. Gen. Laws § 31-~~-~~47.4-8 the term commercial auto coverage shall mean "any coverage provided to an insured, regardless of number of vehicles or entities covered, under a commercial coverage form and rated from a commercial manual approved by the commissioner of insurance. Should a vehicle owner who has commercial auto coverage receive a request for insurance verification they shall have their insurance company/agent utilize the database secure website to electronically transmit proof of their exempt status to the designated agent, or,

should a company/agent be unwilling or unable to submit the compliance transactions, the customer can contact the designated agent's call center by phone or email and the call center will resolve the issue. Contact information for the call center shall be contained on the requests for insurance verification and on the Division of Motor Vehicles website at http://www.dmv.ri.gov.

(2) Seasonal use, out of service exemption - Those vehicles that are not currently being operated shall be classified as a seasonal use, out of service vehicle under R.I. Gen. Laws § 31-47-15.1 shall be exempt from the program. The owner shall have their insurance company/agent electronically transmit proof of their exempt status to the designated agent.

(3) Active Military exemption - The requirements of R.I. Gen. Laws § Chapter 31-47.4 shall not apply to active military vehicles as defined under R.I. Gen. Laws § 31-47-15.1. The owner shall have their insurance company/agent electronically transmit proof of their exempt status to the designated agent.

(4) Rental vehicle exemption - Pursuant to R.I. Gen. Laws § 31-47.4-9 "This chapter shall not apply to vehicles registered and used as rental vehicles pursuant to R.I. Gen. Laws § 31-5-33."

(5) Vehicles Sold or Registered out of State - The requirements of R.I. Gen. Laws Chapter 31-47.4 shall not apply to those persons where the vehicle in question has been sold or registered out of state prior to the request for insurance verification. Vehicle owners who have sold their vehicle or have registered it out of state should turn their plates in to the Division of Motor Vehicles or submit an affidavit for cancellation of registration for lost plates after which they may obtain a cancellation of registration receipt from the Division of Motor Vehicles. Vehicle owners may contact the Designated Agent's call center to ensure that an owner's vehicle has been removed from the database. Contact information for the call center shall be contained on the requests for insurance verification and on the Division of Motor Vehicle website at http://www.dmv.ri.gov.

C. Issuance of Notice

1. Notice shall be mailed to the address that the vehicle owner currently has on file with the Division of Motor Vehicles at the time of comparison of insurance information.

D. Determination of Owner's Address

1. Pursuant to R.I. Gen. Laws § 31-3-3 vehicle owners are required to submit address information at the time of vehicle registration. Any change in address information shall, in accordance with R.I. Gen. Laws § 31-3-34, be updated with the Division of Motor Vehicles within ten (10) days of any address change by the vehicle owner.

E. Failure to Receive Notice

1. It is the responsibility of the owner to ensure the Division of Motor Vehicles has correct address information Pursuant to R.I. Gen. Laws § 31-3-3, and R.I. Gen. Laws § 31-3-34. Failure to receive notice due to inaccurate address information will not constitute a valid reason for non-compliance with R.I. Gen. Laws Chapters 31-47 and 31-47.4 and this Part.

F. Second Request for Insurance Verification

1. If an owner of a motor vehicle fails to provide satisfactory proof of insurance to the designated agent, after the initial request for insurance verification the designated agent shall:

   a. Provide a second Request for Insurance Verification to the owner of the motor vehicle which shall re-state a final due date by which the owner must comply with said Request by providing proof of owner's insurance or proof of exemption from the owner's insurance requirements;

   b. Compliance with these requirements may be achieved by following the same procedure outlined in Section 53.7(B) of this Part.

G. Failure to Provide Proof of Insurance/exemption after Second Notice

1. Failure of the vehicle owner to comply with the second notice by the due date listed on the Request for Insurance Verification will result in commencement of revocation procedures against the owner of the vehicle at issue.

