

ENROLLMENT(S)

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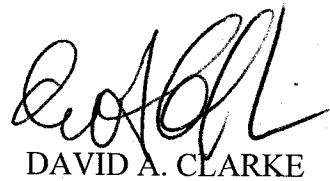
COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAW 11-95

"Prohibition on Abandoned Vehicles Amendment Act of 1995".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 11-71 on first and second readings, November 7, 1995 and December 5, 1995 respectively. Following the signature of the Mayor on December 19, 1995, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-178 and published in the December 29, 1995, edition of the D.C. Register (Vol. 42 page 7180) and transmitted to Congress on January 4, 1996 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 11-95, effective February 28, 1996.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

Jan. 4,5,8,9,22,23,24,25,26,29,30,31

Feb. 1,2,5,6,7,8,9,12,13,14,15,16,20,21,22,23,26,27

AN ACT

D.C. ACT 11-178

*Codification
District of
Columbia
Code
1996 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 19, 1995

To amend the District of Columbia Motor Vehicle Parking Facility Act of 1942, An Act To prohibit parking of vehicles upon public or private property in the District of Columbia without the consent of the owner of such property, and the District of Columbia Abandoned and Junk Vehicle Removal Amendment Act of 1989, to prohibit the abandonment of any motor vehicle, trailer, or semitrailer on public or private property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prohibition on Abandoned Vehicles Amendment Act of 1995".

Sec. 2. Section 2 of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 93; D.C. Code § 40-804), is amended by adding new paragraphs (6) and (7) to read as follows:

Section
40-804

- "(6) The term "abandoned vehicle" means any motor vehicle, trailer, or semitrailer:
- hours; "(A) That is inoperable and left unattended on public property for more than 72 hours;
 - "(B) That has remained illegally on public property for more than 72 hours;
 - "(C) That has remained on public property for more than 72 hours and:
 - "(i) Is not displaying current valid registration; or
 - "(ii) Is displaying registration of another vehicle;
 - "(D) That has remained on private property for more than 30 days and is inoperable in that one or more of its major mechanical components, including, but not limited to, engine, transmission, drive train, or wheels, is missing or not functional unless such vehicle is kept in an enclosed building completely shielded from the view of individuals on the adjoining properties; or
 - "(E) That has remained unclaimed for 45 days after proper notice.
- "(7) The term "junk vehicle" means any vehicle that is wrecked, dismantled, or in irreparable condition."

ENROLLED ORIGINAL

Sec. 3. An Act To prohibit parking vehicles upon public or private property in the District of Columbia without the consent of the owner of such property, approved January 15, 1942 (56 Stat. 5; D.C. Code § 40-812 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Code § 40-812) is amended to read as follows:

Section
40-812

"(a) It shall be a violation of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1973 (D.C. Law 2-104; D.C. Code § 4-601 *et seq.*), to park, store, or leave a vehicle of any kind, including an abandoned or junk vehicle, whether attended or not, or for the owner of any vehicle to allow the vehicle to be parked, stored, or left, whether attended or not, upon any public or private property in the District of Columbia, including any public highway, lot, field, road, street, lane, or other property without the consent of the owner of the public or private property. The Abandoned and Junk Vehicle Division shall remove and impound any abandoned or junk vehicle that is parked, stored, or left in violation of this act and keep the abandoned or junk vehicle impounded until an owner or authorized person pays the Abandoned and Junk Vehicle Division a towing fee of \$75 and a reasonable fee for storage.

"(b) Any vehicle on private property, which is subject to impoundment under subsection (a) of this section, may be towed by the Abandoned and Junk Vehicle Division or a tow crane operator at the request of the private property owner or upon receipt of citizen complaint only if:

"(1) A notice of a violation of subsection (a) of this section is issued against the vehicle;

"(2) A tow crane operator removes the vehicle pursuant to a valid work order;

"(3) The private property owner makes reasonable efforts to give notice to the owner or operator of the vehicle in violation of subsection (a) of this section regarding the whereabouts of the removed vehicle and the means of obtaining the vehicle; and

"(4) The vehicle is towed to a site within the geographic boundaries of the District of Columbia wherein the vehicle is reasonably safe from the danger of vandalism and redeemable for a reasonable cost to cover towing and any storage fees.

