

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

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To establish a process for identifying and titling damaged vehicles and penalties for failure to notify of a vehicle's damaged status; to amend 47-2862 of the District of Columbia Code to prohibit the issuance of a licence or permit to a person who has outstanding parking fines or penalties in excess of \$100 owed to the District; to amend section 5 of the Motor Vehicle Safety and Responsibility Act of the District of Columbia to authorize the Attorney General for the District of Columbia to certify operating record abstracts; to amend section 2 of the District of Columbia Revenue Act of 1937 to allow the Director to establish dealer registration eligibility requirements that are more stringent than business license requirements; to amend the District of Columbia Traffic Act, 1925 to establish procedures regarding notice of infractions and to clarify enforcement responsibilities for tinted windows laws; to amend section 902 of the Fiscal Year 1997 Budget Support Act of 1996 to require a vehicle owner to submit a valid driver's license number to transfer liability for an automated traffic enforcement ticket, unless the vehicle was in the temporary control of a business; to amend the District of Columbia Traffic Adjudication act of 1978 to eliminate the liability exemption for lessors receiving parking tickets and to expand the fleet adjudication program to include a broader range of participants and to cover automated traffic enforcement tickets; to amend section 9 of the Motor Vehicle Services Fees and Driver Education Support Act of 1982 to revise the process of administering the driver education program fund and to require an annual audit of expenditures; to amend section 7 of the International Registration Plan Agreement Act of 1997 to establish a new International Registration Plan trip permit fee and revise the International Registration Plan Fund to reflect the plan's requirements; to amend the District of Columbia Revenue Act of 1937 to clarify that out-of-state companies may register their vehicles for use by an employee in the District if that employee is domiciled in the District, allow members of Congress to register their vehicles in the District, increase the duration of a special identification tag to 45 days, allow the Director to prorate registration fees and to synchronize inspection and registration due dates; to amend section 6 of the District of Columbia Traffic Act, 1925 to exempt certain vehicles from the excise tax for the issuance of a certificate of title; and to amend Title 18 of the District of Columbia Municipal Regulations to require a person to pay for a scheduled driving test even though he or she failed to appear for the test, extend the special identification card expiration to 5 years, exempt recently incarcerated persons from the special identification card fee, re-institute the discretionary suspension of a driver's license after the accumulation of 8 or 9 points, remove the requirement that a change to the point system schedule be published in a District newspaper, require proof of District residency on an application for a certificate of title with exceptions for certain

out-of-state lessors and insurance companies, move vehicles for hire from the passenger vehicle registration category to commercial vehicle registration category, establish a new penalty and fine for a person who operates a motor vehicle with foreign material or substance covering the tag, to establish fees for an eligible person to access information from a Department of Motor Vehicle database, establish a fine for a person convicted of operating a motor vehicle with an open container of alcohol, simplify the definition of commercial vehicle, eliminate the requirement of a physician's report for some disabled parking tag and placard applicants, establish a short term disabled parking placard, extend the validity of a disabled parking placard to 5 years, limit the number of replacement disabled parking tags or placards that may be issued to a person in one year, and allow organizations that transport disabled persons to apply for a disabled parking tag or placard; to amend section 2 of the District of Columbia Revenue Act of 1937 to require the Mayor to notify an owner of the expiration date of the owner's motor vehicle or trailer registration; to amend the District of Columbia Traffic Act of 1925 to require the Mayor to notify an owner of the expiration date of the owner's operator's permit; and to amend An act to provide for annual inspection of all motor vehicles in the District of Columbia to require the Mayor to notify an owner of the expiration date of the owner's vehicle inspection sticker.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That
this
Act may be cited as the "Department of Motor Vehicles Reform Amendment Act of 2004".

Title I. SALVAGE, FLOOD, AND NON-REPAIRABLE VEHICLES

Part A

Sec. 101. Definitions

- (1) "Department" means the Department of Motor Vehicles.
- (2) "Director" means the Director of the Department of Motor Vehicles.
- (3) "Flood Vehicle" means a motor vehicle that has been submerged to the point that water entered the passenger or trunk compartments.
- (4) "Motor Vehicle" means any vehicle propelled by an internal combustion engine, electricity, or steam, including any non-operational vehicle that is being restored or repaired. The term "motor vehicle" shall not include road rollers, farm tractors, vehicles propelled only upon stationary rails or tracks, electric personal assistive mobility devices, as defined by section 2(12) of the District of Columbia Traffic, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour.
- (5) "Non-repairable Vehicle" means any motor vehicle that is incapable of safe operation for use on roads or highways.
- (6) "Non-Repairable Vehicle Certificate" means a certificate issued by the Department designating a vehicle as a Non-repairable Vehicle.
- (7) "Owner" means a person, other than a lessor, who holds legal title to a motor vehicle required to be registered in the District of Columbia.
- (8) "Person" means an individual, partnership, corporation, or association.

