

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require the Mayor to publish crash data and moving infraction data; to require the District Department of Transportation (“DDOT”) to publish sidewalk closure information and citizen petitions for traffic calming measures; to require DDOT to produce reports on locations of dangerous collisions and recommendations for improving bicycle and pedestrian safety; to require DDOT to create a Bicycle and Pedestrian Priority Area Program; to require DDOT to adopt a Complete Streets policy; to amend section 2214 of Title 18 of the District of Columbia Municipal Regulations to update rules on dooring prevention; to adopt consumer protection policies related to bicycle insurance policies; to require the Mayor to develop and make available an educational curriculum regarding the safe use of public streets by pedestrians and bicyclists; to amend Chapter 28 of Title 47 of the District of Columbia Official Code to update training for vehicle for-hire operators; to amend the Department of For-Hire Vehicles Establishment Act of 1985 to require training of operators associated with digital dispatch companies; to require the Mayor to transmit a report on remediation and deferred disposition program; to create the offense of aggressive driving; to amend the Bicycle Safety Enhancement Amendment Act of 2008 to require blind-spot mirrors, reflective blind-spot warning stickers, and side-underrun guards on registered heavy-duty vehicles; to require the Mayor to transmit a report regarding pedestrian-alert technologies for District-owned vehicles; to amend the District of Columbia Traffic Act, 1925, to enhance the penalties for operating or parking an all-terrain vehicle or dirt bike in the public right-of-way; to amend the District of Columbia Traffic Act, 1927 to revise the Ignition Interlock System Program to require mandatory participation for individuals convicted of driving under the influence of alcohol or a drug, driving while intoxicated, or operating a vehicle while impaired; to amend the Anti-Drunk Driving Act of 1982 to impose a permanent license revocation for a third conviction for driving under the influence of alcohol or a drug, driving while intoxicated, or operating a vehicle while impaired; to amend the Fiscal Year 1997 Budget Support Act of 1996 to provide access to photographs and video footage captured by automated traffic enforcement cameras and other District-owned cameras; and to establish a Major Crash Review Task Force.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Bicycle and Pedestrian Safety Amendment Act of 2016”.

TITLE I. OPEN ACCESS TO DATA AND INFORMATION

Sec. 101. Definitions.

For the purposes of this title, the term:

(1) “Collision” shall have the same meaning as provided in section 2(3) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(3)).

(2) “DDOT” means the District Department of Transportation.

(3) “Motor vehicle” shall have the same meaning as provided in section 2(11) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(11)).

(4) “MPD” means the Metropolitan Police Department.

Sec. 102. Publication of collision data.

(a) The Mayor shall publish online, at least once per month, the following data related to each collision that occurred in the preceding month:

- (1) The date and time of the collision;
- (2) The type of motor vehicle or motor vehicles involved in the collision;
- (3) The location, by ward, block or intersection, and coordinates of the collision;
- (4) The Police Service Area in which the collision occurred;
- (5) The number of fatalities or injuries that result from the collision,

disaggregated as follows:

- (A) The number of motorists killed;
- (B) The number of motorists injured;
- (C) The number of passengers killed;
- (D) The number of passengers injured;
- (E) The number of bicyclists killed;
- (F) The number of bicyclists injured;
- (G) The number of pedestrians killed;
- (H) The number of pedestrians injured;

(6) Available demographic information about the person or persons involved in the collision, including age-range, physical disabilities, if any, race, gender, and the jurisdiction in which the motor vehicle involved in the collision is registered; and

(7) As identified in MPD’s accident report, the apparent human factor or factors that contributed to the collision, such as intoxication, driver inattention or distraction, speeding, or failure to yield.

(b) If complete data about a collision is not available at the time of publication, the Mayor shall publish online the information that is available at the time of publication, and update the data as additional information becomes available.

Sec. 103. Publication of moving infraction data.

(a) To the extent available, the Mayor shall publish online, at least once per month, the following information related to all notices of infractions issued for moving infractions in the preceding month:

- (1) The date and time of the moving infraction;
- (2) The location, by ward, block or intersection, and coordinates, where the moving infraction occurred;
- (3) The Police Service Area in which the moving infraction occurred;
- (4) The agency that issued the notice of infraction;
- (5) Whether the notice of infraction was issued in person or by use of the automated traffic enforcement program;
- (6) The provision of law violated;
- (7) The age of the driver of the motor vehicle;
- (8) The jurisdiction from which the driver's license was issued;
- (9) The jurisdiction in which the motor vehicle involved in the moving infraction is registered; and
- (10) The year, make, model, and type of the motor vehicle that committed the moving infraction.