"(c) Except as provided in this section, it shall be unlawful for any person, except the owner, a person authorized by the owner in writing, an employee of the District government in connection with the performance of official duties, or a tow crane operator who has valid, written authorization from the District government, to do any of the following:

"(1) Tamper with, remove, or attempt to tamper with or remove any vehicle owned by another person;

"(2) Tamper with, remove, or attempt to tamper with or remove any vehicle that is on public property and to which a District government warning notice that relates to the removal of an abandoned or junk vehicle has been affixed; or

"(3) Remove, mutilate, or attempt to remove or mutilate the warning notice.

"(d) Any person violating the provisions of subsections (b) and (c) of this section shall be liable for a fine of up to \$300 in addition to any civil remedies provided by law."

(b) Section 1a (D.C. Code §40-812.1) is amended to read as follows:

"Sec. 1a. Notice to owner of abandoned or junk vehicle taken into custody.

"(a) The Abandoned and Junk Vehicle Division shall send a notice by certified mail,

Section
40-812.1

ENROLLED ORIGINAL

within 5 working days after an abandoned or junk vehicle has been taken into custody, to the last known address of the owners of record of the vehicle and any lien holders of record in the Office of the Recorder of Deeds of the District of Columbia that the vehicle has been taken into custody. The notice shall:

"(1) Describe the year, make, model, and serial number of the vehicle;

"(2) Set forth the location of the facility where the vehicle is being held;

"(3) Inform the owner and any person who has a security interest in the vehicle of the right to reclaim the vehicle within 45 days after the date of the notice upon the payment of all fees incurred and towing and storage charges that resulted from placing the vehicle in custody; and

"(4) Inform the owner and any person who has a security interest in the vehicle of the right to request a hearing before the Bureau of Traffic Adjudication.

"(A) If the person who was sent a notice concerning an abandoned or junk vehicle does not mail or deliver a request for a hearing within 20 days after service of the notice, the District may, without a hearing, waive the rights of the owner or person who has a security interest to exercise the right to reclaim the vehicle and may sell any abandoned vehicle at public auction or dismantle, recycle, salvage, or demolish any junk vehicle.

"(B) If a respondent requests a hearing, the Bureau of Traffic Adjudication shall, within 20 days following receipt of the request, notify the respondent of the date, time, and place of the hearing.

"(C) The Bureau of Traffic Adjudication shall hold the hearing not less than 15 days following the date of service of the notice, unless the Bureau and the respondent agree to the holding of the hearing at an earlier date.

"(b) The Abandoned and Junk Vehicle Division shall, within 10 days of taking the vehicle into custody, publish notice in a newspaper of general circulation in the District once a week for 2 consecutive weeks, which notice shall:

"(1) Describe the year, make, model, and serial number of the vehicle;

"(2) Set forth the location of the facility where the vehicle is being held; and

"(3) Inform the owner and any person who has a security interest in the vehicle of the right to reclaim the vehicle within 45 days after the date of the notice upon the payment of all fees incurred and towing and storage charges that resulted from placing the vehicle in custody.

"(c) If the records do not contain the identity or address of the owner or a person who has a security interest in the vehicle, the Abandoned and Junk Vehicle Division shall, within 10 days of taking the vehicle into custody, publish notice in a newspaper of general circulation in the District once a week for 2 consecutive weeks, which notice shall have the same contents required for notice in subsection (b) of this section, and which may contain a listing of more than 1 abandoned vehicle."