3.8 Revocation

A. Revocation Proceedings

1. If after the second notice the designated agent notifies the Division of Motor Vehicles that an owner of a motor vehicle failed to provide satisfactory proof of owner's insurance to the designated agent, the Division of Motor Vehicles:

   a. Shall commence registration revocation proceedings by sending written notification by mail to the vehicle owner, at the person's last known address as shown on the records of the Division of Motor Vehicles. The notification shall state: that revocation proceedings have been commenced against the vehicle owner’s registration; include the exact date upon which registration will be revoked if a hearing is not requested; the legal consequences of operating a vehicle with a revoked registration and without owner's insurance; instructions on how to get the registration reinstated; and within ten (10) days after the date of the mailing of the notification that person may request a hearing before a hearing officer at the Division of Motor Vehicles at which time they may present evidence of proof of owner's insurance or proof of exempt status prior to the due date designated on the first and second request for insurance verification. Acceptable forms of proof shall include:;

      (1) Letter from the insurance company stating the vehicle owner had insurance prior to due date listed on requests for insurance verification; or

      (2) Letter from insurance company showing the vehicle owner’s exempt status prior to due date listed on requests for insurance verification.

B. Request for Hearing

1. The request for hearing shall be filed with the Administrator within the (10) ten--day time limit.

   a. Content of Request for Hearing - The request for hearing must be in writing and must contain the vehicle owner’s name, address, date of birth, license number, plate number, and the Vehicle identification number. It must state the following:

      (1) A statement of the nature of the matter which is disputed and of the facts on which the vehicle owner relies.

(2) A statement of why the vehicle owner objects to the actions of the Division of Motor Vehicles, and any law, rule or regulation, which the vehicle owner desires to raise.

(3) A statement of the type of relief the vehicle owner desires.

b. Method of Delivery

(1) Request for hearing may be transmitted via mail, e-mail or fax to the designated contact address. The contact address shall be provided on both requests for insurance verification and shall be provided on the Division of Motor Vehicles website at http://www.dmv.ri.gov/.

c. Stay of Revocation

(1) Upon receipt of a timely filed hearing request the Division of Motor Vehicles shall take no action to revoke the vehicle owner's registration. No action shall be taken by the Division of Motor Vehicles until after a hearing has been conducted and a decision has been rendered by the hearing officer.

C. Conduct of Hearing

1. Shall be governed by Subchapter 00 Part 1 of this Chapter. ~~Section 3.5 of the Rules of Practice and Procedure of the Division of Motor Vehicles.~~

a. Decision for the owner

(1) Should the hearing officer find that the owner/operator was in compliance or had exempt status prior to the due date on the requests for insurance verification the Division of Motor Vehicles shall take no further action, including fines/fees, revocation or suspensions against the owner/ operator in regards to that contested case.

b. Decision against owner

(1) Should the hearing officer find that the owner/operator has failed to present credible evidence of compliance or exempt status prior to the due date listed on the requests for insurance verification the vehicle owner's registration shall be revoked

D. Effect of Revocation

1. In accordance with R.I. Gen. Laws § 31-47.4-4(e) “a registration that has been revoked under this section shall not be reinstated and a new license or registration shall not be issued to the holder of the revoked registration…” until all requirements for reinstatement have been fulfilled.

    a. Penalty for driving on revoked registration

        (1) Pursuant to R.I. Gen. Laws § 31-3-1 “It is a civil violation for any person to operate, or for an owner knowingly to permit to be operated, upon any highway any vehicle of a type required to be registered under this chapter which is not registered and for which the appropriate fee has not been paid or not registered as required in any other state.”

E. Post Revocation Hearing

1. In the event that a vehicle owner has failed to file a request for hearing in a timely manner thus resulting in revocation but believes they were in compliance with these regulations and the Rhode Island Mandatory Insurance requirements prior to the due date listed on the requests for insurance verification they may present such evidence to a hearing officer (acceptable proof of a vehicle owner’s insurance/exemption to include those documents listed in Rule § 6.1 (b)3.8(A) of this Partese regulations). Upon a determination by a hearing officer that the vehicle owner was in compliance the revocation shall be rescinded and no action shall be taken against the vehicle owner in regards to that contested case.

3.9 Reinstatement Procedures

A. Requirements for Reinstatement

1. The holder of a revoked registration under R.I. Gen. Laws Chapter 31-47.4 shall not have that registration reinstated and a new license or registration issued until they pay to the Division of Motor Vehicles an the administrative reinstatement fee set forth in R.I. Gen. Laws Chapter 31-47.4of two hundred fifty dollars ($250), the fee imposed by this section is in addition to any other fines or penalties imposed by law and attest to the fact that they have acceptable current insurance coverage for the vehicle whose registration has been revoked. Acceptable methods of attestation include:

    a. An Affidavit declaring under penalty of perjury that they have acceptable current insurance coverage; or

b. An electronic representation attesting to the fact that they do indeed have acceptable current insurance coverage.

B. Online Payment of Fine

1. If this is the vehicle owner's only suspension they may pay ~~the two hundred fifty dollars ($250)~~ the reinstatement fee set forth in R.I. Gen. Laws Chapter 31-47.4 and reinstate their registration online using the Division of Motor Vehicles website at http://www.dmv.ri.gov. Should the vehicle owner have any additional holds on their registration this option may not be available.

C. Monitoring Period

1. Pursuant to the authority vested in the Division of Motor Vehicles under R.I. Gen. Laws~~.~~ § 31-47-8, a person who has had their registration revoked in accordance with R.I. Gen. Laws~~.~~ Chapter 31-47.4 and these regulations and was unable to prove their compliance or exempt status prior to the due date listed on the request for insurance verification, shall after reinstatement be subject to a (12) twelve month monitoring period, to commence on the date of restoration of the registration, during which:

a. Compliance with Rhode Island Mandatory Insurance requirements shall be verified on a regular basis.

b. Any changes made to your insurance coverage resulting in a change to exempt status (see ~~Rule 5.2(b) of these regulations~~§ 3.7(B)(1)(b) of this Part) during this period will require that you contact your insurance provider and have these changes electronically submitted to the designated agent.

c. If at any time during this period the required information cannot be verified the Division of Motor Vehicles will commence revocation proceedings.

D. Non-Compliance during Monitoring Period

1. Failure of a vehicle owner to comply with the Rhode Island Mandatory Insurance requirements during the (12) twelve~~-~~month monitoring period after reinstatement shall result in the commencement of revocation proceedings (in accordance with the timing and procedures outlined in ~~Rule~~§ 3.8~~6~~ of this Part~~these regulations~~). The registration shall be revoked and the vehicle owner shall be required to pay to the Division of Motor Vehicles ~~an~~ the administrative reinstatement fee set forth in R.I. Gen. Laws Chapter 31-47.4~~fee of two hundred fifty dollars ($250)~~, in addition to

any other fines or penalties imposed by law. Additionally, the (12) twelve-month monitoring period will begin anew from the date of restoration.

E. Proof of Compliance During Monitoring Period

1. A vehicle owner that has been reported as being in non-compliance during the monitoring period but is able to provide prove that they were in compliance with these regulations and the Rhode Island Mandatory Insurance requirements during the monitoring period shall have no action taken against them in regards to that contested case.

2. Acceptable Proof of Insurance/ Exemption

a. Sshall include those documents listed in §Section 3.8(A)(1)(a)6.1(b) of this Partese rules.

F. Scope of Reinstatement

1. Vehicle Specific

a. Payment of any fines, reinstatement fees or other penalties assessed at law due to non-compliance with R.I. Gen. Laws Chapter 31-47.4 is vehicle specific and the owner shall be assessed said penalties for each vehicle found to be in noncompliance.

2. Relation to other actions

a. Payment of any fines or reinstatement fees pursuant to R.I. Gen. Laws. Chapter§ 31-47.4 and these regulations shall not act to satisfy any unrelated actions, penalties, fines or fees that may have been assessed at law against a person's registration or license.

G. Fraudulent Representation

1. A person may not provide a false or fraudulent statement to the Division of Motor Vehicles or designated agent.

H. Misdemeanor

1. In addition to any other penalties, a person who violates R.I. Gen. Laws § 31-47.4-4(h)(1) is guilty of a misdemeanor.

3.10 Appeals

A. Appeal from the Administrator

1. Any person aggrieved by any order of the Administrator of the Division of Motor Vehicles may appeal in the manner prescribed in R.I. Gen. Laws § 31-2-19. ~~the order to the sixth division district court by filing, within ten (10) days from the date of the notice to such 19 person of the issuance of the order appealed from, a petition in the sixth division district court stating the grounds upon which the appeal is taken. (See R.I. Gen. Laws. § 31-2-19).~~

~~B. The taking of such appeal shall not operate as a stay of the order of the administrator of the Division of Motor Vehicles from which appeal is taken, and such order shall remain in full force and effect during the pendency of the appeal.~~

3.11 Liberal Construction

The terms and provisions of these Rules and Regulations shall be liberally construed to permit the Division of Motor Vehicles to effectuate the purposes of state law, goals, and policies

3.12 Severability

If any provision of these Rules and Regulations or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of the Rules and Regulations which can be given effect, and to this end the provisions of these Rules and Regulations are declared to be severable.