



MURIEL BOWSER
MAYOR

February 14, 2023

The Honorable Phil Mendelson, Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration and approval by the Council of the District of Columbia is proposed legislation entitled the "Department of Motor Vehicles Omnibus Amendment Act of 2023".

The proposed legislation repeals outdated references to the District Department of Transportation as well as to the Recorder of Deeds and to other obsolete statutory language, establishes how fees may be amended, amends the exemption from the certificate of title, extends the time period for an operator's permit if held by a member of the Armed forces on active duty or a dependent, repeals the provision stating that a decision to suspend or revoke an operator's license while that decision is under review by the Mayor is not stayed, repeals outdated provisions regarding the contents of the annual report due the City Council on parking and traffic enforcement, clarifies liability for a parking violation, simplifies and updates eligibility for membership on the Traffic Adjudication Appeals Board, repeals references to dealer transport and manufacturer identification tags and adds several motor vehicles to the list of vehicles which require a registration fee by the vehicle owner, repeals the requirement that accident information be included on an Abstract of Operating Record (driver record), repeals reference to out-of-state licensees being required to maintain proof of financial responsibility, imposes a civil fine for violations of Chapter 11 of Title 18 of the District of Columbia Municipal Regulations not otherwise the subject of a civil penalty, updates the penalty for failure to timely have a motor vehicle pass inspection, repeals the Vehicle Inspection Task Force Act of 2010 and updates language concerning a fee for a lien release.

If you have any questions on this matter, please contact Gabriel Robinson, Director, Department of Motor Vehicles at (202) 727-2200.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser", written over a horizontal line.

Muriel Bowser

Enclosure



Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Traffic Act, 1925, to repeal outdated references to the former Department of Transportation, establish how fees may be amended, amend the exemption from the certificate of title excise tax and the period of extension for an operator's permit held by a member of the armed forces on active duty, repeal a provision stating that a decision to suspend or revoke an operator's license while that decision is under review by the Mayor is not stayed; to amend the District of Columbia Traffic Adjudication Act of 1978 to repeal provisions regarding the contents of the annual report on parking and traffic enforcement, clarify liability for a parking violation, and simplify eligibility for membership on the Traffic Adjudication Appeals Board; to amend the District of Columbia Revenue Act of 1937 to conform with other statutes, establish how fees may be amended, repeal references to dealer transport and manufacturer identification tags, clarify the types of vehicles subject to registration fees, and amend an outdated reference to the former Department of Transportation; to amend the International Registration Plan Agreement Act of 1997 to establish how fees may be amended; to amend the Motor Vehicle Safety and Responsibility Act of the District of Columbia to establish how fees may be amended, repeal the requirement that accident information be included on an abstract of operating record, and repeal reference to out-of-state licensees being required to maintain proof of financial responsibility; to amend the Department of Motor Vehicles Establishment Act of 1998 to establish how fees for goods and services provided by the Department of Motor Vehicles may be amended, impose a civil fine for violations of Chapter 11 of Title 18 of the District of Columbia Municipal Regulations not otherwise the subject of a penalty, and authorize the Mayor to issue implementing rules; to amend An Act To provide for the annual inspection of all motor vehicles in the District of Columbia concerning inspection of vehicles to repeal outdated language and establish how fees may be amended; to repeal the Vehicle Inspection Task Force Act of 2010; to amend Section 1 of An Act Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1945 by repealing outdated language; and to amend An Act to provide for the recording and releasing of liens by entries on certificates

47 of title for motor vehicles and trailers, and for other purposes to update the language and
48 establish how fees may be amended.

49
50 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
51 act may be cited as the “Department of Motor Vehicles Omnibus Amendment Act of 2023”.

52 Sec. 2. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat.
53 1121; codified in scattered sections of the D.C. Official Code), is amended as follows:

54 (a) Section 6 (D.C. Official Code § 50-2201.03) is amended as follows:

55 (1) The section heading is amended by striking the phrase “Department of
56 Transportation; Director;”.

57 (2) Subsection (a) is amended as follows:

58 (A) The lead-in language is amended by striking the phrase “enforce
59 rules” and inserting the phrase “enforce rules (including rules establishing fees)” in its place.