(c) Sec. 1b (D.C. Code § 40-812.2) is amended to read as follows:

"Sec. 1b. Sale of abandoned vehicle at public auction; disposal of junk vehicles; disposition of proceeds.

"(a) If an abandoned vehicle has not been reclaimed, the Abandoned and Junk Vehicle

Section
40-812.2

ENROLLED ORIGINAL

Division shall sell the vehicle at public auction. The purchaser shall take title to the vehicle free and clear of all liens and claims of ownership by others, receive a sales receipt at the auction, and be entitled to, upon application, a certificate of title and registration.

"(b) If a junk vehicle has not been reclaimed, the Abandoned and Junk Vehicle Division or an agent of the Division shall recycle, dismantle, salvage, or demolish the junk vehicle and deposit any proceeds into the Abandoned and Junk Vehicle Division Fund ("Fund"), established in section 5 of the District of Columbia Abandoned and Junk Vehicle Removal Amendment Act of 1989, effective September 9, 1989 (D.C. Law 8-24; D.C. Code § 40-834).

"(c) The Abandoned and Junk Vehicle Division shall retain from the proceeds of the sale of the vehicle an amount that represents reimbursement for the expenses of the action and the cost of towing and storing the vehicle. Any remaining proceeds shall be deposited in the Fund to be used by the Abandoned and Junk Vehicle Division to carry out its duties.

"(d) If the money collected from the sale or disposal of an abandoned or junk vehicle is insufficient to reimburse the Abandoned and Junk Vehicle Division for the costs of towing and storing the vehicle and the expenses of the disposal or sale, the last registered owner shall be liable for the deficiency. For the purposes of this subsection, the costs chargeable to an owner for the preservation and storage of a vehicle shall not exceed \$300."

Sec. 4. Section 2 of the District of Columbia Abandoned and Junk Vehicle Removal Act Amendment Act of 1989 effective September 9, 1989 (D.C. Law 8-24; D.C. Code § 40-831), is amended to read as follows:

Section
40-831

"For the purpose of this act, the term:

"(1) "Abandoned vehicle" means any motor vehicle, trailer, or semitrailer;

"(A) That is inoperable and left unattended on public property for more than 72 hours;

"(B) That has remained illegally on public property for more than 72 hours;

"(C) That has remained on public property for more than 72 hours and:

"(i) Is not displaying current valid registration; or

"(ii) Is displaying registration of another vehicle;

"(D) That has remained on private property for more than 30 days and is inoperable in that one or more of its major mechanical components, including, but not limited to, engine, transmission, drive train or wheels, is missing or not functional unless such vehicle is kept in an enclosed building completely shielded from the view of individuals on the adjoining properties; or

"(E) That has remained unclaimed for 45 days after proper notice.

"(2) "Junk vehicle" means any vehicle that is wrecked, dismantled, or in irreparable condition."

ENROLLED ORIGINAL

Sec. 5. Fiscal impact statement.

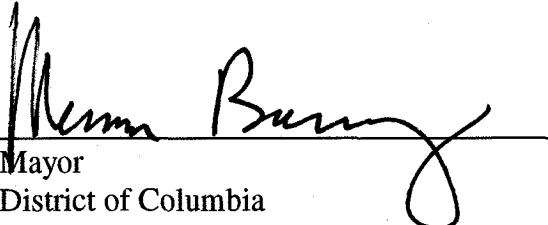
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(c)), and a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code §1-233(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: December 19, 1995



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

Docket No. B11-71

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 11-7-95

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT

SMITH

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

December 8, 1995
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 12-5-95

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ALL PRESENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

December 8, 1995
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE
 RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

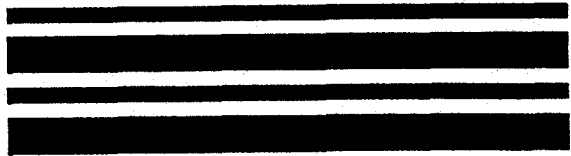
AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date



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