(9) "Rebuilt Salvage Title" means a certificate of title issued by the Department designating a vehicle as a Rebuilt Salvage Vehicle.

(10) "Rebuilt Salvage Vehicle" means any motor vehicle previously issued a Salvage Title that has passed safety inspections.

(11) "Salvage Title" means a certificate of title issued by the Department designating a motor vehicle as a Salvage Vehicle.

(12) "Salvage Vehicle" means a motor vehicle that:

(A) Has been damaged, destroyed, wrecked, or submerged in water ("damaged") to the extent that the total estimated or actual cost of parts and labor to rebuild or reconstruct the vehicle to its pre-damaged condition and for legal operation on the roads or highways exceeds 75 percent of the retail value of the vehicle prior to such damage, as that value is set forth in a current edition of any nationally recognized compilation of retail values, including automated databases, that has been approved by the Director; or

(B) The owner voluntarily designates as a salvage vehicle pursuant to this title.

Sec. 102. Duty to Apply for Salvage Vehicle Title, Non-Repairable Vehicle Certificate.

(a) An owner of a Salvage Vehicle shall apply to the Department for a Salvage Title before the vehicle is repaired and within 30 days of the vehicle being damaged.

(b) An owner of a Non-repairable Vehicle shall apply for a Non-repairable Vehicle Certificate before ownership is transferred and within 30 days of the vehicle being damaged.

(c) A lessor of a Salvage Vehicle or Non-repairable vehicle shall apply for a Salvage Title or Non-repairable Vehicle Certificate, whichever is applicable, in the same manner as an owner, as described in subsections (a) and (b) of this section, except that an application shall be made within 30 days of being notified of the vehicle's damaged status.

(d)(1) Notwithstanding subsections (a) and (b) of this section, any insurance company that, pursuant to a damage settlement, acquires ownership of a Salvage Vehicle or Non-repairable Vehicle shall apply to the Department for a Salvage Title or Non-repairable Vehicle Certificate, whichever is applicable, within 30 days of the date the title is delivered to the insurance company.

(2) An insurance company that makes a damage settlement for a Salvage Vehicle or Non-repairable Vehicle, but does not acquire ownership of the vehicle, shall, within 30 days of the settlement, notify:

(A) The vehicle's owner or lessor of his or her obligation to apply to the Department for a Salvage Title or Non-repairable Vehicle Certificate, whichever is applicable; and

(B) The Department, in accordance with procedures established by the Department.

(e) A lessee of a Salvage or Non-repairable Vehicle shall notify the lessor within 30 days of the date the damage occurred and shall not repair the vehicle prior to the issuance of a Salvage Title to the lessor.

(f) A person acquiring a Salvage or Non-repairable Vehicle for which a Salvage Title or Non-repairable Vehicle Certificate has not been issued shall apply to the Department for the required document prior to any further transfer of the vehicle and within 30 days of acquisition.

Sec.103. Duty to Notify Lessors, Purchasers, Department, of Flood Vehicle Status

(a) An owner or lessor of a Flood Vehicle transferring ownership of the Flood Vehicle shall:

(1) Prior to the transfer, give the transferee written notice that the vehicle is a Flood Vehicle; and

(2) Notify the Department that the vehicle is a Flood Vehicle, in accordance with procedures established by the Department.

(b) A lessee of a vehicle that becomes a Flood Vehicle shall, within 30 days of the damage, give the lessor written notice that the vehicle is a Flood Vehicle.

Sec. 104. Department Authority to Designate Vehicles Salvage, Non-repairable, and Flood and to include certain information on a title.

(a) Upon application by the owner or lessor, or upon an inspection and determination by the Department that a motor vehicle is a Salvage Vehicle or Non-repairable Vehicle, the Department shall issue a Salvage Title or Non-repairable Vehicle Certificate, whichever is applicable.

(b) Upon notification by the owner or lessor, or upon an inspection and determination by the Department that a motor vehicle is a Flood Vehicle, the Department shall indicate on the vehicle's title that the vehicle is a Flood Vehicle.

(c) If a title from another jurisdiction indicates that a vehicle is damaged or that its use is restricted in any way, the Director may include this information on any new title issued by the Department for the vehicle, including the jurisdiction previously recording the information.

Sec. 105. Restrictions on Use and Transfer of Salvage Vehicles.

(a) No Salvage Vehicle may be registered under the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01 *et seq.*).

(b) Ownership of a Salvage Vehicle shall be transferred only through the use of a Salvage Title.

Sec. 106. Titling Rebuilt Salvage Vehicles.

(a) The Department shall issue a Rebuilt Salvage Title if the owner has been issued a Salvage Title and passed inspection.

(b) Ownership of a Rebuilt Salvage Vehicle shall be transferred only through the use of a Rebuilt Salvage Title.

Sec. 107. Restrictions on Use and Transfer of Non-repairable Vehicles.

(a) No motor vehicle for which a Non-repairable Vehicle Certificate has been issued shall be titled or registered by the Department.

(b) Ownership of a motor vehicle for which a Non-repairable Vehicle Certificate has been issued may only be transferred once.

(c) Whenever a motor vehicle has been flattened, baled, shredded, or otherwise destroyed, the motor vehicle title or Non-repairable Vehicle Certificate for the vehicle shall be surrendered to the Department within 30 days of the destruction. If the destroyed vehicle is titled in another state, the Department shall inform the titling state of the surrender of the title or Non-repairable Vehicle Certificate and of the vehicle's destruction.

Sec. 108. Penalties.

- (a) It shall be unlawful to:
- (1) Make or cause to be made any false statement:
 - (A) On an application for a title or duplicate title; or
 - (B) In conjunction with any disclosure required under this title;
 - (2) Alter, forge, or counterfeit:
 - (A) A motor vehicle title or an assignment thereof;
 - (B) A Non-repairable Vehicle Certificate; or
 - (C) A certificate verifying a safety inspection;
 - (3) Falsify the results of, or provide false information in the course of, an inspection conducted in conjunction with obtaining a Rebuilt Salvage Title;
 - (4) Represent any Salvage Vehicle or Non-repairable Vehicle as a Rebuilt Salvage Vehicle;
 - (5) Fail to comply with any provision of this title requiring:
 - (A) Application for a title or certificate;
 - (B) Notification of specified parties; or
 - (C) Surrender of a title or certificate; or
 - (6) Conspire to commit any of the unlawful acts enumerated in this section.

(b) A person who commits an unlawful act as described in subsection (a) of this section shall upon conviction be fined not more than \$ 2,000 or imprisoned not more than 180 days, or both. All such prosecutions shall be in the Superior Court of the District of Columbia upon information filed by the Attorney General for the District of Columbia or any of his assistants in the name of the District of Columbia.”.

Sec. 109. Rules and regulations.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedures Act, approved October 21, 1968 (82 Stat.1204; D.C. Official Code § 2-501 *et seq.*), shall make such regulations and establish such fees as in the Mayor’s judgment are necessary for the administration of this title. The Mayor may issue any rules or regulations or amend any existing rules or regulations or provisions of this title as needed to comply with the requirements of federal laws and regulations or with federal grant eligibility requirements.

Part B

Sec. 150. Conforming amendment.

DCMR

Section 412.1 of Title 18 of the District of Columbia Municipal Regulations is amended by adding a new paragraph (n) to read as follows:

“(n) Has been issued a Salvage Title or Non-Repairable Vehicle Certificate.”.

Title II. ENFORCEMENT AND LIABILITY

Sec. 201. D.C. Official Code § 47-2862(a) is amended by adding a new paragraph (7) to read as follows:

Amend
§ 47-2862

“(7) Parking fines or penalties assessed by another jurisdiction; provided, that a reciprocity agreement is in effect between the jurisdiction and the District.”.

“(8) Fines assessed to car dealers pursuant to section 2(i) of the District of

ENROLLED ORIGINAL

Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.02(i)).

"(9) Fines assessed to pursuant to the Taxicab and Limousine Commission Establishment Amendment Act of 2004, as approved by the Committee on Public Works and the Environment on December 6, 2004 (Committee print of Bill 15-1085).".

**Amend
§ 50-1301.05**

Sec. 202. Section 5(a) of the Motor Vehicle Safety and Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 122; D.C. Official Code § 50-1301.05(a)), is amended as follows:

(a) Designate the existing text as paragraph (1).

(b) Add a new paragraph (2) to read as follows:

"(2) The Department of Motor Vehicles and the Office of the Attorney General for the District of Columbia are authorized to certify, for any purpose, an operating record abstract."

**Amend
§ 50-1501.02**

Sec. 203. Section 2 of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50-1501.02), is amended by adding new subsections (h) and (i) to read as follows.

"(h) The Mayor may amend Chapters 4 and 5 of Title 18 of the District of Columbia Municipal Regulations ("DCMR") and may establish dealer registration eligibility requirements that are more stringent than the business licensing requirements in Title 16 of the DCMR; provided, that the proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, holidays, and days of Council recess. If the Council does not disapprove the proposed rules by resolution, within the 45-day review period, the proposed rules shall be deemed approved. The Council may approve or disapprove the proposed rules by resolution prior to the expiration of the 45-day review period."

