

D.C. LAW

1-133

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 26, 1977

To amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, 1925, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Motor Vehicle Act".

TITLE I - APPLICATION OF ADMINISTRATIVE PROCEDURE ACT  
TO CASES INVOLVING SUSPENSION OR REVOCATION OF  
OPERATORS' PERMITS AND OWNERS' REGISTRATIONS.

Section 101. Section 4 of the Motor Vehicle Safety Responsibility Act of the District of Columbia (68 Stat. 1221, as amended (D.C. Code, sec. 40-420 (1973 Edition))), is amended by inserting the following new paragraph after the second paragraph thereof:

"Notwithstanding any other provision of this section the provisions of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1501 et seq.), and particularly those of section 10 thereof, apply to each

AN ACT

~~1-230~~

1-133

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 14, 1977

4/24

To amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, 1925, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA That this act may be cited as the "District of Columbia Motor Vehicle Act."

TITLE I - APPLICATION OF ADMINISTRATIVE PROCEDURE ACT TO CASES INVOLVING SUSPENSION OR REVOCATION OF OPERATORS' PERMITS AND OWNERS' REGISTRATIONS.

Section 101. Section 4 of the Motor Vehicle Safety Responsibility Act of the District of Columbia (68 Stat 1221, as amended (D.C. Code, sec. 40-420 (1973 Edition))), is amended by inserting the following new paragraph after the second paragraph thereof:

"Notwithstanding any other provision of this section the provisions of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1501 et seq.), and particularly those of section 10 thereof, apply to each

proceeding, decision, or other administrative action specified in this Act, as amended."

Section 102. Subsection (a) of Section 13 of the District of Columbia Traffic Act, 1925, as amended (D.C. Code, sec. 40-303 (1973 Edition)) is amended by deleting the words "with or without a prior hearing".

Section 103. Section 13 of the District of Columbia Traffic Act, 1925, as amended (D.C. Code, sec. 40-302 (1973 Edition)), is amended by adding a new subsection (i) to read as follows:

"(d) Notwithstanding any other provision of this section, the provisions of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1501 et seq.) and particularly those of Section 10 thereof, shall apply to each proceeding, decision, or other administrative action specified in this Act, as amended."

Section 104. Section 13(d) of the District of Columbia Traffic Act, 1925, (D.C. Code, sec. 40-302(d) (1973 Edition)), is redesignated Section 13(e).

Section 105. Title 32, D.C. Rules and Regulations, as promulgated by Regulation 72-13 and Commissioner's Order 72-172 and as later amended are amended as follows:

(a) Sec. 1-105 is amended by striking therefrom the period (.) and inserting in lieu thereof the phrase, "PROVIDED, That no such fee shall be required where it is determined that the suspension or revocation was in error."

(b) Subsection (a) of Sec. 2.305 is amended by deleting therefrom paragraphs (2) and (6) and renumbering paragraphs (3)-(5) as (2)-(4) respectively and paragraphs (7)-(9) as (5)-(7) respectively."

(c) Paragraph (1) of subsection (a) of Sec. 2.305 is amended to read as follows:

"(1) Has been negligently involved as a driver in any accident which negligence resulted in the death of another:".

(d) Paragraph (2) of subsection (a) of Sec. 2.305 (as herein renumbered) is amended by striking the words "physically, mentally, or morally" and inserting in lieu thereof the words "physically or mentally".

(e) Paragraph (4) (as herein renumbered) of subsection (a) of section 2.305 is amended to read:

"Has, as a driver, committed a traffic violation resulting in an accident for which, by order of the Superior Court of the District of Columbia, collateral

of \$50.00 or more, or a bond in any amount, is required;"

(f) Section 2.305 is amended by adding at the end thereof a new subsection to read:

"(c) No person shall have his permit revoked or suspended pursuant to paragraphs (1) through (6) of subsection (a) of this section if the ground upon which the revocation or suspension is based has been the subject of a trial and judgment by the Superior Court of the District of Columbia and that verdict was in favor of such person."

(g) Sec. 2.307 is repealed.

(h) The second sentence of subsection (b) of sec. 2.309 is amended by striking the period and adding in lieu thereof "but shall be for definite amounts of time."

(i) Subsection (c) of sec. 2.309 is amended by striking therefrom the words "character, habits, and driving ability" and inserting in lieu thereof "driving ability and, in cases where such person's license has been revoked for driving under the influence of intoxicating beverages or drugs, the alcohol and drug consumption habits".