(b) If complete data about a notice of infraction is not available at the time of publication, the Mayor shall publish the information that is available at the time of publication, and update the data as additional information becomes available.

Sec. 104. Publication of information relating to permits for the occupation of public space, public rights of way, and public structures.

(a) DDOT shall publish on its website, at least once per week, the following information related to permits for the occupation of public space, public rights of way, and public structures issued pursuant to section 603 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.03) ("permit"), in the preceding week that would block a sidewalk, bicycle lane, or other public pedestrian or bicycle path:

- (1) The location of the public space, public right of way, or public structure affected by the issuance of the permit, by ward, block or intersection, and coordinates;
- (2) A description of the public space, public right of way, or public structure affected by the issuance of the permit, including whether the permit closes a sidewalk, bicycle lane, or other public pedestrian or bicycle path;
- (3) The duration for which the portion of a sidewalk, bicycle lane, or other public pedestrian or bicycle path will be closed, including the start and end date for the closure;

(4) A brief explanation of the reason for issuing the permit to close a portion of a sidewalk, bicycle lane, or other public pedestrian or bicycle path; and

(5) A description of any safe accommodation provided for pedestrians and bicyclists, as required by section 603(f) of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 10-1141.03(f)), or, in the event that a safe accommodation is not provided for pedestrians and bicyclists, an explanation for the absence of a safe accommodation.

(b) If complete data about the permit is not available at the time of publication, DDOT shall publish the information that is available at the time of publication, and update the data as additional information becomes available.

Sec. 105. Publication of information relating to citizen petitions for traffic calming measures.

(a) DDOT shall publish on its website, at least once per month, the following information related to citizen petitions for traffic calming measures submitted to the agency in the preceding month:

(1) The location of the requested traffic calming measure, by ward, block or intersection, and coordinates;

(2) The date that the citizen petition was submitted to the agency;

(3) The change or modification requested under the citizen petition for traffic calming; and

(4) The status of the citizen petition within the agency's review of citizen petitions for traffic calming measures.

(b) If complete data about the citizen petitions for traffic calming measures is not available at the time of publication, DDOT shall publish the information that is available at the time of publication, and update the data as additional information becomes available.

Sec. 106. Annual report on locations with the highest frequency of collisions that injure or kill pedestrians.

By July 1, 2017, and annually thereafter, DDOT shall transmit to the chairperson of the Council committee with oversight of transportation a report that:

(1) Identifies the 20 locations at which pedestrians were most frequently seriously injured or killed as the result of a collision during the preceding 5 years;

(2) Describes any inspections conducted by DDOT at the locations identified pursuant to paragraph (1) of this section;

(3) Makes recommendations for how to decrease the number of collisions with pedestrians at the locations identified pursuant to paragraph (1) of this section and provides a timeline for implementing the recommendations; and

(4) Provides status updates on the implementation of recommendations provided in past reports required by this section.

Sec. 107. Biennial report on improving bicycle and pedestrian safety.

(a) By July 1, 2018, and every 2 years thereafter, DDOT, with input from other District agencies as needed, shall submit to the Council and make publicly available a report for improving bicycle and pedestrian safety, which shall include:

(1) Recommendations on how to enhance the safety of bicyclists and pedestrians where motor vehicles make left and right turns;

(2) Recommendations on how arterial streets may be designed to minimize the risk of collisions with bicyclists and pedestrians;

(3) Recommendations on how to enhance the safety of pedestrians at unsignalized crosswalks; and

(4) A timeline for implementing the recommendations contained in the report.

(b) DDOT shall use the report required by subsection (a) of this section to develop strategies and plans to improve bicycle and pedestrian safety.

TITLE II. BICYCLE AND PEDESTRIAN PRIORITY AREAS

Sec. 201. Bicycle and Pedestrian Priority Area Program.

(a) There is established the Bicycle and Pedestrian Priority Area Program ("Program"), which shall be implemented by the District Department of Transportation ("DDOT"). The purpose of the Program shall be to enhance implementation of rapid infrastructure changes and enforcement attention in specific geographic areas identified pursuant to subsection (b)(1) of this section.

(b)(1) Under the Program, DDOT shall designate corridors, including blocks immediately adjacent to the corridor, around the District as Priority Areas, taking into account the following criteria:

(A) Use by bicyclists and pedestrians;

(B) The frequency of collisions involving a pedestrian or bicyclist;

(C) The severity of collisions involving a pedestrian or bicyclist; and

(D) Any other bicycle and pedestrian safety data collected by DDOT.