60 (B) Paragraph (4) is amended by striking the phrase “shall be \$98;” and
61 inserting the phrase “shall be \$98, or an amount established by the Mayor by rule;” in its place.

62 (3) Subsection (b) is repealed.

63 (4) Subsection (d) is amended by striking the phrase “a \$26 fee for each” and
64 inserting the phrase “a fee of \$26, or an amount established by the Mayor by rule” in its place.

65 (5) Subsection (j)(3)(E) is amended by striking the phrase “60 days” and inserting
66 the phrase “2 years” in its place.

67 (6) Subsection (l) is amended by striking the phrase “Director of the Department
68 of Motor Vehicles” and inserting the word “Mayor” in its place.

69 (b) Section 8 (D.C. Official Code § 50-1401.02) is amended as follows:

70 (1) Subsection (d) is amended by striking the phrase “a fee of \$100,” and inserting
71 the phrase “a fee of \$100, or an amount established by the Mayor by rule,” in its place.

72 (2) Subsection (e)(2) is amended by:

73 (A) Striking the phrase “and for a \$338 fee” and inserting the phrase “and
74 payment of a fee of \$338, or an amount established by the Mayor by rule;” in its place; and

75 (B) Striking the phrase “each for a fee of \$338.” and inserting the phrase
76 “each for a fee of \$338, or an amount established by the Mayor by rule.” in its place.

77 (3) Subsection (e-1)(3) is amended by:

78 (A) Striking the phrase “and for a \$338 fee” and inserting the phrase “and
79 payment of a fee of \$338, or an amount established by the Mayor by rule;” in its place; and

80 (B) Striking the phrase “for a fee of \$338” and inserting the phrase “for a
81 fee of \$338, or an amount established by the Mayor by rule;” in its place; and

82 (4) Subsection (e-2)(2) is amended by:

83 (A) Striking the phrase “for a \$338 fee” and inserting the phrase “payment
84 of a fee of \$338, or an amount established by the Mayor by rule;” in its place; and

85 (B) Striking the phrase “each for a fee of \$338.” and inserting the phrase
86 “each for a fee of \$338, or an amount established by the Mayor by rule.” in its place.

87 (c) Section 13(a) (D.C. Official Code § 50-1403.01(a)) is amended to read as follows:

88 “(a)(1) In addition to those circumstances where revocation or suspension of an
89 operator’s permit is mandatory for violation of this act or for accumulated point totals pursuant
90 to Chapter 3 of Title 18 of the District of Columbia Municipal Regulations, the Mayor may
91 revoke or suspend an operator’s permit, or require participation in the Ignition Interlock System
92 Program established by section 10a (“Program”), for any cause which the Mayor deems
93 sufficient.

94 “(2) In each case where the Mayor revokes or suspends a permit under paragraph
95 (1) of this subsection, or where a person is required to participate in the Program under
96 paragraph (1) of this subsection, the reasons therefor shall be set out in the order of revocation or
97 suspension, or the order requiring participation in the Program.

98 “(3) An order issued under this subsection shall take effect 10 days (or 15 days, if
99 the person is a nonresident) after its issuance unless the holder of the permit files within such
100 period, written application with the Mayor for a review of the order, in which case, except as
101 provided in paragraph (4) of this subsection, the filing of the application for review shall operate
102 as a stay on the order.

103 “(4) An application for review filed under paragraph (3) of this subsection shall
104 not operate as a stay on an order issued under paragraphs (1) and (2) of this subsection, if the
105 revocation or suspension of the permit, or requirement to participate in the Program, under the
106 order was based on account of:

107 “(A) Mental or physical incapacity brought to the attention of the Mayor
108 by a person who is a licensed medical practitioner;

109 “(B) For driving while the person is intoxicated as defined by § 50-
110 2206.01(9), or while under the influence of intoxicating liquor or any drug or any combination
111 thereof, or while the ability to operate a vehicle is impaired by the consumption of intoxicating
112 liquor;

113 “(C) For manslaughter when an automobile is involved;

114 “(D) For operating a motor vehicle equipped with a smoke screen; or

115 “(E) Any other circumstances where the Mayor determines that the
116 suspension or revocation, or requirement to participate in the Program, is necessary for the

117 immediate protection of public safety; Provided, however, that the permitholder shall have an
118 opportunity to appeal the lack of a stay as provided in the rules;

119 “(5) If the Mayor sustains an order that was stayed pending review under
120 paragraph (3) of this subsection, the order shall become effective immediately upon the issuance
121 of the Mayor’s decision to sustain the order.”.