"(i) A dealer violating any provision of Chapters 4 or 5 of Title 18, DCMR, shall be subject to a fine of up to \$1000. Notices of infractions shall be issued by the Mayor and adjudicated by the Department of Motor Vehicles, pursuant to Chapter 10 of Title 18, DCMR, and subject to following provisions:

"(1) A notice of infraction shall be mailed to the dealer's address on record at the Department of Motor Vehicles, personally served on the dealer, or left with an employee at the dealer's place of business.

"(2) A person to whom a notice of infraction has been issued must answer by either requesting a hearing or by paying the fine due within 30 calendar days of the date of receipt of the notice of infraction.

"(3) If a person fails to answer the notice within the 30-day period, the person's dealer registration may be suspended until the person pays the fine amount due.

"(4) An infraction pursuant to this subsection shall be established by the government by a preponderance of evidence."

**Amend
§ 50-904**

Sec. 204. Section 1825 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 50-904), is amended as follows:

(a) Paragraph (2)(E) is amended by striking the word "and" at the end of the sentence.

ENROLLED ORIGINAL

(b) Paragraph (3) is amended by striking the period at the end of the sentence and inserting the phrase “; and” in its place.

(c) Add a new paragraph (4) to read as follows:

“(4) Take enforcement action, including the issuance of fines, for car dealers’ violations of Chapters 4 and 5 of Title 18, DCMR.”.

Sec. 205. The District of Columbia Traffic Act, 1925, effective March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.01 *passim*), is amended as follows:

Amend
§ 50-1401.01

(a) Section 7(a)(2A)(B)(ii) (D.C. Official Code § 50-1401.01(a)(2A)(B)(ii)) is amended by adding the phrase “in the last 6 months” after the word “assessed”.

Amend
§ 50-2207.02

(b) Section 11a (D.C. Official Code § 50-2207.02) is amended by adding new subsections (k), (l), (m), (n), (o), and (p) to read as follows:

“(k) Notice of an infraction issued pursuant to subsections (d)(2) or (e)(2) of this section shall be mailed by U.S. mail to the owner’s last known address in the Department of Motor Vehicles’ records.

“(l) Violations of subsections (d)(2) and (e)(2) of this section shall be adjudicated as moving violations.

“(m) Answers to notices sent pursuant to subsection (k) of this section shall be in accordance with section 205(a), (b), (c), and (e) of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D. C. Law 2-104; D.C Official Code § 50-2302.05(a), (b), (c), and (e)), and subsection (n) of this section.

“(n)(1) A person to whom a notice of infraction has been issued shall answer within 30 calendar days of the date the notice was mailed or within a greater period of time as prescribed by the Director by regulation.

“(2) If a person fails to answer the notice within the 30-day period or within the period of time prescribed by the Director, the person’s registration certificate shall be suspended. The notice of the suspension shall be mailed by U.S. mail to the person’s address on the Department’s records. Suspension shall take effect 15 days after the date the notice of suspension was mailed.

“(3) The possession by the Department of a copy of the notice of suspension addressed to a person or a copy of the certificate or affidavit provided for in 18 DCMR § 307.7 shall establish a rebuttable presumption that the notice of suspension was received by the person by the date the suspension became effective.

“(4) A suspension resulting from a failure to answer shall remain in effect until the person answers the notice, except that once the offense is deemed admitted the suspension may be lifted only by payment of the fine for the offense and any additional penalties imposed pursuant to section 105 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.05), for failure to answer within the time required by paragraph (1) of this subsection.

“(o) The Director shall reject any vehicles appearing for inspection pursuant to An Act to provide for the annual inspection of all motor vehicles in the District of Columbia, approved February 18, 1938 (52 Stat. 78; § 50-1101), whose window tint violates subsections (a) or (b) of this section.

“(p) No points shall be assessed for any violation of this section.”.

Amend
§ 50-2209.02

Sec. 206. Section 902(a) of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.02(a)), is amended by striking the phrase "the name and address of the person who leased, rented, or otherwise had care, custody, or control of the vehicle." and inserting after the the phrase "the name, driver's license number, and address of the person who leased, rented, or otherwise had care, custody, or control of the vehicle; except that if the vehicle was in the temporary care, custody, or control of a business, the owner need only provide the name and address of that business." in its place.

Sec. 207. The District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*), is amended as follows:

Amend
§ 50-2302.05
Amend
§ 50-2303.04

(a) Section 205(f) (D.C. Official Code § 50-2302.05(f)) is amended by striking the figure "307.6" and inserting the figure "307.7" in it's place.

(b) Section 304 (D.C. Official Code § 50-2303.04) is amended to read as follows:

"(a)(1) The operator of a vehicle shall be primarily liable for the civil penalties imposed pursuant to this title. The owner or lessee of the vehicle, even if not the operator thereof, shall also be liable, unless the owner or lessee can show that the vehicle was used without the owner's or lessee's express or implied permission.

"(2) An owner or lessee who pays a civil fine or penalties pursuant to this title shall have the right to seek recovery of the amount of the fines and penalties from the operator and shall have a cause of action against the operator of the vehicle for those amounts.

"(b) Where a lessor of a vehicle has paid a fine or penalty for which the lessor is liable and the Department thereafter collects from the person to whom the vehicle was rented or leased the amount of the scheduled fine and penalties, or any portion thereof, the lessor shall be entitled to reimbursement from the Department of the amount of the fines and penalties paid by the lessee, less the Department's cost of collection.

"(c) Where a lessor of a vehicle is liable for an infraction, the lessor's answers to the notice of the infraction mailed to the lessor shall be consistent with section 205. The lessor's failure to answer the notice of infraction within 30 days after mailing shall result in the imposition of monetary penalties established by section 205, in addition to the potential civil fine for the infraction. If the lessor fails to answer the notice of infraction within 60 days, the lessor shall be deemed liable for the violation and the civil fine shall also be imposed."

Amend
§ 50-2303.04a

(c) Section 304a (D.C. Official Code § 50-2303.04a) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase "engaged in commercial activity".

(B) Paragraph (2) is amended by striking the phrase "engaged in the regular course of business in the District of Columbia".

(2) Subsection (b) is amended by striking the phrase "notices of infraction" and inserting the phrase "notices of infraction for parking violations and for violations detected by an automated traffic enforcement system," in its place.

(3) Subsection (d) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

"(1) Register its fleet with the Department of Motor Vehicles."

(B) Paragraph (3) is amended to read as follows:

"(3) Satisfy all outstanding parking infractions and all outstanding moving

infractions under section 902 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.02) ("Fiscal Year 1997 Budget Support Act of 1996") prior to registration in the program."

(4) Subsection (e) is amended to read as follows:

"(e) A fleet owner participating in the fleet adjudication program shall answer the monthly fleet infraction report within 30 days of its receipt, which sets forth the date and time of the infraction and other information contained in the original notice of infraction. Answers shall be consistent with section 205 and with section 902(b) of the Fiscal Year 1997 Budget Support Act of 1996, whichever is applicable. The Director may suspend program participation for more than one violation of this subsection."

Title III. REVISIONS TO DRIVER EDUCATION AND
INTERNATIONAL REGISTRATION PLAN FUNDS

Amend
§ 50-1405.01

Sec. 301. Section 9(c), (d), (e), (f), and (g) of the Motor Vehicle Services Fees and Driver Education Support Act of 1982, effective April 3, 1982 (D.C. Law 4-97; D.C. Official Code § 50-1405.01(c), (d), (e), (f) and (g)), is amended to read as follows:

"(c) Amounts allocated to, or deposited in, the Driver Education Program Fund shall be used by a District of Columbia agency, including the Department of Motor Vehicles, for the purposes of offering driver education programs approved by the Department of Motor Vehicles.

"(d) An agency other than the Department of Motor Vehicles seeking to use monies from the Driver Education Program Fund shall apply to the Department of Motor Vehicles. Applications shall include a description of the program to be offered and any other information required by the Director.

"(e) The Department of Motor Vehicles shall maintain an accounting of the monies accumulated in the Driver Education Program Fund and the costs of operating the programs that use monies from the fund.

"(f) The District of Columbia Auditor shall conduct an annual audit of the Driver Education Program Fund. The Auditor shall provide the Council with a report on the status of the fund not later than January 31 of each year.

"(g) The Driver Education Program Fund shall be used solely for the purposes set forth in this section. All monies collected under subsection (b) of this section, and all interest earned on those monies, shall be deposited into the Driver Education Program Fund without regard to fiscal year limitation pursuant to an act of Congress. All monies deposited into the fund shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in this section, subject to authorization by Congress."

Amend
§ 50-1507.06

Sec. 302. Section 7 of the International Registration Plan Agreement Act of 1997, effective September 5, 1997 (D.C. Law 12-14; D.C. Official Code § 50-1507.06), is amended to read as follows:

"(a) The fee for a trip permit shall be \$50.

"(b) Vehicle registration fees for IRP registrants, and all interest earned on those fees, shall be deposited into the IRP Fund and shall be used, first, to reimburse IRP member jurisdictions and, second, to offset the costs of implementing this act. The IRP Fund shall be used solely for the purposes set forth in this section. All monies collected under this section and all interest earned on those monies, shall be deposited into the IRP Fund without regard to fiscal

year limitation pursuant to an act of Congress. All monies deposited into the Fund shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in this section, subject to authorization by Congress.”.

Title IV. REGISTRATION AND TITLING

Sec. 401. The District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01 *et seq.*), is amended as follows:

Amend
§ 50-1501.02

(a) Section 2 (D.C. Official Code § 50-1501.02) is amended as follows:

(1) Subsection (c)(5) is amended to read as follows:

“(5) Is domiciled in the District of Columbia; except that the person need not be domiciled in the District of Columbia if:

“(A)(i) The owner is a partnership, corporation, association, or government entity;

“(ii) The vehicle is housed in the District of Columbia;

“(iii) The vehicle is provided to an employee of the owner for his or her use;

“(iv) The employee is domiciled in the District of Columbia; and

“(v) The owner submits an affidavit affirming compliance with this paragraph and agreeing that the address on the registration certificate and in the Department of Motor Vehicles’ records shall be the address of the operator and that the employee’s address shall be considered the owner’s address for the purpose of sending any notices required by any statute or regulation for that vehicle.

“(B) The owner is a member of Congress and has a District of Columbia residence; or

“(C) The owner is a lessor and the vehicle is leased to a person domiciled in the District of Columbia.”.

(2) Subsection (d)(5)(A) is amended by striking the figure “30” and inserting the figure “45” in its place.

Amend
§ 50-1501.03

(b) Section 3 (D.C. Official § 50-1501.03(c)) is amended as follows:

(1) Subsection (c) amended by striking the figure “11” and inserting the figure “23” in its place.

(2) Add new subsections (h), (i), (j), and (k) to read as follows:

“(h) To synchronize inspection and registration due dates, the Mayor may declare that a vehicle’s inspection or registration shall expire prior to the date originally established; provided, that the Mayor shall reduce the fee for the vehicle’s next registration or inspection renewal by a percentage equal to the percentage of the reduction of the original time period.

“(i) The Mayor may require a 2 year registration period for any registrant.

“(j) The Mayor may refund any portion of the registration fee if the registrant does not maintain the registration for the entire registration period established.

“(k) The Mayor may allow any person to pay registration fees in installments, as determined by the Mayor.”.

Amend
§ 50-2201.03

Sec. 402. Section 6(j) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(j)), is amended as follows:

(a) Paragraph (1) is amended to read as follows:

"(1) In addition to the fees and charges levied under other provisions of this part, there is hereby levied and imposed an excise tax on the issuance of every original certificate of title for a motor vehicle or trailer in the District of Columbia and, in the case of a sale, resale, gift or other transfer thereof, on the issuance of every subsequent certificate of title, except in the case of a bona fide gift between spouses, parent and child, or domestic partners as that term is defined in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)), at the following percentage of the fair market value of the motor vehicle or trailer at the time the certificate of title is issued:

Weight Class	Registration Fee
Class I (3,499 pounds or less)	6%
Class II (3,500 - 4,999 pounds)	7%
Class III (5,000 pounds or greater).....	8%".

(b) Paragraph (3) is amended by adding new subparagraphs (J), (K), (L), and (M) to read as follows:

“(J) A clean-fuel vehicle or electric vehicle determined by the United States Internal Revenue Service to be eligible for a federal tax deduction or credit pursuant to 26 U.S.C. §§ 30 and 179A for the tax year during which it is being titled.

“(K) Motor vehicles following the death of one co-owner; provided, that the title is issued to a surviving owner.

“(L) Motor vehicles whose ownership is determined by a decree of divorce or separation or pursuant to a written instrument incident to such divorce or separation; or, in the case of former domestic partners, ownership is either determined by a court order or one co-owner transfers his or her interest to the other co-owner provided that the applicant also submits the termination statement provided for in section 2 of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702).

“(M) Motor vehicles re-titled by an insurance company in connection with an insurance claim or pursuant to Title I.”.

Amend
§ 50-1501.03

Title V. FEES FOR EXISTING SERVICES

Sec. 501. Section 3 of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 681; D.C. Official Code § 50-1501.03) is amended as follows:

(a) Subsection (a) is amended by adding a new paragraph (3) to read as follows:

“(3) The application fee for an organization seeking approval of an organization tag shall be \$100, which may be modified by the Mayor to cover administrative costs.”.

(b) Subsection (b)(1), (2), and (3) is amended to read as follows:

“(b)(1) Class A. For each passenger vehicle, except for passenger vehicles licensed under D.C. Official Code § 47-2829, based upon the manufacturer’s shipping weight, as follows:

Weight Class	Registration Fee
Class I (3,499 pounds or less).....	\$ 72
Class II (3,500 – 4,999 pounds).....	\$115
Class III (5,000 pounds or greater).....	\$155

Class IV (A clean fuel or electric vehicle determined by the United States Internal Revenue Service to be eligible for a federal tax deduction or credit pursuant to 26 U.S.C. §§ 30 and 179A for the tax year during which it is being registered).....\$ 36

“(2) Class B. For each commercial vehicle, tractor, and passenger carrying vehicle for hire, including vehicles licensed under D.C. Official Code § 47-2829, based upon the manufacturer’s shipping weight, as follows:

Weight Class	Registration
Class I (3,499 pounds or less).....	\$125
Class II (3,500 – 4,999 pounds).....	\$160
Class III (5,000 – 6,999 pounds).....	\$220
Class IV (7,000 – 9,999 pounds).....	\$300
Class V (10,000 or greater).....	\$575 plus
	per each additional 1,000 pounds over 10,000 pounds.