(2) Upon being designated a Priority Area, a corridor shall retain that designation for at least 5 years.

(c) By July 1, 2017, and annually thereafter, the Mayor shall transmit to the Council a report that includes detailed information about the implementation of the Program, including:

(1) An explanation of why each Priority Area was selected;

(2) A summary of the improvements made in the previous year to each Priority Area, including the use of automated traffic enforcement, the use of traffic control officers, temporary traffic safety improvements, and long-term modifications; and

(3) A description of modifications to traffic patterns and infrastructure that DDOT recommends occur within each Priority Area, and a timeline for implementing the modifications, which may include:

(A) Not allowing a right turn when a motor vehicle operator has a red light at a signalized intersection;

(B) A reduction of the speed limit;

(C) The installation of protected bicycle infrastructure; and

(D) The increased use of traffic control officers and the automated traffic enforcement system.

(d) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this section.

(e) For the purposes of this section, the term:

(1) “Collision” shall have the same meaning as provided in section 2(3) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(3)).

(2) “Motor vehicle” shall have the same meaning as provided in section 2(11) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(11)).

TITLE III. COMPLETE STREETS

Sec. 301. Complete Streets policy.

(a) For the purposes of this section, the term:

(1) “Complete Streets policy” means a policy by which streets are designed, operated, and maintained to accommodate safe and convenient access and mobility for all users of the District’s transportation system, including pedestrians, bicyclists, users of mass transit, motorists, emergency responders, and persons of all ages and abilities.

(2) “Highway” means any street, road, or public thoroughfare that is under the jurisdiction and control of the District, when any part thereof is open to the use of the public for purposes of vehicular or pedestrian travel.

(b) The District Department of Transportation (“DDOT”) shall create a Complete Streets policy, which shall contain, at a minimum, the following goals:

(1) Improving safety and promoting healthy communities by encouraging walking, bicycling, and using public transportation;

(2) Establishing a District-wide integrated system of vehicle, bicycle, and pedestrian infrastructure;

(3) Accommodating and balancing the choice, safety, and convenience of all users of the District’s transit network, while recognizing that individual corridors have modal priorities;

(4) Protecting the environment and reducing congestion by providing safe alternatives to single-occupancy driving;

(5) Involving local residents and stakeholders in planning and design decisions;

(6) Actively looking for opportunities to repurpose highways to enhance connectivity for pedestrians, bicyclists, and transit; and

(7) Improving non-motorized use of highways within one quarter mile of schools and parks.

(c) DDOT shall incorporate the Complete Streets policy into the Transportation Strategic Plan, the Pedestrian Master Plan, the Bicycle Master Plan, and other DDOT plans, manuals, rules, regulations, and programs, including the construction, reconstruction, and maintenance of all highways, unless:

(1) Use of a particular highway by specified users is prohibited by law, including within interstate highway corridors, in which case DDOT shall endeavor to accommodate such users elsewhere, including on highways that cross or otherwise intersect with the affected highway;

(2) The costs would be excessively disproportionate to the need or probable use of the particular highway; or

(3) The safety of vehicular, pedestrian, or bicycle traffic would be placed at an unacceptable risk.

(d) By July 1, 2017, and annually thereafter, DDOT shall report to the Council on the agency's progress towards implementing the Complete Streets policy during the previous calendar year, as well as plans for further implementation of the Complete Streets policy during the upcoming year. These reports shall incorporate performance measures established by DDOT to determine how well streets are serving all users and identify barriers to implementing the Complete Streets policy.

(e) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this section.

TITLE IV. BICYCLE CONSUMER PROTECTION

Sec. 401. Definitions.

For the purposes of this title, the term:

(1) "Bicyclist" means a person operating a bicycle, as that term is defined in section 10(1) of the District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective March 6, 1985 (D.C. Law 5-179; D.C. Official Code § 50-1609(1)).

(2) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking, or the Commissioner's designee.

(3) "Insured" means a named insured or any other person insured in a bicycle insurance policy, with the exception of those persons specifically excluded by endorsement on the bicycle insurance policy.

(4) "Insurer" means any person, company, or professional association licensed in the District of Columbia that provides bicycle insurance policies.

(5) "Named insured" means the person identified in the declaration of the bicycle insurance policy.

(6) "Person" means any natural person, firm, copartnership, association, government, government agency, or instrumentality.

Sec. 402. Consumer protection for bicycle insurance.

(a) No insurer shall cancel a bicycle insurance policy except for refusal or failure of the insured to pay a premium due under the terms of the policy of bicycle insurance.

(b) No cancellation or refusal to renew by an insurer of a bicycle insurance policy shall be effective unless the insurer has delivered or mailed to the named insured, at the address shown in the policy or to the named insured's last known address, a written notice of intent to cancel or refusal to renew. The required notice shall be provided to the named insured at least 30 calendar days before the effective date of cancellation, or, in the case of nonrenewal, 30 calendar days before the end of the policy period. The notice shall contain a statement advising the named insured of his or her right to request, in writing, within 15 calendar days of receipt of the notice, that the Commissioner review the action of the insurer in cancelling or refusing to renew the policy of the insured.

(c) Proof of mailing of the notice of cancellation, or of intention not to renew, to the named insured by post office receipt secured or certified mail at the address shown in the policy or to the named insured's last known address shall be sufficient proof of notice.

(d) Despite failure of the named insured to make timely payment of the renewal premium, failure by the insurer to provide the notice required by this section shall result in the insurer being required:

(1) To provide coverage for any claim that would have been covered under the policy, if the claim arises within 45 calendar days after the date within which the named insured discovers or should have discovered that his or her policy has not been renewed; and

(2) To renew the policy upon tender of payment; provided, that tender is made within 15 calendar days after the date the named insured discovers, or should have discovered, that his or her policy has not been renewed.

(e) No insurer shall fail or refuse to issue a policy of bicycle insurance to an applicant, fail or refuse to renew a policy of bicycle insurance, or cancel a policy of bicycle insurance in violation of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*).

(f) No applicant for a policy of bicycle insurance, as a condition precedent to obtaining a policy or renewing a policy, shall be required to disclose whether he, she, or any person reasonably expected to operate the applicant's bicycle has ever had an insurance policy cancelled or not renewed; provided, that at the time of application an applicant may be required to disclose his or her experience as a bicyclist for a past period of not more than 3 years.

(g) No insurer shall refuse to insure, refuse to continue to insure, limit coverage available to, or charge a disadvantageous rate to any person seeking to obtain bicycle insurance because that person had not been previously insured.

(h) The restrictions on cancellation contained in this title shall not be effective with respect to any policy that has been in force for 60 calendar days or less if the policy is not a renewal policy.

Sec. 403. Appeals.

(a) If the insured disputes the validity of a purported cancellation or nonrenewal, the insured may send, within 15 calendar days of receipt of the notice of intent to cancel or not to renew, written notification to the Commissioner of the reasons the insured believes the action by the insurer is invalid. The Commissioner shall, upon receipt, immediately send the insurer a copy of the notification.

(b) Unless the matter referred to in subsection (a) of this section has been settled, the Commissioner shall determine, within 45 calendar days of receipt of the notification of appeal, whether the cancellation or nonrenewal was authorized under the terms of this title and shall notify immediately the insured and the insurer in writing of the decision.

(c)(1) If the Commissioner determines that a policy was improperly cancelled or not renewed, the policy in question shall be considered to be in effect and to have been in effect from the date of notification of cancellation or nonrenewal.

(2) If the Commissioner determines that a policy was properly cancelled or not renewed, the policy in question shall be considered to be cancelled or not renewed as of the cancellation or nonrenewal date given in the notice sent by the insurer pursuant to section 402 or as of the date of determination by the Commissioner, whichever is later. The insured shall pay any portion of the required premium or cost to the insurer for the insurance coverage in effect and provided by the insurer for which the insured has not paid.

(d) Decisions of the Commissioner shall be appealable pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

Sec. 404. Immunity.

There shall be no liability on the part of and no cause of action of any nature shall arise against any employee of the District government, any insurer, its authorized representatives, its agents, its employees, or any firm, person, or corporation who, in good faith:

(1) Furnishes to the named insured information as to the reason for cancellation or nonrenewal;

(2) Makes any statement in any written notice of cancellation or renewal;

(3) Makes any other communication, oral or written, specifying the reason for cancellation or nonrenewal;

(4) Provides information pertaining to the insured; or

(5) Makes statements or submits evidence at any hearing conducted in connection with the cancellation or nonrenewal.

Sec. 405. Rights and policy terms.

(a) The rights provided by this title shall be in addition to and shall not prejudice any other rights the named insured may have at common law or otherwise.

(b) Notwithstanding section 201(a)(1) of the District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective May 1, 2008 (D.C. Law 17-149; D.C. Official Code § 50-1611(a)(1)), an insurer that offers bicyclist insurance policies may require that an insured register his or her bicycle with the National Bicycle Registry, as that term is defined in section 10(1B) of the District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective March 16, 1985 (D.C. Law 5-179; D.C. Official Code § 50-1609(1B)), or a District bicycle registry established by the Mayor in accordance with section 201 of the District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective May 1, 2008 (D.C. Law 17-149; D.C. Official Code § 50-1611), and maintain such registration for the duration of the policy coverage.

TITLE V. BICYCLE AND PEDESTRIAN SAFETY

Sec. 501. Section 2214.4 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2214.4) is amended by striking the phrase “without interfering with moving traffic or pedestrians” and inserting the phrase “without interfering with moving traffic, bicyclists, or pedestrians” in its place.

Sec. 502. Universal street safety education.

(a) The Mayor shall develop and make available to public schools and public charter schools in the District an educational curriculum for children in the first through fifth grades regarding the safe use of public streets and premises open to the public by pedestrians and users of bicycles. At a minimum, the curriculum shall address:

- (1) The safe use of bicycles;
- (2) Traffic laws and regulations;
- (3) The use of bicycle lanes and trails; and
- (4) Safe pedestrian practices.

(b) For the purposes of this section, the term “bicycle” shall have the same meaning as provided in section 10(1) of the District of Columbia Comprehensive Bicycle Transportation and Safety Act of 1984, effective March 6, 1985 (D.C. Law 5-179; D.C. Official Code § 50-1609(1)).

TITLE VI. MOTOR VEHICLE SAFETY

Sec. 601. Section 47-2829(e)(2)(A) of the District of Columbia Official Code is amended as follows:

(a) The lead-in language is amended by striking the phrase “the training course shall be designed” and inserting the phrase “the training course and any refresher course provided by the Department of For-Hire Vehicles shall be designed” in its place.

(b) Sub-subparagraph (iii) is amended to read as follows:

“(iii) District traffic laws and regulations and the penalties for violating these laws and regulations, including:

“(I) The rights and duties of motorists, which include not blocking the crosswalk or intersection, and not driving or stopping in a bicycle lane;

“(II) The rights and duties of pedestrians; and

“(III) The rights and duties of bicyclists.”.

Sec. 602. Section 20f-2 of the Department of For-Hire Vehicles Establishment Act of 1985, effective March 10, 2015 (D.C. Law 20-197; D.C. Official Code § 50-301.25b), is amended to read as follows:

“Sec. 20f-2. Training of employees and operators.

“(a) A company that uses digital dispatch shall train associated operators:

“(1) In how to properly and safely handle mobility devices and equipment and to treat an individual with disabilities in a respectful and courteous manner; and

“(2) On District traffic laws and regulations, and the penalties for violating these laws and regulations, including:

“(A) The rights and duties of motorists, which include not blocking the crosswalk or intersection, and not driving or stopping in a bicycle lane;

“(B) The rights and duties of pedestrians; and

“(C) The rights and duties of bicyclists.

“(b) Completion of a public vehicle-for-hire driver’s training course approved by the DFHV shall satisfy the operator training required by subsection (a) of this section.”.

Sec. 603. Study of remediation and deferred disposition program.

Before July 1, 2017, the Mayor shall transmit to the chairperson of the Council committee with oversight of transportation a report and recommendations as to whether the District should implement a remediation and deferred disposition program for individuals that commit moving or nonmoving infractions in the District. The report shall include the following:

(1) A review of the best practices in other jurisdictions;

(2) An examination of issues such as staffing levels and implementation costs;

(3) The moving and nonmoving infractions, if any, to which the remediation and deferred disposition program should apply;

(4) Whether the remediation and deferred disposition program should reduce the entire fine or number of points assessed, or a portion of the fine or number of points assessed; and

(5) If the Mayor recommends implementing a remediation and deferred disposition program, the report shall include a detailed description of the content of any proposed safety course provided in the program, the process by which a person would participate in the program, and the alternatives available to participants in lieu of paying a fine or being assessed points.

Sec. 604. Aggressive driving.

(a) It shall be a violation of this section if a person violates 3 or more of the following provisions at the same time or during a single and continuous period of driving within the course of one mile:

(1) Section 2000.4 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2000.4);

(2) Section 2200 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2200);

(3) Section 2201.6 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2201.6);

(4) Section 2201.9 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2201.9);

(5) Section 2202.4 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2202.4);

(6) Section 2205 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2205);

(7) Section 2210.1 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2210.1);

(8) Section 2220 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2220);

(9) Section 2405.1(e) of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2405.1(e)); or

(10) Section 9 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (45 Stat. 1123; D.C. Official Code § 50–2201.04).

(b)(1) The penalty for violating this section shall be a fine of \$200 and 2 traffic points. The penalties prescribed by this subsection shall be applied in addition to any other penalties provided by law for the offenses listed in subsection (a) of this section.

(2) In addition to any penalty described in paragraph (1) of this subsection, a person who violates this section shall complete traffic school, as approved by the Department of Motor Vehicles, within 90 days of the date on which the infraction is established. Failure to successfully complete the traffic school shall result in the suspension of the driver's license or privilege to operate a motor vehicle in the District for a period to be determined by the Department of Motor Vehicles.

(c) A violation of this section shall be processed and adjudicated under the provisions applicable to moving violations set forth in Title II of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2302.01 *et seq.*).

Sec. 605. The Bicycle Safety Enhancement Amendment Act of 2008, effective March 25, 2009 (D.C. Law 17-352; D.C. Official Code § 50-205), is amended as follows:

(a) The section heading is amended by striking the phrase “District-owned,”.

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

“(a-1) Effective January 1, 2017, all heavy-duty vehicles registered in the District shall be equipped with the following:

(1) Blind-spot mirrors or a blind-spot camera system; and

(2) Reflective blind-spot warning stickers.

“(a-2) Effective January 1, 2019, all heavy-duty vehicles registered in the District shall be equipped with side-underrun guards to prevent bicyclists, other vehicles, or pedestrians from sliding under rear wheels.”.

Sec. 606. Audible warnings from public sector large vehicles.

By July 1, 2017, the Mayor shall transmit to the chairperson of the Council committee with oversight of transportation a report and recommendation as to whether DC Circulator buses and District-owned, heavy-duty vehicles should be equipped with pedestrian-alert technologies. The report shall review best practices in other jurisdiction and examine issues such as cost, implementation, and feasibility, and shall provide a timeline for implementation, if the Mayor recommends using this technology.

Sec. 607. Section 9b of the District of Columbia Traffic Act, 1925, effective April 5, 2005 (D.C. Law. 15-289; D.C. Official Code § 50-2201.04b), is amended to read as follows:

“Sec. 9b. All-terrain vehicles and dirt bikes.

“(a) No person shall:

“(1) Operate at any time an all-terrain vehicle or dirt bike on public property, including any public space in the District; or

“(2) Park at any time an all-terrain vehicle or dirt bike on public property, including any public space in the District.

“(b) All-terrain vehicles or dirt bikes shall not be registered with the Department of Motor Vehicles.

“(c) A person violating any provision of this section shall upon conviction be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than 30 days, or both.

“(d) In addition to the penalties described in subsection (c) of this section, a person who is convicted of violating subsection (a)(1) of this section shall, upon a second or subsequent conviction for violating subsection (a)(1) of this section, have his or her driver’s license, or privilege to operate a motor vehicle in the District, suspended for one year from the date of conviction; provided, that the period of suspension shall toll during a period of incarceration.

“(e) The Attorney General for the District of Columbia, or his or her assistants, shall prosecute violations of this section, in the name of the District of Columbia.

“(f) An all-terrain vehicle or dirt bike operated or parked in violation of this section shall be subject to forfeiture pursuant to the standards and procedures set forth in the Civil Asset Forfeiture Amendment Act of 2014, effective June 16, 2015 (D.C. Law 20-278; D.C. Official Code § 41-301 *et seq.*).”.

Sec. 608. Section 101(4) of the Civil Asset Forfeiture Amendment Act of 2014, effective June 16, 2015 (D.C. Law 20-278; D.C. Official Code § 41-301(4)), is amended by striking the phrase “or section 4 of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 682; D.C. Official Code § 50-1501.04)” and inserting the phrase “section 4 of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 682; D.C. Official Code § 50-1501.04), or section 9b of the District of Columbia Traffic Act, 1925, effective April 5, 2005 (D.C. Law 15-289; D.C. Official Code § 50-2201.04b)” in its place.

Sec. 609. Emergency vehicle enforcement cameras.

By July 1, 2017, the Mayor shall transmit to the chairperson of the Council committee with oversight of transportation and the chairperson of the Council committee with oversight of public safety a report and recommendation as to whether emergency vehicles should be equipped with cameras to better enforce regulations associated with the failure to yield to emergency vehicles. The report shall also review best practices in other jurisdictions and examine issues related to equipping emergency vehicles with cameras, such as cost, implementation, accident prevention, and feasibility. If the Mayor recommends equipping emergency vehicles with cameras, the report shall provide a timeline for implementing the use of such cameras.

TITLE VII. DRUNK DRIVING

Sec. 701. Section 10a of the District of Columbia Traffic Act, 1925, effective April 3, 2001 (D.C. Law 13-238; D.C. Official Code § 50-2201.05a), is amended to read as follows:

“Sec. 10a. Establishment of Ignition Interlock System Program.

“(a) For the purposes of this section, the term “covered offense” means a violation of any of the following provisions of law:

“(1) Sections 3b, 3c, or 3e of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.11, § 50-2206.12, or § 50-2206.14);
or

“(2) Driving a motor vehicle in a party state while under the influence of intoxicating liquor or a narcotic drug or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle, pursuant to article IV(a)(2) of section 2 of the Driver License Compact Adoption Act of 1984, effective March 16, 1985 (D.C. Law 5-184; D.C. Official Code § 50-1001(IV)(a)(2)).

“(b) Except as provided in sections 3d(d-1) and 3f(c-1) of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code §§ 50-2206.13(d-1) and 50-2206.15(c-1)), and section 3t(a-1)(2) of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2206.55(a-1)(2)), a person convicted of a covered offense who holds a driver’s license issued by the District shall, as a condition of a restricted license, enroll in the Ignition Interlock System Program (“Program”) established by this section for:

“(1) Upon a first conviction, a period of 6 months;

“(2) Upon a second conviction, a period of one year; and

“(3) Upon a third or subsequent conviction, a period of 2 years.

“(c) A person enrolled in the Program shall:

“(1) Not operate a motor vehicle that is not equipped with a functioning, certified ignition interlock system for a period of time, not to exceed the period of license restriction set forth in subsection (b) of this section; and

“(2) Install an ignition interlock system on each motor vehicle owned by or registered to the person.

“(d)(1) For the duration of the person’s participation in the Program, the Department shall issue to the offender a restricted license which shall appropriately set forth the restrictions required by this section and regulations issued pursuant to this section.

“(2) The Department may revoke the participant’s operator’s permit or issue a civil fine for failing to comply with the requirements of the Program.

“(e)(1) Except as provided in paragraph (2) of this subsection, a participant in the Program shall pay all costs associated with enrolling and participating in the Program.

“(2) Before a participant enrolls in the Program, the Department shall determine whether a participant is indigent. If a participant is determined to be indigent, the Department shall pay all costs associated with that person’s enrollment and participation in the Program.

“(3) For the purposes of paragraph (2) of this subsection, the term “indigent” means a person who receives an annual income, after taxes, of 150% or less of the federal poverty guidelines as updated periodically in the Federal Register by the United States Department of Health and Human Services pursuant to section 673(2) of the Community Services Block Grant Act, approved October 27, 1998 (112 Stat. 2729; 42 U.S.C. § 9902(2)).”.

Sec. 702. The Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2206.01 *et seq.*), is amended as follows:

(a) Section 3d (D.C. Official Code § 50-2206.13) is amended by adding a new subsection (d-1) to read as follows:

“(d-1)(1) In addition to any other penalty provided by law, and notwithstanding section 10a of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat 1119; D.C. Official Code § 50-2201.05a), and section 3t(a-1)(1), a person violating any provision of section 3b or 3c when the person has 2 prior offenses under section 3b, 3c, or 3e within the past 5 years and is being sentenced on the current offense shall have his or her driver’s license or privilege to operate a motor vehicle in the District permanently revoked without the ability to be reinstated.

“(2) Notwithstanding paragraph (1) of this subsection, a person whose driver’s license or privilege to operate in the District was revoked pursuant to paragraph (1) of this subsection may, after 5 years from the date of revocation, apply to the Department for reinstatement. Upon receipt of an application, the Department may reinstate the persons driver’s license or privilege to operate a motor vehicle in the District for good cause shown.”.

(b) Section 3f (D.C. Official Code § 50-2206.15) is amended by adding a new subsection (c-1) to read as follows:

“(c-1)(1) In addition to any other penalty provided by law, and notwithstanding section 10a of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat 1119; D.C. Official Code § 50-2201.05a), and section 3t(a-1)(1), a person violating any provision of section 3e when the person has 2 prior offenses under section 3b, 3c, or 3e within the past 5 years and is being sentenced on the current offense shall have his or her driver’s license or privilege to operate a motor vehicle in the District permanently revoked without the ability to be reinstated.