(j) Sec. 2.313 is amended to read:

"Sec. 2.313--NOTICE OF SUSPENSION OR REVOCATION

"(a) Whenever the director, acting under these rules proposes to revoke the license of any person as a consequence of a conviction for a traffic offense for which a mandatory revocation is required an order of revocation shall be prepared setting forth the proposed action and the grounds therefor in such detail as to permit such person to understand fully the nature of the order and the reasons therefor and shall include full information on the manner in which the person whose license has been revoked may seek restoration of such license.

"(b) Whenever the director, acting under these rules, proposes to revoke or suspend the license of any person for any reason which does not require a revocation, a notice of proposed revocation shall be prepared setting forth the proposed action and the grounds therefor in such detail as to permit such person to understand fully the nature of the proposed action and the reasons therefor. Such notice shall notify such person that such order shall take effect within five (5) (ten (10) if such person is a nonresident) days unless such person shall have filed a written demand with the director for a hearing in which the director must prove sufficient grounds for the proposed action. Such demand shall be filed in the manner prescribed in Chapter IX."

(k) Subsection (a) of sec. 2.315 is amended by (1) striking the phrase "an order of" and inserting in lieu thereof the words "a notice of proposed"; and (2) by striking the phrase "Such order of" and inserting in lieu thereof the words "Such notice of proposed"; and (3) by striking the words "service of the order" and inserting in lieu thereof the words "service of the notice of proposed action".

(l) Subsection (b) of sec. 2-315 is amended by striking therefrom the word "order" and inserting in lieu thereof the words "notice of proposed action".

(m) Subsections (c)-(g) of sec. 2.315 are amended by striking the words "order of" wherever they appear together and inserting in lieu thereof the words "notice of proposed" and by deleting the word "order" wherever it appears alone and inserting in lieu thereof the word "notice".

(n) Subsection (a) of section 2.316 is amended by inserting between the words "been" and "revoked" the words "proposed to be".

(o) Subsection (b) of section 2.316 is amended to read:

"(b) Based on the findings of such hearing, the director shall render his decision on the proposed action, or he may direct that probation be granted to the driver and fix the

terms and conditions of the probation, or he may allow a limited license, or he may suspend where a revocation was proposed if, in his judgment, the driving record and the need for such license is such that the safety of the public will not be impaired and that such license is otherwise justified. In the event a limited license is granted, the limits with respect to the period of revocation or suspension of sections 2.309 - 2.312 need not apply in the discretion of the director. The director shall give special consideration to the grant of limited license to those whose livelihood entails driving."

(p) Section 2.404 is amended by striking therefrom the last sentence.

(q) Section 9.201 is amended by deleting the words "request" and "petition" wherever they appear and inserting in lieu thereof the word "demand."

(r) Subsection (a) of section 9.202 is amended by deleting the word "petition" and inserting in lieu thereof the words "demand of".

(s) Subsection (b) of section 9.202 is amended by deleting the word "petition" wherever it appears and inserting in lieu thereof the word "demand" and is further amended by adding at the end thereof a new sentence to read:



Temporary licenses issued, pursuant to this subsection shall not state the fact of the proposed suspension or revocation and shall be effective or renewed until the hearing examiner's decision is issued, the person fails to appear as aforesaid in this subsection, or his permit is suspended or revoked on other grounds pursuant to these rules whichever shall occur earlier."

(t) Subsection (b) of section 9.402 is amended by inserting between the first and second sentence the following sentence: "If made two or more days prior to the hearing, the motion shall be acted upon prior to the hearing unless all parties agree that it be acted upon at the hearing."

(u) Section 9.405 is amended by deleting the word "petition" and inserting in lieu thereof the word "demand."

(v) Section 9.407 is amended by deleting the first two usages of the word "request" and inserting in lieu thereof the word "demand".

(w) Section 9.408 is amended by deleting the word "request" wherever it appears and inserting in lieu thereof the word "demand".

(x) Section 9.409 is amended by deleting the words "request" and "petition" wherever they appear and inserting

in lieu thereof the word "demand" and by deleting the word "requesting" and inserting in lieu thereof the word "demanding".

(y) Subsection (a) of section 9.409 is amended to read:

"(a) Res Adjudicata and Collateral Estoppel. Where the doctrine of res adjudicata is applicable because of a final decision by the Department or by judicial affirmance. Where the grounds asserted for a proposed revocation or suspension have been the subject of a trial and judgment by the Superior Court of the District of Columbia and that judgment is in favor of the party demanding the hearing, the demand shall be dismissed, the proposal denied, and the permit restored, without fee, unless there exists some other encumbrance on the permit."

(z) Sections 9.410 and 9.411 are amended by deleting the word "request" wherever it appears and inserting in lieu thereof the word "demand".

(aa) Subsection (a) of section 9.411 is amended by deleting the last section thereof.

(bb) Subsection (b) of section 9.505 is amended by inserting between the words "counsel" and "after" the words "before and".

(cc) Section 9.507 is amended by striking therefrom the period at the end of the last sentence and inserting in lieu thereof the following: "and comport with the burden of proof."

(dd) Section 9.508 is amended by deleting the period from the last sentence and inserting in lieu thereof the following: "but such communications, aid, and advise shall be noted upon the record."

(ee) Section 9.509 is amended by changing the comma in the first sentence to a period and deleting therefrom the phrase "unless they are excused by the examiner for cause."

(ff) Subsection (a) of section 9.510 is amended by adding at the end thereof a new sentence to read: "No permit shall be revoked or suspended solely on the basis of hearsay evidence."

(gg) Section 9.513 is amended by adding at the end thereof a new sentence to read: "When such motion is filed, the examiner's decision is suspended, and, if the party's permit was suspended or revoked by the decision, he shall be issued, upon his request, a temporary permit pursuant to section 9.202 (b) (2) of these rules."

(hh) Subsection (a) of section 9.515 is amended by deleting the phrase "such attorneys for the parties as the

Examiner shall designate" and inserting in lieu thereof the phrase "the attorneys for the parties".

(ii) Subsection (b) of section 9.602 is amended by deleting the word "person" after "any" and before "designated" and inserting in lieu thereof the words "Assistant Director of the Department of Transportation."

TITLE II- ISSUANCE OF OPERATOR'S PERMITS TO POLICE OFFICERS AND FIREMEN OPERATING GOVERNMENT VEHICLES IN THE DISTRICT OF COLUMBIA

Section 201. The District of Columbia Traffic Act, 1925, is amended as follows:

(a) Paragraph (d) of section 2 of such Act (D.C. Code, sec. 40-602) is amended to read as follows: "(d) The term 'Mayor' means the Mayor of the District of Columbia or his designated agent."

(b) Section 7 of such Act (D.C. Code, sec. 40-301) is amended by striking out "Commissioners or their designated agent" each place such words appear therein and inserting in lieu thereof "Mayor".

TITLE III - AMENDMENT OF REGISTRATION, TAG,  
AND TRANSFER REQUIREMENTS

Sec. 301. Section 2 of title IV of the District of Columbia Revenue Act of 1937 (50 Stat. 680; D.C. Code, sec. 40-102) is amended

(a) by striking out "Commissioners of the District of Columbia" in subsection (b) and inserting in lieu thereof "Council of the District of Columbia";

(b) by striking out "Commissioners" in paragraph (1) of subsection (b) and inserting in lieu thereof "Council";

(c) by amending paragraph (2) of subsection (b) to read as follows:

"(2) of certificates of registration and identification tags, without charge, for all motor vehicles and trailers owned by the United States or by the District of Columbia;"

(d) by redesignating paragraphs (3) and (4) of subsection (b) as paragraphs (4) and (5), respectively, and by adding the following new paragraph (3):

"(3) annually, without charge, of certificates of registration and identification tags for all motor vehicles and trailers officially used by any duly accredited representative of a foreign government;"

(e) by striking out "Commissioners" in paragraph (5) of subsection (b), (as redesignated by this section), and inserting in lieu thereof "Council":

(f) by striking out "Commissioners" in sub-section (c) and inserting in lieu thereof "Council"

(g) by adding in subsection (d) immediately after the second sentence the following new sentence: "In the case of joint ownership, upon consent of all the joint owners, such transfer may be made in the manner prescribed above to any person formerly a party to the joint ownership."

(h) by striking out "Commissioners of the District of Columbia are" in subsection (e) and inserting in lieu thereof "Council of the District of Columbia is";

(i) by striking out "Commissioners of the District of Columbia are", "Commissioners", and "Commissioners under rules and regulations prescribed by them" in the first sentence of subsection (f) and inserting in lieu thereof "Council of the District of Columbia is", "Council", and "Mayor or his designated representative", respectively;

(j) by striking out "Commissioners" in the second sentence of such subsection (f) and inserting in lieu thereof "Mayor"; and

(k) by striking out "Commissioners" in the third sentence of such subsection (f) and inserting in lieu thereof "Mayor".

TITLE IV- AMENDMENTS RELATING TO JUDGMENTS AND  
TRAFFIC REGULATIONS

Section 401. Section 47 of the Motor Vehicle Safety Responsibility Act of the District of Columbia (D.C. Code, sec. 40-463) is amended by inserting immediately before the period at the end of such section a comma and the following:

"except that if the right to enforce said judgment by docketing and revival, or by revival, shall have expired without such docketing and revival, or if the judgment creditor fails to file notice of the docketing and revival of his judgment with the Mayor, the suspension of the license or registration of the judgment debtor shall be terminated".

Section 402. The first sentence of subsection (h) of section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40-603(h)) is amended to read as follows:

"All regulations promulgated under the authority of this Act shall be published in a newspaper of general circulation, other than in its legal notice section, and in accordance with the requirements of the District of

Columbia Administrative Procedure Act, but no penalty shall be enforced for any violation of any such regulation which occurs within ten days after the date of such publication, except that whenever the Council of the District of Columbia deems it advisable to make effective immediately any regulation relating to parking, diverting of vehicular traffic, or the closing of streets, to such traffic, the regulation shall become effective immediately upon placing at the point where it is to be enforced conspicuous signs containing a notice of the regulation."

TITLE V- EFFECTIVE DATE

Section 501. This act shall become effective in accordance with the provisions of Section 602(c) of the District of Columbia Self Government and Governmental Reorganization Act.



Docket for the Bill \_\_\_\_\_

Considered in Council \_\_\_\_\_

~~First Vote~~ Final Vote Below \_\_\_\_\_

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
					DIXON					SPAULDING				
MOORE, D.					HARDY					WILSON				
HARRY					HOBSON					WINTER				
MARK					MOORE, J.									
STATES					SHACKLETON									

X—Indicates Vote A. B.—Absent N. V.—Not Voting

Final Vote in Council November 23, 1976

\_\_\_\_\_  
(Secretary of the Council)

RECORD OF COUNCIL VOTE

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
MARKER	X				DIXON	X				SPAULDING	X			
MOORE, D.	X				HARDY	X				WILSON	X			
HARRY	X				HOBSON	X				WINTER	X			
MARK	X				MOORE, J.	X								
STATES				X	SHACKLETON	X								

X—Indicates Vote A. B.—Absent N. V.—Not Voting

*Robert Williams*

\_\_\_\_\_  
(Secretary of the Council)

Presented to the Mayor JAN 31 1977

*Robert Williams*

\_\_\_\_\_  
(Secretary of the Council)

Mayor's Action:

Approved: 1 4 FEB 1977

Disapproved: \_\_\_\_\_

*Robert Williams*

\_\_\_\_\_  
(Mayor's Signature) 1 4 FEB 1977

Enacted without Mayor's Signature \_\_\_\_\_

\_\_\_\_\_  
(Secretary of the Council)

Docket for the Bill 1-11

Considered in Council Title I

First Vote October 12, 1976

**RECORD OF COUNCIL VOTE**

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
MEMBER	X				DIXON	X				SPAULDING				X
ORE, D.	X				HARDY	X				WILSON				X
RY				X	HOBSON	X				WINTER	X			
ARKE	X				MOORE, J.	X								
ATES	X				SHACKLETON	X								

X—Indicates Vote    A. B.—Absent    N. V.—Not Voting

Robert A. Williams

(Secretary of the Council)

Considered in Council Titles II, III, IV

First Vote October 12, 1976

**RECORD OF COUNCIL VOTE**

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
R	X				DIXON				X	SPAULDING	X			
ORE, D.	X				HARDY	X				WILSON	X			
RY	X				HOBSON	X				WINTER	X			
ARKE	X				MOORE, J.	X								
ATES	X				SHACKLETON	X								

X—Indicates Vote    A. B.—Absent    N. V.—Not Voting

Robert A. Williams

(Secretary of the Council)