

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1984-13

No. 114 **AN ORDINANCE** IN AMENDMENT OF, AND IN ADDITION TO ARTICLE II OF CHAPTER 15 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "IMPOUNDMENT OF VEHICLES", AS AMENDED.

Approved February 21, 1984

Be it ordained by the City of Providence:

SECTION 1. Article II of Chapter 15 of the Code of Ordinances of the City of Providence is hereby amended by adding thereto Sec. 15-28, which shall read as follows:

"Section 15-28. Accident chasing by tow companies, auto body or auto repair companies.

- (A) No person, firm or corporation shall in any manner solicit or attempt to solicit on behalf of any tow, auto body, or auto repair enterprise from the owner or operator of, or any passenger in a motor vehicle involved in any collision resulting in personal injury or property damage until such time as the investigating police department has concluded his/her investigation at the scene of such collision.
- (B) Any person found guilty of violating the provisions of this section shall be fined not exceeding one hundred (\$100.00) dollars for the first offense, and for any subsequent offense shall be fined not exceeding two hundred (\$200.00) dollars."

SECTION 2. This Ordinance shall take effect upon its Passage.

IN CITY COUNCIL
FEB 2 1984
FIRST READING
READ AND PASSED, as amended

Rose M. Menlove CLERK

IN CITY
COUNCIL
FEB 16 1984

FINAL READING
READ AND PASSED

PRESIDENT

CLERK

APPROVED

FEB 21 1984

Vincent A. Cianci
MAYOR

No.

CHAPTER

AN ORDINANCE

THE COMMITTEE ON
FINANCE

Approves Passage of
The Within Ordinance

Rose M. Mendonca
Clerk ~~Chairman~~
January 23, 1984

READ AND PASSED
FIRST READING
IN CITY COUNCIL

READ AND PASSED
FIRST READING
IN CITY COUNCIL

DEC 5 1983

CHARLES A. PISATURO, ESQ.
CITY SOLICITOR



VINCENT A. CIANCI, JR.
MAYOR

DEPARTMENT OF LAW

January 23, 1984

Committee on Finances
c/o City Clerk's Office
City Hall
Providence, Rhode Island 02903

Dear Members:

The Committee on Finances has requested, by letter dated January 10, 1984, this Department to review an amended version of the proposed "accident chaser" ordinance pending before it. Our review has occasioned certain comments, we think appropriately directed to the Committee.

A. Initially, we have considered the amendment, as written and generally, offer comment on it.

1.) "...to converse with..." -The use of this phrase, the intent of which is clear, perhaps, to the Committee, creates certain potential problems with reference to rights afforded protection under the First Amendment. While courts have permitted reasonable regulation of speech -as to time and place -the proposed language may be both vague and overbroad in that all conversation, even an offer of assistance is prohibited.

2.) "...to approach..." -Generally the same comments as above. While the phrase may include the notion of solicitation, it may prove to be vague and overbroad since it may also mean to "come near to".

B. While this office does not presume to instruct the Committee in drafting or grammar, your request does contain reference to proper wording and the following suggestion might prove to be a point of beginning for discussion.

Committee on Finances
January 23, 1984
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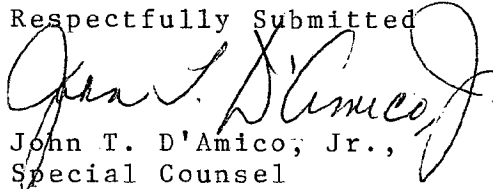
"(A) No person, firm or corporation shall in any manner, solicit or attempt to solicit on behalf of any tow, auto body, or auto repair enterprise from the owner or operator of , or any passenger in a motor vehicle involved in any collision resulting in personal injury or property damage until such time as the investigating police department has concluded his/her investigation at the scene of such collision.

"(B) Any person found guilty of violating the provisions of this section shall be fined not exceeding one hundred (\$100.00) dollars for the first offense, and for any subsequent offense shall be fined not exceeding two hundred (\$200.00) dollars."

"(C) This ordinance shall take effect upon its passage."

Should you have any questions, please feel free to contact me.

Respectfully Submitted



John T. D'Amico, Jr.,
Special Counsel

JTD/smr