“(2) Notwithstanding paragraph (1) of this subsection, a person whose driver’s license or privilege to operate in the District was revoked pursuant to paragraph (1) of this subsection may, after 5 years from the date of revocation, apply to the Department for reinstatement. Upon receipt of an application, the Department may reinstate the persons driver’s license or privilege to operate a motor vehicle in the District for good cause shown.”.

(c) Section 3t (D.C. Official Code § 50-2206.55) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “The Mayor or his or her designated agent” and inserting the phrase “Except as provided in subsection (a-1) of this section, the Mayor or his or her designated agent” in its place.

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

“(a-1)(1) Notwithstanding subsection (a) of this section, and except as provided in sections 3d(d-1) and 3f(c-1) and paragraph (2) of this subsection, the Mayor shall restrict the operator’s permit of a person who has an operator’s permit issued by the District who is convicted or adjudicated a juvenile delinquent as a result of a violation of sections 3b, 3c, or 3e and such person shall enroll in the Ignition Interlock System Program, pursuant to section 10a of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat 1119; D.C. Official Code § 50-2201.05a).

“(2) If a person who has an operator’s permit issued by the District is convicted or adjudicated a juvenile delinquent as a result of the commission of a violation of sections 3b, 3c,

or 3e and an offense listed in subsection (a)(2) through (6) of this section, the Mayor shall revoke the person's operator's permit and such person shall not enroll in the Ignition Interlock System Program established by section 10a of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.05a).”.

Sec. 703. Rules.

Within 180 days after the effective date of the Bicycle and Pedestrian Safety Amendment Act of 2016, passed on 2nd reading on June 28, 2016 (Enrolled version of Bill 21-335), the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this title.

Sec. 704. Applicability.

Sections 701 and 702(c) shall apply upon the issuance of rules by the Mayor pursuant to section 703.

TITLE VIII. MAJOR CRASH REVIEW

Sec. 801. Title IX of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01 *et seq.*), is amended by adding a new section 904 to read as follows:

“Sec. 904. Access to automated traffic enforcement and District-owned camera photographs and video footage.

“(a) If an automated traffic enforcement camera or other District-owned camera captures a photograph or video footage of a collision handled by the Metropolitan Police Department Major Crash Unit, the Mayor shall:

“(1) Within 14 business days of the collision, inform all parties involved in the collision of the existence of the photograph or video footage;

“(2) Ensure the preservation of the photograph or video footage for 6 months from the date the photograph or video footage was created; and

“(3) Within 14 business days of the request of a party, provide access to the photograph or video footage; provided, that where the photograph or video footage is evidence in a criminal proceeding, access to the photograph or video footage shall be handled through the existing discovery process for criminal cases.

“(b) Nothing in this section shall be construed to alter or impair the rights of any person under Title II of the District of Columbia Administrative Procedure Act, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).

“(c) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this section.

“(d) For the purposes of this section, the term “District-owned camera” shall not include a body-worn camera.”.

Sec. 802. Major Crash Review Task Force.

(a) There is established a Major Crash Review Task Force (“Task Force”), which shall consist of the following members:

- (1) The Chief of the Metropolitan Police Department, or the Chief’s designee;
- (2) The Director of the District Department of Transportation, or the Director’s designee;
- (3) The Director of the Office of Planning, or the Director’s designee;
- (4) A representative from the Bicycle Advisory Council who is selected by the Bicycle Advisory Council;
- (5) A representative from the Pedestrian Advisory Council who is selected by the Pedestrian Advisory Council; and
- (6) A representative from the Multimodal Accessibility Advisory Council who is selected by the Multimodal Accessibility Advisory Council.

(b) The Task Force shall review every crash handled by the Major Crash Unit of the Metropolitan Police Department and recommend to the Mayor and the Council changes to the District’s statutes, regulations, policies, and infrastructure that the Task Force believes would reduce the number of crashes in the District resulting in serious injury or death.

(c) The Task Force shall begin review of a crash handled by the Major Crash Unit of the Metropolitan Police Department either:

- (1) Upon receipt of notice that the United States Attorney’s Office for the District of Columbia and the Attorney General for the District of Columbia has declined to bring any prosecutions related to the crash; or
- (2) If there is a criminal proceeding against an individual involved in the crash, the issuance of a final judgment in the criminal proceeding.

TITLE IX. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE

Sec. 901. Applicability.

(a) Sections 103 and 801 and the amendatory section 10a(e)(2) of the District of Columbia Traffic Act, 1925 within section 701, shall apply upon the date of inclusion of their 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.

ENROLLED ORIGINAL

Sec. 902. 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. 903. 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.

Chairman
Council of the District of Columbia

Mayor
District of Columbia