

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Distracted Driving Safety Act of 2004 to increase the penalties for distracted driving, to remove the fine suspension for first-time violators who provide proof of acquisition of a hands-free accessory, to provide that an individual who violates the prohibition on distracted driving 3 times within an 18-month period shall have his or her license suspended, and to provide criminal penalties for a person who violates the prohibition on distracted driving by texting or using an application on a mobile telephone or other electronic device, other than a global positioning or navigation application, and thereby causes substantial bodily harm or death to a person, or property damage greater than or equal to \$10,000.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Enhanced Penalties for Distracted Driving Amendment Act of 2016”.

Sec. 2. Section 6 of the Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law 15-124; D.C. Official Code § 50-1731.06), is amended as follows:

(a) Subsection (a) is amended to read as follows:

“(a) Except as provided in subsections (a-1) and (a-2) of this section, the penalty for a violation of section 3, 4, or 5 shall be a fine of \$100.”.

(b) New subsections (a-1), (a-2), (a-3), and (a-4) are added to read as follows:

“(a-1) For a violation of section 3, 4, or 5 when a person has had a prior violation of section 3, 4, or 5 within an 18-month period, the penalty shall be a fine of \$150.

“(a-2) For a violation of section 3, 4, or 5 when a person has had 2 prior violations of section 3, 4, or 5 within an 18-month period, the penalty shall be a fine of \$200, and the person’s driver’s license or privilege to operate a motor vehicle in the District shall be suspended by the Mayor for at least 30 days, but not more than 90 days.

“(a-3)(1) The Mayor shall review each notice of infraction issued for a violation of section 3, 4, or 5 within 21 days of its issuance and determine whether the criteria have been met for application of an enhanced penalty pursuant to subsection (a-1) or (a-2) of this section.

“(2) If an enhanced penalty applies pursuant to subsection (a-1) or (a-2) of this section, the Mayor shall so notify the person subject to the enhanced penalty by mail at his or her address of record; provided, that the Mayor may develop and implement a computerized data

system capable of informing officers in the field whether an enhanced penalty applies, in which case notification of the enhanced penalty may be provided along with notice of the infraction.

“(3) Only violations that occur on or after the effective date of the Enhanced Penalties for Distracted Driving Amendment Act of 2016, passed on 2nd reading on November 1, 2016 (Enrolled version of Bill 21-21), shall be considered in determining the number of violations committed by a person within an 18-month period for purposes of subsections (a-1) and (a-2) of this section.

“(a-4)(1) A person who violates section 3, 4, or 5 by texting or using an application on a mobile telephone or other electronic device, other than a global positioning or navigation application, and thereby causes substantial bodily harm or death to a person, or property damage greater than or equal to \$10,000, shall upon conviction be fined \$1,000, or incarcerated for not more than 180 days, or both.

“(2) Prosecution for a violation of this subsection shall be in the Superior Court of the District of Columbia upon information or indictment filed by the Attorney General of the District of Columbia.”.

Sec. 3. Applicability.

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

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. 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

ENROLLED ORIGINAL

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