

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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Columbia  
Official Code*

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To establish the Motor Vehicle Theft Prevention Commission and a Motor Vehicle Theft Prevention Fund to reduce motor vehicle theft in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Motor Vehicle Theft Prevention Act of 2008”.

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) “Commission” means the Motor Vehicle Theft Prevention Commission established by section 3.
- (2) “Fund” means the Motor Vehicle Theft Prevention Fund established by section 7.
- (3) “Motor vehicle” shall have the same meaning as provided in section 1(1) of the District Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01(1)).

Sec. 3. Establishment of Motor Vehicle Theft Prevention Commission.

- (a) There is established a Motor Vehicle Theft Prevention Commission.
- (b) The purpose of the Commission is to improve and support motor vehicle theft law enforcement, prosecution, prevention, and community-education programs to reduce the incidence of motor vehicle theft in the District of Columbia. The Commission shall focus on strategies to improve public awareness/prevention, law enforcement, prosecution, and juvenile intervention.

Sec. 4. Appointment; terms of office; removal; compensation.

- (a) The Commission shall consist of the following 9 members:
  - (1) The Chief of the Metropolitan Police Department, or his or her designee at the level of Assistant Chief;
  - (2) The Commissioner of the Department of Insurance, Securities, and Banking,

or his or her designee at the level of Deputy Commissioner;

(3) The Director of the Department of Motor Vehicles, or his or her designee at the level of Deputy Director; and

(4) Six members appointed by the Mayor, subject to the advice and consent of the Council, in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01), as follows:

(A) Two public members who shall be both owners of registered motor vehicles in and residents of the District of Columbia;

(B) One representative of an insurance company that issues motor vehicle insurance policies in the District of Columbia;

(C) Two members with significant experience in motor vehicle theft issues; and

(D) One member who is either a fleet owner or a rental vehicle carrier representative doing business in the District of Columbia.

(b) Except as provided in subsection (c) of this section, the members appointed pursuant to subsection (a)(4) of this section shall serve for a term of 3 years.

(c) The terms of the members first appointed pursuant to subsection (a)(4) of this section shall be as follows:

(1) One member appointed pursuant to subsection (a)(4)(A) of this section and the member appointed pursuant to subsection (a)(4)(B) of this section shall be appointed to terms to expire on June 30, 2009.

(2) One member appointed pursuant to subsection (a)(4)(A) of this section and one member appointed pursuant to subsection (a)(4)(C) of this section shall be appointed to terms to expire on June 30, 2010.

(3) One member appointed pursuant to subsection (a)(4)(C) of this section and the member appointed pursuant to subsection (a)(4)(D) of this section shall be appointed to terms to expire on June 30, 2011.

(d) Members of the Commission shall be eligible for reappointment.

(e) A vacancy on the Commission shall be filled in the same manner that the original appointment was made. A person appointed to fill a vacancy shall serve only for the unexpired term of the original appointment, but may be reappointed to one or more additional terms.

(f) The Mayor shall designate one of the members appointed pursuant to subsection (a)(4)(A) of this section to serve as Chair of the Commission, with the advice and consent of the Council by resolution. The Chair shall be designated to serve for a period of 3 years or until the expiration of the member's term, whichever shall occur earlier. The Chair shall be eligible for reappointment.

(g)(1) The Mayor shall remove a member of the Commission for failing to establish or maintain District residency (where District residency is a requirement of appointment). The Mayor may remove a member of the Commission for misconduct or neglect of duty, or for other

cause as defined by the Commission in its bylaws.

(2) A member of the Commission who is indicted for the commission of a felony shall be automatically suspended from serving on the Commission. Upon a determination of guilt, the term of the Commission member shall be automatically terminated. Upon acquittal or dismissal of the prosecution, the term of the Commission member shall be automatically reinstated.

(h) Members of the Commission shall serve without compensation, but shall be entitled to receive reimbursement for reasonable expenses incurred while actually performing duties vested in the Commission.

(i) A quorum shall consist of the presence of 5 or more members. A quorum shall be necessary for the Commission to conduct its business.

(j) The Commission shall meet at least quarterly.

(k) All meetings of the Commission shall be subject to section 742 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 831; D.C. Official Code § 1-207.42).

**Sec. 5. Powers of Commission.**

The Commission may:

(1) Make grants and provide financial support to:

(A) Law enforcement and correctional agencies, prosecutors, the judiciary, and community organizations for programs designed primarily to reduce motor vehicle theft and to improve the administration of motor vehicle theft laws; and

(B) Law enforcement and prosecutorial agencies to purchase new technology and provide training related primarily to motor vehicle theft;

(2) Conduct programs designed to inform owners of motor vehicles about the financial and social costs of motor vehicle theft and suggest to those owners methods for preventing motor vehicle theft;

(3) Conduct or commission studies to assess the scope of motor vehicle theft and to analyze criminal justice policies, programs, plans, and methods to combat motor vehicle theft;

(4) Develop and sponsor the implementation of plans and strategies to combat motor vehicle theft and to improve the administration of the motor vehicle theft laws, and provide an effective forum for identification of critical problems associated with motor vehicle theft;

(5) Coordinate the development, adoption, and implementation of plans and strategies relating to interagency or intergovernmental cooperation with respect to motor vehicle theft law enforcement in the District of Columbia;

(6) Promulgate bylaws to govern the operations of the Commission;

(7) Enter into contracts for goods and services;

(8) Hire employees, consultants, and contractors to administer the Commission and effectuate the purposes of the Commission, subject to the financial limit in section 9(a)(2);

(9) Establish priority for, allocate, disburse, contract for, and spend funds in the Fund to effectuate the purposes of the Commission, except as restricted by section 9;

(10) Apply for, solicit, or receive funds for deposit into the Fund that are made available to the Commission from any source to effectuate the purposes of the Commission;

(11) Accept non-monetary contributions, including the services of individuals, mailings, printing, office equipment, facilities, and supplies that are necessary or useful to carry out the functions of the Commission; provided, that non-monetary contributions shall not be included in the costs of administration limitation prescribed by section 9(a)(2); and

(12) Exercise such other power as is usually possessed by private business organizations organized under the laws of the District, to the extent that the exercise of such powers is to effectuate the purposes of the Commission and is not inconsistent with federal or District law.

**Sec. 6. Annual audit and report.**

Beginning in 2008, the Commission shall provide an annual report to the Mayor and the Council by November 30<sup>th</sup> of each year. The report shall include a description of the Commission's activities for the prior fiscal year and a financial statement relating to the activities and business of the Commission during the preceding fiscal year certified as to its accuracy by an independent auditor.

**Sec. 7. Establishment of Motor Vehicle Theft Prevention Fund.**

(a)(1) There is established as a nonlapsing fund the Motor Vehicle Theft Prevention Fund which shall be operated by the Commission, and to which shall be credited all revenues pursuant to section 8.

(2) All monies deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year or at any other time, but shall be continually available to the Commission for the uses and purposes set forth in this act without regard to fiscal year limitation, subject to authorization by Congress.

(b) Monies received or deposited in the Fund shall be used only for the expenses and activities of the Commission as provided in this act.

(c) Monies credited to the Fund shall be deposited as soon as practicable into one or more accounts in financial institutions regulated or insured by a federal or District agency.

**Sec. 8. Payments into Fund.**

The following shall be deposited into the Fund:

(1) All grants and revenues received by the Commission, including those received pursuant to section 5(10).

(2) Fines paid for violations of section 15(a) 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) All interest earned on the deposits of the Fund.

**Sec. 9. Expenditures from Fund.**

(a) The Commission may expend money in the Fund:

(1) To effectuate the purposes of the Commission pursuant to the powers set forth in section 5; and

(2) To pay the Commission's costs to administer the Commission and the Fund; provided, that money expended for this purpose shall not in any fiscal year exceed 15% of the amount of funds deposited in the Fund during the same fiscal year.

(b) Grants and financial support pursuant to section 5(1) shall be used to complement, not supplement, existing resources, and to expand or encourage new initiatives to reduce the incidence of motor vehicle theft in the District of Columbia.

**Sec. 10. Conforming amendments.**

(a) Section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)), is amended as follows:

**Amend  
§ 1-523.01**

(1) Paragraph (44) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (45) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(3) A new paragraph (46) is added to read as follows:

“(46) The Motor Vehicle Theft Prevention Commission, established by section 3 of the Motor Vehicle Theft Prevention Act of 2008, passed on 2<sup>nd</sup> reading on May 6, 2008 (Enrolled version of Bill 17-138).”.

(b) Section 15 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), is amended by adding a new subsection (d) to read as follows:

**Amend  
§ 31-2413**

“(d) All fines paid for violations of subsection (a) of this section shall be placed in the Motor Vehicle Theft Prevention Fund established by section 7 of the Motor Vehicle Theft Prevention Act of 2008, passed on 2<sup>nd</sup> reading on May 6, 2008 (Enrolled version of Bill 17-138).”.

**Sec. 11. Applicability.**

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 12. 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. Official Code § 1-206.02(c)(3)).

Sec. 13. 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 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