\$25

“(3) Class C. For each trailer, based upon the manufacturer’s shipping weight, as follows:

Weight Class	Registration Fee
Class I (1,499 pounds or less).....	\$ 50
Class II (1,500 – 3,499 pounds).....	\$125
Class III (3,500 – 4,999 pounds).....	\$250
Class IV (5,000 – 6,999 pounds).....	\$400
Class V (7,000 – 9,999 pounds).....	\$500
Class VI (10,000 pounds or greater).....	\$500 plus \$50 per each additional 1,000 pounds over 10,000 pounds.”.

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Title VI. REGULATORY AMENDMENTS

Sec. 601. Title 18 of the District of Columbia Municipal Regulations is amended as follows:

(a) Section 103 is amended by adding new subsections 103.9 and 103.10 to read as follows:

“103.9 An applicant who fails to appear for a scheduled road test shall be required to pay a penalty of ten dollars (\$10), unless the applicant cancels the road test at least 2 business days prior to the scheduled road test.

“103.10 An applicant shall pay any outstanding road test penalties due pursuant to §103.9 prior to receiving a road test.”.

(b) Section 112 is amended as follows:

(1) Subsection 112.7 is amended by striking the phrase “four (4)” and inserting the phrase “up to five (5) years, as determined by the Director,” in its place.

(2) Subsection 112.12 is amended to read as follows:

“112.12 Fees for non-driver identification cards shall be as follows:

“(a) Each original or renewal card.....\$20;

“(b) Each duplicate card.....\$7;

“(c) For residents sixty-five (65) years of age or older... No Charge;

“(d) Residents released from a federal or state correctional or detention facility within the previous six (6) months..... No charge.”.

(c) Section 303 is amended as follows:

(1) Add a new subsection 303.4 to read as follows:

“303.4 The Director or hearing examiner may order the suspension of a person’s license when the number of points accumulated reached a total of eight (8) or nine (9) points.”.

(2) Add a new subsection 303.16 to read as follows:

“303.16 The Director is authorized to make changes to the point system schedule, in accordance with Title 1 of the District of Columbia Administrative Procedures Act, approved October 21, 1986 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).”.

(d) Subsection 306.5 is amended by striking the phrase “, pursuant to § 301 of this chapter,”.

(e) Subsection 401.1 is amended by adding a new paragraph (f) to read as follows:

“(f) Proof of District of Columbia residency for at least one owner; except that a vehicle owned by an out-of-state lessor and leased to a District of Columbia resident may apply and an out-of-state insurance company may apply in connection with an insurance claim if the vehicle is located in the District.”.

(f) Section 422 is amended by adding new subsections 422.8 and 422.9 to read as follows:

“422.8 No person shall operate a vehicle where the identification tag’s identifying numbers or letters are covered with glass, plastic, or any other type of material or substance.

“422.9 A person operating a vehicle in violation of § 422.8 shall be subject to a fine of five hundred dollars (\$500).”.

(g) Section 801 is amended as follows:

(1) The section title is amended to read “801 FEES FOR RECORDS”.

(2) Add new subsections 801.6 through 801.10 to read as follows:

“801.6 The annual fee for electronic access to Department of Motor Vehicle driver records shall be one hundred dollars (\$100).

“801.7 The annual fee for periodic receipt of electronic files containing customers’ registration-related information shall be one thousand two hundred dollars (\$1,200).

“801.8 The fees in this section may be modified by the Director of the Department of Motor Vehicles to cover administrative costs.

“801.9 Persons seeking information under §§ 801.6 or 801.7 shall apply pursuant to procedures established by the Director.

“801.10 A person seeking information identified under this section must be eligible to receive the information pursuant to District of Columbia and federal privacy laws.”.

(h) Section 2224 is amended by adding a new subsection 2224.4 to read as follows:

“2224.4 A person operating a vehicle in violation of this section shall be subject to a fine of one hundred dollars (\$100).”.

(i) Subsection 2600.1 is amended by adding the following fines to the list of fines provided:

“Open Container of alcohol

“Tags	Operating motor vehicle with [§ 2224.4]	\$100
	Covering [§ 422.8]	\$500”

(j) Chapter 2700 is amended as follows:

(1) Subsection 2702.3 is amended to read as follows:

“2702.3 An applicant for special license tags or a special parking permit, other than the one-week permit provided for in § 2702.4, shall submit a licensed physician’s certification on a form provided by the Director establishing his or her eligibility under 2701.1(a) through (e), except that persons applying in person may not be required to submit such a certification if the Director can determine through observation that they meet the requirements of § 2701.1(a) or (b). A physician’s certification shall contain the physician’s name, medical license number, signature, address, and telephone number.”.

(2) Subsection 2702.4 is amended to read as follows:

“2702.4 The Director may issue a one-week special parking permit, one (1) time per year per applicant; provided the applicant establishes, to the Director’s satisfaction, that:

“(a) The applicant’s special license tags are on a vehicle that is being repaired; or

“(b) The applicant has, or will have, a temporary disability that substantially impairs his or her mobility and the applicant has not been issued a District of Columbia special license tag.”.

(3) Subsection 2704.6 is amended to read as follows:

“2704.6 The special license tags shall be renewed at the time of registration; the special parking permit issued to a person qualifying under 2701.1(a) through (d) shall be renewed every five (5) years, except that the Director may issue a permit of greater duration, not to exceed six (6) years, so that the permit shall expire at the same time that the person’s District driver’s license or special identification card expires.”.

(4) Subsection 2704.7 is repealed.

(5) Add a new subsection 2705.2 to read as follows:

“2705.2 After each report of a lost or stolen tag or permit as provided in § 2705.1, a person may apply for a duplicate tag or permit, up to two (2) times in a one (1) year period.”.

(6) Add a new section 2707 to read as follows:

“2707 ORGANIZATIONS TRANSPORTING DISABLED PERSONS.

“2707.1 An organization that regularly transports persons who meet one or more of the requirements in § 2701.1 may apply to the Director for special license tags or a special parking permit.

“2707.2 The application shall include proof, as required by the Director, as to the nature and activities of the organization.

“2707.3 A vehicle displaying special license tags issued pursuant to § 2707.1 shall meet all District of Columbia vehicle registration eligibility requirements.

“2707.4 Only one special parking permit may be issued for each vehicle used by the organization in the transport of persons as provided by § 2707.1.

“2707.5 The following provisions shall also apply to organizations issued permits or tags pursuant to §§ 2704.2, 2704.3, 2704.4, 2704.5, 2704.6, 2704.8, 2705, 2706, and 2718.

“2707.6 A vehicle displaying a special license tag or permit issued pursuant to this section may only utilize the special parking privileges provided for in this chapter in connection with the transport of disabled persons who meet one or more of the requirements in § 2701.1.

“2707.7 The Director may modify this section by rulemaking.”

(k) The definition of “Commercial Vehicle” in section 9901 is amended to read as follows:

“COMMERCIAL VEHICLE – any vehicle with more than three (3) wheels and:

“(a) Greater than twenty-two (22) feet in length; or

“(b) Used or maintained for transporting freight, merchandise, or other commercial loads or property.”

Amend
§ 50-1501.02

Title VII. NOTICE TO OWNER REQUIREMENTS

Sec. 701. Section 2(b) of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50-1501.02(b)), is amended as follows:

(a) Designate the existing text as paragraph (1).

(b) Add a new paragraph (2) to read as follows:

“(2) The Mayor shall notify an owner of the expiration date of the owner’s motor vehicle or trailer registration. The required notice shall be mailed to the named owner at the address of record at least 30 days prior to the date of expiration. If the Director does not deliver the notice as required, the first of any tickets issued for failure to display current registration for that registration period may be dismissed through mail or in-person adjudication.”

Sec. 702. The District of Columbia Traffic Act, 1925, effective March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.01 *passim*), is amended by adding a new section 7a to read as follows:

“Sec. 7a. Notification of operator’s permit expiration.

“The Mayor shall notify an owner of the expiration date of the owner’s operator’s permit. The required notice shall be mailed to the named owner at the address of record at least 30 days prior to the date of expiration.”

Sec. 703. An Act To provide for annual inspection of all motor vehicles in the District of Columbia, approved February 18, 1938 (52 Stat. 78; D. C. Official Code § 50-1101 *et seq.*), is amended by adding a new section 9 to read as follows:

“Sec. 9. Notification of inspection sticker expiration.

“The Mayor shall notify an owner of the expiration date of the owner’s vehicle inspection sticker. The required notice shall be mailed to the named owner at the address of record at least 30 days prior to the date of expiration. If the Director does not deliver the notice as required, the first of any tickets issued for failure to display a current inspection sticker for that inspection period may be dismissed through mail or in-person adjudication.”

Title VIII. FISCAL IMPACT STATEMENT.

Sec. 801. 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. Official Code § 1-206.02(c)(3)).

Title IX. EFFECTIVE DATE.

Sec. 901. This act shall take effect following approval by the Mayor (or in the event of

ENROLLED ORIGINAL

veto by the Mayor, action by the Council to override the veto), 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. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia