

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 12-212

"Anti-Drunk Driving Amendment Act of 1998"

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. 12-581, on first and second readings, October 6, 1998 and November 10, 1998, respectively. Following the signature of the Mayor on December 1, 1998, pursuant to Section 404(e) of "the Act", and was assigned Act No. 12-517 and published in the January 1, 1999, edition of the D.C. Register (Vol. 46 page 5) and transmitted to Congress on February 3, 1999 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 12-212, effective April 13, 1999.



LINDA W CROPP
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

Feb. 3,4,8,9,10,11,12,22,23,24,25

Mar. 1,2,3,4,5,8,9,10,11,15,16,17,18,19,22,23,24,25

Apr. 12

AN ACT
D.C. ACT 12-517

Codification
District of
Columbia
Code
1999 Supp.

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
DECEMBER 1, 1998

To amend the District of Columbia Traffic Act, 1925, the Motor Vehicle Safety Responsibility Act of the District of Columbia, the District of Columbia Implied Consent Act, the Anti-Drunk Driving Act of 1982, and the District of Columbia Municipal Regulations to establish .08% as the blood alcohol level at which a person is conclusively presumed to be operating a motor vehicle while under the influence of alcohol, to require the Mayor to collect data on persons tested for blood alcohol content, and to provide for a sunset date for the provisions of this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Anti-Drunk Driving Amendment Act of 1998".

Sec. 2. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Code § 40-301 *et seq.*), is amended as follows:

(a) Section 10 (D.C. Code § 40-716) is amended as follows:

Section
40-716

(1) Subsection (b)(1) is amended in the first sentence by striking the phrases ".10%", ".48 micrograms", and ".13%" and inserting the phrases ".08%", ".38 micrograms", and ".10%" in their respective places.

(2) Subsection (d)(1) is amended to read as follows:

"(1) Operating or being in control of a vehicle while the individual's blood contains .08% or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the individual's breath, consisting substantially of alveolar air, or while the individual's urine contains .10% or more, by weight, of alcohol, or while under the influence of intoxicating liquor or any drug or any combination thereof."

(b) Section 13(a) (D.C. Code § 40-302(a)) is amended by striking the phrase "blood or breath contains .10 percent or more by weight, of alcohol, or the individual's urine contains .13 percent or more," and inserting the phrase "blood contains .08% or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the individual's breath, consisting substantially of alveolar air, or while the individual's urine contains .10% or more," in its place.

Section
40-302

ENROLLED ORIGINAL

Sec. 3. Section 37(1) of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 130; D.C. Code § 40-437(a)), is amended in the first clause by striking the phrase "blood or breath contains ten one-hundredths of 1% or more, by weight, of alcohol, or defendant's urine contains .13% or more," and inserting the phrase "blood contains .08% or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of defendant's breath, consisting substantially of alveolar air, or while defendant's urine contains .10% or more," in its place.

Section
40-437

Sec. 4. The District of Columbia Implied Consent Act, approved October 21, 1972 (86 Stat. 1016; D.C. Code § 40-501 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Code § 40-502) is amended as follows:

Section
40-502

(1) Subsection (a) is amended in the third sentence by striking the phrases, ".10%", ".48 micrograms," and ".13%" and inserting the phrase ".08%," ".38 micrograms," and ".10%" in their respective places.

(2) Subsection (b) is amended in the first sentence by striking the phrases ".10%" ".48 micrograms" and ".13%" and inserting the phrases ".08%," ".38 micrograms", and ".13%" in their respective places.

(3) Add a new subsection (c) to read as follows:

"(c) The Mayor shall collect and maintain in aggregate form data on persons tested for blood-alcohol content pursuant to subsections (a) and (b) of this section. A report containing this information shall be transmitted to the Chairman of the Council by July 14, 2000. The report shall also:

"(1) Contain data on the age, sex, measured content of alcohol in blood, urine, or breath, number of test refusals for tested persons, and number of licenses revoked;

"(2) Compare the number of persons who were tested or refused to be tested in the 1 year period following the effective date of the Anti-Drunk Driving Amendment Act of 1998 with these statistics for the immediately preceding 1 year period; and

"(3) Contain the number of arrests made pursuant to section 2(2) of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Code § 40-717.1(2)), during the 1 year period following the effective date of the Anti-Drunk Driving Amendment Act of 1998 and for the 1 year period immediately preceding the effective date of the Anti-Drunk Driving Amendment Act of 1998."

(b) Section 5(a) (D.C. Code § 40-505(a)) is amended in the second sentence by striking the phrases ".10%", ".48 micrograms", and ".13 %" and inserting the phrases ".08%," ".38 micrograms", and ".10%" in their respective places.

Section
40-505

(c) Section 6(a)(1) (D.C. Code § 40-506(a)(1)) is amended by striking the phrase "blood or breath contains .10 percent or more, by weight, of alcohol, or the person's urine contains .13 percent or more," and inserting the phrase "blood contains .08% or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the person's breath,

Section
40-506

consisting substantially of alveolar air, or while the person's urine contains .10% or more," in its place.

Sec. 5. Section 2(1) of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Code § 40-717.1(1)), is amended by striking the phrases ".05 percent", ".06%" and ".24 micrograms" and inserting the phrases ".03%", ".04%" and ".14 micrograms" in their respective places.

Section
40-717.1

Sec. 6. Chapter 3 of Title 18 of the District of Columbia Municipal Regulations (Vehicles and Traffic), is amended as follows:

DCMR

(a) Paragraph 301.1(a) of section 301 is amended to read as follows:

"(a) Operating or being in control of a motor vehicle while the person's blood contains eight one-hundredths of one percent (.08%) or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the person's breath, consisting substantially of alveolar air, or while the person's urine contains ten one-hundredths of one percent (.10%) or more, by weight, of alcohol, or while under the influence of intoxicating liquor or any drug or any combination thereof;"

(b) Paragraph 303.1(m) of section 303 is amended to read as follows:

"(m) Operating or being in control of a motor vehicle while the person's blood contains eight one-hundredths of one percent (.08%) or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the person's breath, consisting substantially of alveolar air, or while the person's urine contains ten one-hundredths of one percent (.10%) or more, by weight, of alcohol, or while under the influence of intoxicating liquor or any drug or any combination thereof, or while the ability to operate a vehicle is impaired by the consumption of intoxicating liquor12 points."

(c) Subsection 306.8 is amended by striking the phrase "blood contains ten one-hundredths of one percent (0.10%) or more, by weight, of alcohol," and inserting the phrase "blood contains eight one-hundredths of one percent (.08%) or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the person's breath, consisting substantially of alveolar air, or while the person's urine contains ten one-hundredths of one percent (.10%) or more, by weight, of alcohol," in its place.

Sec. 7. Fiscal impact statement.

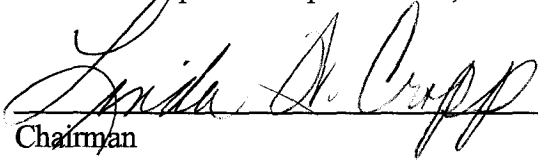
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 8. (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial

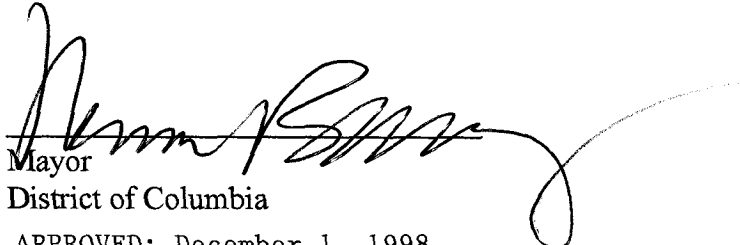
ENROLLED ORIGINAL

Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District Register.

(b) This act shall expire on September 30, 2000.


Chairman
Council of the District of Columbia

Note, Sections
40-302,
40-437,
40-502,
40-505,
40-506,
40-716,
40-717.1


Mayor
District of Columbia
APPROVED: December 1, 1998



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

B12-581

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 10-06-98

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

MASON AND SMITH

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

November 18, 1998
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 11-10-98

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

MASON, SCHWARTZ, SMITH AND THOMAS

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

November 18, 1998
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. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date