

AN ACT

*Codification  
District of  
Columbia  
Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require Metropolitan Police Department officers and other authorized law enforcement officers to demand proof of insurance from motorists operating a motor vehicle in the District of Columbia, to require the Metropolitan Police Department to include insurance information in all traffic accident reports, and to require the Metropolitan Police Department to prepare an annual report regarding the effectiveness of enforcement of compulsory motor vehicle insurance requirements; to amend the Compulsory/No Fault Motor Vehicle Insurance Act of 1982 to require insurers to provide District of Columbia residents who purchase motor vehicle insurance with an Insurance Identification Card, and to revise the penalties for the failure of a motorist to produce proof of insurance on demand by a law enforcement officer; to amend the District of Columbia Traffic Adjudication Act of 1978 to provide that motor vehicle operators and owners may contest by mail charges of operating or permitting to be operated a motor vehicle for which the required insurance was not in effect.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Vehicle Insurance Enforcement Amendment Act of 2006".

TITLE I

Sec. 101. Definitions.

For the purposes of this title, the term:

(1) "Accident" means an untoward and unforeseen occurrence out of the maintenance or use of:

(A) A motor vehicle;

(B) A vehicle operated or designed for operation upon a highway by power other than muscular power with respect only to any pedestrian or any occupant of that vehicle other than the owner or operator of that vehicle; or

(C) Any other vehicle covered by the insurance coverage required by section 7 of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2406).

(2) "Insurance Identification Card" means a current document issued by an insurer as proof of insurance for a motor vehicle that lists the name of the insurer, the policy number, the name of the insured, the period of coverage for the insurance, and the make, model, and vehicle identification number.

(3) "Insurer" means any person, company, or professional association licensed in the District of Columbia that provides motor vehicle liability protection or any self-insurer.

(4) "Law enforcement officer" means any officer of the Metropolitan Police Department, whether salaried or reserve, or of any other law enforcement agency operating in the District of Columbia with which the Metropolitan Police Department has an agreement authorizing its officers to enforce the provisions of this title .

(5) "Motor vehicle" means any device propelled by an internal-combustion engine, electricity, or steam, including any non-operational vehicle that is being restored or repaired. The term "motor vehicle" does not include traction engines used exclusively for drawing vehicles in fields, road rollers, vehicles propelled only upon rails and tracks, electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 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.

(6) "Operator" means a person who drives or is in actual physical control of a motor vehicle or who is exercising control over or steering a motor vehicle being pushed or towed by a motor vehicle.

(7) "Owner" means any person, corporation, firm, agency, association, organization, or federal, state, or local government agency or other authority or other entity having the property or title to a vehicle or bicycle used or operated in the District; any registrant of a vehicle used or operated in the District; or any person, corporation, firm, agency, association, organization, or federal, state, or local government agency or authority or other entity in business or renting or leasing vehicles or bicycles to be used or operated in the District.

(8) "Proof of insurance" means a valid Insurance Identification Card for a District of Columbia resident or its equivalent for the resident of another state. Other documentation from an insurance company that constitutes reasonable proof of valid insurance being in effect shall be adequate evidence of proof of insurance.

(9) "Self-insurer" means any person having received a certificate of self-insurance issued by the Mayor pursuant to section 79 of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 139; D.C. Official Code § 50-1301.79).

**Sec. 102. Demand for proof of motor vehicle insurance.**

(a) Except when circumstances related to safety, law enforcement, or emergency medical care make it impracticable to do so, a law enforcement officer shall demand proof of insurance from the operator of any motor vehicle that:

(1) Has been involved in a traffic accident to which the law enforcement officer has responded; or

(2) Has been lawfully stopped by the law enforcement officer.

(b)(1) The failure of the operator of a motor vehicle to present proof of insurance upon demand, in violation of section 15(a)(7) of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2413(a)(7)) (“Act”), shall create a rebuttable presumption that the motor vehicle is being operated without required insurance being in effect, in violation of section 15(a)(3) of the Act.

(2) If the operator of a motor vehicle is unable to present proof of insurance upon demand, the law enforcement officer shall issue notices of infraction for violations of section 15(a)(3) and (a)(7) of the Act.

(c) A law enforcement officer may not stop a motor vehicle solely for the purpose of demanding proof of insurance.

**Sec. 103. Inclusion of insurance information on traffic accident reports.**

(a) A law enforcement officer responding to the scene of a motor vehicle accident and completing a traffic accident report shall note the following information on the traffic accident report:

(1) The insurer or provider of insurance for the operator of each motor vehicle involved in the accident; and

(2) The insurer or provider of insurance for each motor vehicle involved in the accident.

(b)(1) Except as provided in paragraph (2) of this subsection, within 90 days of the effective date of this act, the Metropolitan Police Department shall utilize traffic accident report forms that contain adequate space on the form to identify the name of the insurer or provider of insurance for each motorist and motor vehicle involved in a motor vehicle accident. The word “Insurance” shall appear adjacent to the space on the form provided for the required insurance information.

(2) Until the Metropolitan Police Department makes the form specified in paragraph (1) of this subsection available to officers, officers shall enter the insurance information required by subsection (a) of this section in the narrative section of the existing traffic accident report form known as a PD-10. Until the supply of existing PD-10 forms in the inventory of the Metropolitan Police Department are depleted, officers may enter the required insurance information in the narrative section of the PD-10.

**Sec. 104. Report on enforcement of compulsory insurance requirements.**

(a) The Metropolitan Police Department shall annually publish and submit to the Council and to the Department of Insurance, Securities, and Banking a report on the effectiveness of enforcement of the requirements of compulsory motor vehicle insurance. The Mayor shall direct the appropriate agencies to provide the Metropolitan Police Department with

the information needed to compile the report. The report shall include:

(1) Statistics regarding:

(A) The number of notices of infraction (“NOI”) issued for failure to produce proof of insurance upon demand, and the number of such NOIs subsequently dismissed; and

(B) The number of NOIs for failure to maintain the required insurance, and the number of such NOIs subsequently dismissed; and

(2) An evaluation of the effectiveness of enforcement, including any recommendations for improvements to enforcement of compliance with compulsory insurance requirements.

(b) The report shall be on a calendar-year basis and shall be transmitted to the Council and the Department of Insurance, Securities, and Banking by January 31<sup>st</sup>, with the first report due January 31, 2007.

## TITLE II

Sec. 201. The Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2401 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 31-2402) is amended by adding a new paragraph (9A) to read as follows:

Amend  
§ 31-2402

“(9A) “Insurance Identification Card” means a document issued by an insurer as proof of insurance for a motor vehicle that lists the name of the insurer, the policy number, the name of the insured, the period of coverage for the insurance, and the make, model, and vehicle identification number.

(b) Section 7(a) (D.C. Official Code § 31-2406(a)) is amended by adding a new paragraph (2A) to read as follows:

Amend  
§ 31-2406

“(2A) For policies issued or reissued after January 1, 2007, insurers shall be required to provide at least 2 copies of an Insurance Identification Card to the policyholder of the vehicle registered in the District of Columbia. The Insurance Identification Card must be carried in the insured motor vehicle for production upon demand. The insurer shall provide additional copies of the Insurance Identification card upon request of the insured.”.

(c) Section 15 (D.C. Official Code § 31-2413) is amended as follows:

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

Amend  
§ 31-2413

(A) Paragraph (3) is amended by striking the word “knowingly”.

(B) Paragraph (4) is repealed.

(C) Paragraph (7) is amended by striking the word “evidence” and inserting the phrase “an Insurance Identification Card, its equivalent in another state, or other evidence establishing” in its place.

(2) A new subsection (a-1) is added to read as follows:

“(a-1) A violation of subsection (a)(7) of this section shall create a rebuttable

presumption of a violation of subsection (a)(3) of this section.”.

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

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

(i) Designate the existing text as subparagraph (A).

(ii) The newly designated subparagraph (A) is amended to read as

follows:

“(A) A person who commits an offense under subsection (a)(3) of this section shall be subject to both the regulatory scheme established in section 4(d)(2) and to a civil fine of \$500, or a license suspension for up to 30 days, or both, for the first offense, and an increase of 50% of the civil fine for the second and each subsequent offense, or a license suspension for up to 60 days, or both, pursuant to sections 104 and 105 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code §§ 50-2301.04 and 50-2301.05).”.

(iii) New subparagraphs (B) and (C) are added to read as follows:

“(B) A motor vehicle owner or operator shall be permitted to contest by mail or in person the charge of operating or permitting to be operated a motor vehicle without required insurance being in effect with respect to that motor vehicle pursuant to subsection (a)(3) of this section. For the purposes of contesting the charge, the owner or operator shall be permitted to present as evidence establishing that the required insurance was in effect with respect to the motor vehicle any of the following:

“(i) An Insurance Identification Card;

“(ii) An insurance policy;

“(iii) Any other evidence that constitutes reasonable proof that the required insurance was in effect; or

“(iv) Copies of any documents described in sub-subparagraphs (i) through (iii) of this subparagraph.

“(C) Unless the hearing examiner has reasonable doubt about the veracity of the evidence presented pursuant to subparagraph (B)(i) and (ii) of this paragraph, submission of either shall be sufficient to dismiss the charge of operating or permitting to be operated a motor vehicle without required insurance being in effect with respect to that motor vehicle pursuant to subsection (a)(3) of this section.”.

(B) A new paragraph (3) is added to read as follows:

“(3) A person who commits an offense under subsection (a)(7) of this section shall be subject both to the regulatory scheme established in section 4(d)(2) and to a civil fine of \$30.”.

Sec. 202. Section 205(b) 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(b)), is amended as follows:

**Amend  
§ 50-2302.05**

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

(b) New paragraphs (2) and (3) are added to read as follows:

“(2) A motor vehicle owner or operator shall be permitted to contest by mail the charge of operating or permitting to be operated a motor vehicle without required insurance being in effect with respect to that motor vehicle pursuant to section 15(a)(3) of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2413(a)(3)). For the purposes of contesting the charge, the owner or operator shall be permitted to present as evidence establishing that the required insurance was in effect with respect to the motor vehicle any of the following:

“(A) An Insurance Identification Card;

“(B) An insurance policy;

“(C) Any other evidence that constitutes reasonable proof that the required insurance was in effect; or

“(D) Copies of any documents described in subparagraphs (A) through (C) of this paragraph.

“(3) Unless the hearing examiner has reasonable doubt about the veracity of the evidence presented pursuant to paragraph (2)(A) and (B) of this subsection, submission of either shall be sufficient to dismiss the charge of operating or permitting to be operated a motor vehicle without required insurance being in effect with respect to that motor vehicle pursuant to section 15(a)(3) of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2413(a)(3)).”.

### TITLE III

Sec. 301. Fiscal impact statement.

The Council adopts the February 6, 2006 fiscal impact statement of the Chief Financial Officer 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)).

Sec. 302. 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 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

**ENROLLED ORIGINAL**

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia