

**STATE OF RHODE ISLAND
PROVIDENCE, SC**

SUPERIOR COURT

**HILLARY DAVIS, HARLAN KADISH and :
AMERICAN CIVIL LIBERTIES UNION :
OF RHODE ISLAND :**

Plaintiffs :

vs. :

C.A. No.: 15 - 0449

**DIVISION OF MOTOR VEHICLES, :
DEPARTMENT OF REVENUE, :
STATE OF RHODE ISLAND :**

Defendants :

CONSENT ORDER

WHEREAS, the Plaintiffs, HILLARY DAVIS, HARLAN KADISH and AMERICAN CIVIL LIBERTIES UNION OF RHODE ISLAND (the "Plaintiffs"), have filed a Verified Complaint in this civil action concerning the Rhode Island Uninsured Motorist Identification Database Procedure Act, R.I. Gen. Laws § 31-47.4-1 *et seq.* (the Act"); and

WHEREAS, the Plaintiffs allege that the Defendant, DIVISION OF MOTOR VEHICLES, DEPARTMENT OF REVENUE, STATE OF RHODE ISLAND (the "Defendant" or "DMV"), have not promulgated any rules or regulations to utilize the Rhode Island Uninsured Motorist Identification Database as required by the Act; and

WHEREAS, the Defendant denies the allegations of the Verified Complaint; and

WHEREAS, the Defendant expressly denies that R.I. Gen. Laws § 31-47.4-1 *et seq.* requires the Defendant to promulgate rules and regulations prior to engaging in the revocation provisions set forth in R.I. Gen. Laws § 31-47.4-4(d); and


WHEREAS, the parties agree that it is in the best interests of all involved to resolve these matters without further and protracted litigation;

NOW, THEREFORE, the parties agree to the following:

1. Neither the DMV nor its designated agent shall issue any notice pursuant to R.I. Gen. Laws § 31-47.4-4 until rules and regulations have been lawfully promulgated by the DMV pursuant to R.I. Gen. Laws § 31-47.4-1 *et seq.* and the Administrative Procedures Act, R.I. Gen. Laws § 42-35-3(a); and
2. Plaintiffs agree to waive any right to attorney's fees and costs in this civil action.

Plaintiffs,
Hilary Davis, Harlan Kadish
and American Civil Liberties
Union of Rhode Island

By Their Attorney,

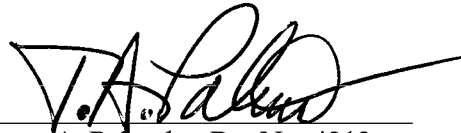


Albin Moser, Esquire, Bar No. 6166
Rhode Island Affiliate,
American Civil Liberties Union
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401-861-2100
amoser@albinmoser.com

Defendant,
Division of Motor Vehicles,
Department of Revenue,
State of Rhode Island

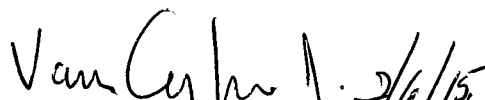
By Their Attorney,

PETER F. KILMARTIN
ATTORNEY GENERAL




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ENTER:


Associate Justice Brian Van Couyghen

BY ORDER:


Trena Roberts
Clerk
bep
2/6/15