122 Sec. 3. The District of Columbia Traffic Adjudication Act of 1978, effective September
123 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*), is amended as follows:

124 (a) Section 108(3) (D.C. Official Code § 50-2301.08(3)) is amended as follows:

125 (1) Subparagraph (B) is amended by striking the semicolon at the end and
126 inserting the phrase “; and” in its place.

127 (2) Subparagraph (C)(iii) is amended by striking the semicolon at the end and
128 inserting a period in its place.

129 (3) Subparagraphs (D) and (E) are repealed.

130 (b) Section 304(a)(1) (D.C. Official Code § 50-2303.04(a)(1)) is amended to read as
131 follows:

132 “(1) The owner or lessee of a vehicle shall be liable for the civil penalties imposed
133 pursuant to this title; except, that If the owner or lessee can show that the vehicle was used
134 without the owner’s or lessee’s expressed or implied permission, in which case the operator of
135 the vehicle shall be liable for the civil penalties.”.

136 (c) Section 401 (D.C. Official Code § 50-2304.01) is amended to read as follows:

137 “Sec. 401. Appeals boards.

138 “The Director shall establish appeals boards to consider and determine appeals brought
139 by persons aggrieved by decisions of hearing examiners. The Director shall appoint to each

140 appeals board one employee of the Department of Motor Vehicles, one attorney, and one resident
141 of the District of Columbia. The Director shall appoint a chairperson for each appeals board.
142 Members of appeals boards who are not employees of the District government shall be
143 compensated at a rate established by the Director. An employee of the District government shall
144 not receive such compensation but shall receive administrative leave during his or her actual
145 service on an appeals board. All members of appeals boards shall receive reimbursement for
146 actual expenses incurred. The Director shall designate employees of the Department to assist the
147 appeals boards and shall provide such facilities and supplies as are necessary to enable the
148 appeals boards to carry out their functions.”.

149 Sec. 4. Title IV of the District of Columbia Revenue Act of 1937, approved August 17,
150 1937 (50 Stat. 679; D.C. Official Code § 50-1501.02), is amended as follows:

151 (a) Section 1(4) (D.C. Official Code § 50-1501.01(4)) is amended to read as follows:

152 “(4) The term “Director” means the Director of the Department of Motor
153 Vehicles.”.

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

155 (1) Subsection (a) is amended by striking the phrase “Department of
156 Transportation” and inserting the phrase “Mayor” in its place.

157 (2) Subsection (d) is amended as follows:

158 (A) Paragraph (4)(C) is amended by striking the phrase “proof of
159 certificate issued;” and inserting the phrase “proof of certificate issued; provided that each of
160 these fees may be amended by the Mayor by rule;”.

161 (B) Paragraph (5) is amended as follows:

162 (i) Subparagraph (A) is amended by striking the phrase “the fee of
163 \$13;” and inserting the phrase “the fee of \$13, or an amount established by the Mayor by rule;”
164 in its place.

165 (ii) Subparagraph (B) is amended by striking the phrase “a fee of
166 \$13; and” and inserting the phrase “a fee of \$13, or an amount established by the Mayor by rule;
167 and” in its place.

168 (3) Subsection (e) is amended as follows:

169 (A) Paragraph (2) is amended by striking the phrase “a fee of \$12 plus”
170 and inserting the phrase “a fee of \$12, or an amount established by the Mayor by rule, plus” in its
171 place.

172 (B) Paragraph (5) is amended by striking the phrase “a fee of \$12.” and
173 inserting the phrase “a fee of \$12, or an amount established by the Mayor by rule.” in its place.

174 (4) Subsection (g) is amended by adding a new paragraph (1A) to read as follows:

175 “(1A) To establish and amend fees;”.

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

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

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

179 “(A) There shall be levied, collected, and paid for each registration year
180 for each motor vehicle or trailer required to be registered under this title, the registration fee
181 provided in this section.”.

182 (B) Paragraph (2) is amended to read as follows:

183 “(2) The Mayor may modify the schedule of fees established in this subsection by
184 rule.”.

185 (2) Subsection (b) is amended as follows:

186 (A) Paragraph (1) is amended by striking the phrase “motorcycle and
187 motorized bicycle” and inserting the phrase “motorcycle, motor-driven cycle, and auticycle” in
188 its place.

189 (B) Paragraph (4) is amended by striking the word “motorcycle” and
190 inserting the phrase “motorcycle and auticycle” in its place.

191 (C) Paragraph (7) is amended by striking the phrase “dealer transport
192 identification tags, and manufacturer identification tags,”.

193 (3) Subsection (g) is amended by striking the phrase “direct the Director of the
194 Department of Transportation to”.

195 Sec. 5. Section 7(a) of the International Registration Plan Agreement Act of 1997,
196 effective September 5, 1997 (D.C. Law 12-14; D.C. Official Code § 50-1507.06(a)), is amended
197 by striking the phrase “shall be \$50.” and inserting the phrase “shall be \$50, or an amount
198 established by the Mayor by rule.” in its place.

199 Sec. 6. The Motor Vehicle Safety and Responsibility Act of the District of Columbia,
200 approved May 25, 1954 (68 Stat. 122; D.C. Official Code § 50-1301.01 *et seq.*), is amended as
201 follows:

202 (a) Section 3(a) (D.C. Official Code § 50-1301.03(a)) is amended by:

203 (1) Striking the phrase “Chapter 8 of 18 DCMR.” And inserting the phrase
204 “Chapter 8 of 18 DCMR and the establishment of fees.”; and

205 (2) Striking the phrase “shall be \$98.” And inserting the phrase “shall be \$98, or
206 an amount established by the Mayor by rule.” in its place.

207 (b) Section 4(d) (D.C. Official Code § 50-1301.04(d)) is amended by striking the word
208 “his” and inserting the phrase “the member’s” in its place.

209 (c) Section 5 (D.C. Official Code § 50-1301.05) is amended as follows:

210 (1) Subsection (a)(1) is amended to read as follows:

211 “(1) The Mayor shall, upon request, furnish any person a certified abstract of the
212 District of Columbia operating record of any person subject to the provisions of this chapter,
213 which abstract shall include reference to any convictions or finding of liability for an infraction
214 of said person for violation of the motor vehicle laws as reported to the Mayor, and a record of
215 any vehicles registered in the name of such person. The Mayor shall collect for each abstract the
216 sum of \$7, or an amount established by the Mayor by rule.”

217 (2) Subsection (b) is amended by striking the sentence “The Mayor shall collect
218 for each such uncertified abstract a sum equal to the cost to the District of furnishing such
219 abstract, as such cost may be determined by the Mayor from time to time.”.

220 (d) Section 6 (D.C. Official Code § 50-1301.06) is amended by striking the phrase “the
221 sum of \$7.” and inserting the phrase “a fee of \$7 or an amount established by the Mayor by
222 rule.” in its place

223 (e) Section 37(a) (D.C. Official Code § 50-1301.37(a)) is amended to read as follows:

224 “(a)(1) The license and registration of all vehicles registered in the name of any person
225 who by a final order or judgment shall have been convicted of, or shall have forfeited any bond
226 or collateral given to secure appearance for trial for a violation of any of the following provisions
227 of law shall be suspended by the Mayor and shall remain so suspended and shall not at any time
228 thereafter be renewed, nor shall any other motor vehicle be thereafter registered in the name of
229 such person as owner, except as provided in paragraph (2) of this subsection:

230 “(A) Operating a motor vehicle while the person is intoxicated as defined
231 by section 3a(9) of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-
232 266; D.C. Official Code § 50-2206.01(9)), or while under the influence of intoxicating liquor or
233 any drug or any combination thereof, or while the ability to operate a vehicle is impaired by the
234 consumption of intoxicating liquor, or an individual under 21 years of age operating a motor
235 vehicle when the individual’s blood, breath, or urine contains any measurable amount of alcohol;

236 “(B) Any homicide committed by means of a motor vehicle;

237 “(C) Leaving the scene of an accident in which the motor vehicle driven
238 by him was involved and in which there is personal injury, without giving assistance or making
239 known his identity and address and the identity and address of the owner of said vehicle;

240 “(D) Aggravated reckless driving;

241 “(E) Any felony in the commission of which a motor vehicle is used; or

242 “(F) A conviction of, or forfeiture of bail or collateral for an offense in any
243 state which, if committed in the District of Columbia, would be one of the offenses listed in
244 clauses (1) through (5) of this subsection.

245 “(2) Notwithstanding paragraph (1) of this subsection:

246 “(A) If an owner described in paragraph (1) of this subsection has
247 previously given or shall immediately give and thereafter maintain proof of financial
248 responsibility for the future with respect to all vehicles registered by such person as the owner,
249 the Mayor shall not suspend the owner’s registration unless otherwise required or permitted by
250 law; and

251 “(B) If a conviction described in paragraph (1) of this subsection arose out
252 of the operation, with permission, of a vehicle owned by or leased to the United States, the

253 District of Columbia, a state, or a political subdivision of a state or a municipality thereof, the
254 Mayor shall not suspend the registration of any vehicle so owned or leased.”.

255 (f) Section 40 (D.C. Official Code § 50-1301.40) is repealed.

256 (g) Section 55 (D.C. Official Code § 50-1301.55) is repealed.

257 (h) Section 80 (D.C. Official Code § 50-1301.80) is repealed.

258 (b) A new section 1828a is added to read as follows:

259 “Sec. 1828a. Rules and fees.

260 “The Mayor, pursuant to Title I the District of Columbia Administrative Procedure Act,
261 approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules
262 to implement the provisions of this title, including rules establishing fees, fines, and civil
263 penalties.”.

264 Sec. 7. The Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999
265 (D.C. Law 12-175; D.C. Official Code § 50-901 *et seq.*), is amended as follows:

266 (a) A new section 1825a is added to read as follows:

267 “Sec. 1825a. Enforcement of certain statutes and regulations.

268 “(a) A person violating a provision of Chapter 11 of Title 18 of the District of Columbia
269 Municipal Regulations for which a civil penalty is not specifically provided by such chapter
270 (hereinafter referred to as a “covered provision”) shall be subject to a civil fine of \$300 or such
271 other amount as the Mayor may establish by rule issued pursuant to Title I of the District of
272 Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C.
273 Official Code § 2-501 *et seq.*). The fine shall be imposed, and shall be subject to adjudication, as
274 provided in this section.

275 “(b) To impose a fine for a violation of a provision of Chapter 11 of Title 18 of the
276 District of Columbia Municipal Regulations, the Mayor shall serve a notice of violation and
277 proposed order either personally on the person who is alleged to have violated a covered
278 provision or by mail to that person at his or her address of record with the Department of Motor
279 Vehicles or, if the Mayor does not serve the notice personally and if there is no such address of
280 record, to the address of the person as provided by the person to the individual issuing the notice
281 of violation or to the address of the person available through the Washington Area Law
282 Enforcement System or on the notice of infraction.

283 “(c) The notice of violation and proposed order shall set forth the action the Mayor
284 proposes to take and the grounds for such action in sufficient detail to allow the person adversely
285 affected by the notice of violation and proposed order to understand fully the nature of the notice
286 of violation and proposed order, the reasons for its issuance, how to contest the notice of
287 violation, and the consequences of failing to contest.

288 “(d) A person to whom a notice of violation and proposed order is served or delivered
289 pursuant to subsection (b) of this section may, within 30 days after the date of issuance of the
290 notice of violation and proposed order, petition the Chief Hearing Examiner referred to in section
291 104(1) of the District of Columbia Traffic Adjudication Act of 1978 , effective September 12,
292 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.04(a)), for a hearing subject to the
293 provisions of Chapter 10 of Title 18 of the District of Columbia Municipal Regulations.

294 “(e) The burden of proof in a hearing held pursuant to subsection (d) of this section shall
295 be on the District and no violation may be established except upon proof by a preponderance of
296 the evidence.

297 “(f) Failure to timely petition for a hearing shall result in the proposed order becoming
298 final.

299 “(g) After a proposed order becomes final or after the issuance of a final order, the person
300 aggrieved by the order shall not be entitled to obtain any service from the Department of Motor
301 Vehicles, except for a license or permit described in D.C. Official Code 47-2861(2)(C), until the
302 fine is paid in full or there is resolution of the fine pursuant to section 1047 of the Delinquent
303 Debt Recovery Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official
304 Code § 1-350.06).

305 “(h) A person aggrieved by a decision of a hearing examiner under this section may
306 petition for a review of the decision by an appeals board established in section 401 of the District
307 of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104;
308 D.C. Official Code § 50-2304.01). The timing, manner, form, and other matters related to the
309 petition for review, the consideration of the petition for review, and the conduct of the appeal
310 shall conform to the provisions of Chapters 10 and 30 of Title 18 of the District of Columbia
311 Municipal Regulations.”.

312 (b) A new section 1828a is added to read as follows:

313 “Sec. 1828a. Rules and fees.

314 “The Mayor, pursuant to Title I the District of Columbia Administrative Procedure Act,
315 approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules
316 to implement the provisions of this title, including rules establishing fees, fines, and civil
317 penalties.”.

318 Sec. 8. An Act To provide for the annual inspection of all motor vehicles in the District
319 of Columbia, approved February 18, 1938 (52 Stat. 78; D.C. Official Code § 50-1101 *et seq.*), is
320 amended as follows:

321

322 (a) Section 3 (D.C. Official Code § 50-1103) is repealed.

323 (b) Section 6(b) (D.C. Official Code § 50-1106(b)) is amended by striking the phrase “of
324 \$15” in both places that it appears and inserting the phrase “of \$20, or an amount established by
325 the Mayor by rule,” in its place.

326 Sec. 9. The Vehicle Inspection Task Force Act of 2010, effective September 24, 2010
327 (D.C. Law 18-223; D.C. Official Code §§ 50-1121 and 50-1122), is repealed.

328 Sec. 10. Section 1 of An Act Making appropriations for the government of the District of
329 Columbia and other activities chargeable in whole or in part against the revenues of such District
330 for the fiscal year ending June 30, 1945, and for other purposes, approved June 28, 1944 (58 Stat.
331 509; codified in part as D.C. Official Code § 50-2201.24) is amended by striking the phrase “:
332 *Provided further*, That the employee of the Department of Vehicles and Traffic who is charged
333 with the immediate responsibility for, and exercises supervision over, the issuance of tags and
334 certificates of title and the registration of motor vehicles and trailers shall hereafter be known as
335 the Registrar of Titles and Tags, and so long as the present incumbent of the position for which a
336 designation is hereby provided continues to hold such position it shall be classified in grade 9 of
337 the clerical, administrative, and fiscal service under the Classification Act of 1923, as amended”.

338 Sec. 11. An Act to provide for the recording and releasing of liens by entries on
339 certificates of title for motor vehicles and trailers, and for other purposes, approved July 2, 1940
340 (54 Stat. 736; D.C. Official Code § 50-1201 *et seq.*), is amended as follows:

341 (a) Section 1 (D.C. Official Code § 50-1201) is amended as follows:

342 (1) Paragraph (3) is repealed.

343 (2) Paragraph (8) is amended by striking the word “Recorder’s” and inserting the
344 word “Director’s” in its place.

345 (b) Section 8 (D.C. Official Code § 50-1208) is amended by:

346 (1) Striking the word “Recorder” wherever it appears and inserting the word
347 “Director” in its place; and

348 (2) Striking the word “Recorder’s” wherever it appears and inserting the word
349 “Director’s” in its place.

350 (c) Section 9 (D.C. Official Code § 50-1209) is amended by:

351 (1) Striking the word “Recorder” wherever it appears and inserting the word
352 “Director” in its place; and

353 (2) Striking the word “Recorder’s” wherever it appears and inserting the word
354 “Director’s” in its place.

355 (d) Section 10 (D.C. Official Code § 50-1210) is amended by striking the word
356 “Recorder” wherever it appears and inserting the word “Director” in its place.

357 (e) Section 11 (D.C. Official Code § 50-1211) is amended by:

358 (1) Striking the phrase “The Recorder, upon receipt of a certificate” and inserting
359 the phrase “The Director, upon receipt of a certificate” in its place;

360 (2) Striking the word “Recorder’s” and inserting the word “Director’s” in its
361 place;

362 (3) Striking the phrase “the Recorder upon receipt of evidence” and inserting the
363 phrase “the Director upon receipt of evidence” in its place; and

364 (4) Striking the phrase "Recorder of Deeds" and inserting the word "Director" in
365 its place.

366 (f) Section 12 (D.C. Official Code § 50-1212) is amended by striking the phrase "shall be
367 the sum of \$20" and inserting the phrase "shall be \$20, or an amount established by the Mayor
368 by rule" in its place.

369 (g) Section 13 (D.C. Official Code § 50-1213) is amended by striking the phrase "there
370 shall be a fee of \$.50" and inserting the phrase "the Mayor may impose a fee" in its place.

371 (h) A new section 14a is added to read as follows:

372 "Sec. 14a. Rules.

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

376 (i) Section 15 (D.C. Official Code § 50-1216) is repealed.

377 Sec. 12. Section 8 of the Uniform Classification and Commercial Driver's License Act of
378 1990, effective September 20, 1990 (D.C. Law 8-161; D.C. Official Code § 50-407), is amended
379 by striking the phrase "Bureau of Motor Vehicle Services, Office of Medical Review" and
380 inserting the word "Mayor" in its place.

381 Sec. 13. The Automobile Consumer Protection Act of 1984, effective March 14,
382 1985(D.C. Law 5-162; D.C. Official Code § 50-501 *et seq.*), is amended as follows:

383 (a) Section 3 (D.C. Official Code § 50-502) is amended as follows:

384 (1) Subsection (b) is amended by striking the phrase "Department of Public
385 Works" and inserting the phrase "Department of Motor Vehicles" in its place.

386 (2) Subsection (g)(1) is amended by striking the phrase "Department of Public
387 Works" and inserting the phrase "Department of Motor Vehicles" in its place.

388 (b) Section 8 (D.C. Official Code § 50-506) is amended by striking the phrase
389 "Department of Public Works" and inserting the phrase "Department of Motor Vehicles" in its
390 place.

391 Sec. 14. Fiscal impact statement.

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

395 Sec. 15. Effective date.

396 This act shall take effect following approval by the Mayor (or in the event of veto by the
397 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
398 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
399 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
400 Columbia Register.

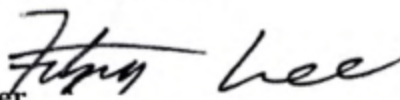
Government of the District of Columbia
Office of the Chief Financial Officer



Fitzroy Lee
Interim Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Fitzroy Lee
Interim Chief Financial Officer 

DATE: October 12, 2021

SUBJECT: Fiscal Impact Statement – Department of Motor Vehicles Omnibus
Amendment Act of 2021

REFERENCE: Draft Bill as provided to the Office of Revenue Analysis on August 18,
2021

Conclusion

Funds are sufficient in the fiscal year 2022 through fiscal year 2025 budget and financial plan to implement the bill.

Background

This omnibus bill makes several technical and conforming changes to laws governing Department of Motor Vehicles' (DMV) operations, expands the Mayor's authority to issue rules establishing fees for DMV services, enhances their enforcement authorities, and amends some operational responsibilities to be consistent with other jurisdictions.

The bill establishes the Mayor's authority to issue rules and establish fees for DMV services. DMV can set fees at a level sufficient to compensate DMV for the costs of providing those services. The following fees are currently established in the statute¹ and are not changed in the bill; the bill will provide the Mayor with flexibility to change the fees in the future through rulemaking:

- Restoration or reinstatement of a license or registration (\$98);

¹ The Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 50-901 et seq.).

The Honorable Phil Mendelson

FIS: "Department of Motor Vehicles Omnibus Amendment Act of 2021," Draft Bill as provided to the Office of Revenue Analysis on August 18, 2021

- Vehicle titling fees (\$26);
- Parking reciprocity sticker for certain elected officials and service members (\$100);
- Parking reciprocity sticker for students, part-time resident property owners, and eligible business vehicles (\$338);
- Duplicate registration certificates (\$20);
- Replacement vehicle tags (\$10);
- Dealer's proof of ownership certificates (\$26);
- 45-day temporary certificates and tags to facilitate a vehicle inspection (\$13);
- Transfer of the unexpired portion of a vehicle registration upon the owner's death (\$12);
- Temporary trip permit issued to motor carriers (\$50);
- Certified abstract of a driver's operator record or driver's proof of insurance (\$7); and
- Recording a lien on a certificate of title (\$20).

The bill changes the conditions under which an order to suspend or revoke an operator's license is stayed while an individual applies for a review of such order. The bill stays the Mayor's order upon the application for review if the reason for the order is based on driving while intoxicated or under the influence of alcohol or drugs; for manslaughter when a vehicle is involved; operating a motor vehicle with a smoke screen; or for reasons of mental or physical incapacity that were not raised by a licensed medical practitioner. The order is not stayed upon the submission of a review application if the individual's mental or physical incapacity was raised by a licensed medical professional or if the Mayor makes a determination that maintaining the order is in the interest of public safety.

The bill establishes the Mayor's authority to enforce violations and issue fines of \$300 for violations of certain motor vehicle regulations for which no fine currently assessed.² The bill establishes the process for serving a notice of violation, the burden of proof that must be met, the process for appealing a notice of violation or order, the ability to appeal a hearing examiner's decision, and the Mayor's authority to enforce a final order. The bill also affirms the civil liability for parking, standing, and stopping infractions rests upon the owner or lessee of a vehicle unless the owner or lessee can show that the vehicle was used without their express or implied permission.

If a resident purchases a new vehicle and that vehicle is determined to be defective, the resident can purchase a subsequent vehicle within 60 days and be exempt from paying the motor vehicle excise tax twice.³ The bill extends, from 60 days to two years, the amount of time the purchase of the subsequent new vehicle to replace a defective vehicle is exempt from the motor vehicle excise tax to conform to existing consumer protection laws.⁴ The bill clarifies the types of vehicles that are subject to registration fees.⁵ The bill allows a member of the Armed forces or Merchant Marine and their spouse an automatic extension of any Class D operator's permit while the member is serving on active

² Motor Vehicle Offenses and Penalties (18 DCMR 11).

³ District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(j)(3)(E)).

⁴ Automobile Consumer Protection Act of 1984, effective March 14, 1985 (D.C. Law 5-162; D.C. Official Code § 50-502).

⁵ District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.03(b)).

The Honorable Phil Mendelson

FIS: "Department of Motor Vehicles Omnibus Amendment Act of 2021," Draft Bill as provided to the Office of Revenue Analysis on August 18, 2021

duty outside of the District. The bill terminates the 90-day extension after the member returns to the District to live or is discharged from duty.

The bill changes the required language on a license or identification card for an individual who is not a United States citizen from "Not valid for official federal purposes" to "Not for official REAL ID purposes." The bill removes from the Mayor's annual report on parking and moving infractions the number of suspensions associated with an operator's failure to respond to a notice of infraction or to appear at a hearing, because DMV no longer suspends licenses for these violations.⁶ The bill eliminates the ability to suspend the operating privileges of a non-District resident and any related actions a non-District resident would need to take to reinstate those privileges.

The bill eliminates several outdated references to the District Department of Transportation (DDOT) and its role related to vehicle and operator permissions that have been assigned to DMV. The bill updates the DMV appeals board that reviews DMV hearing examiner decisions to reflect its operations within DMV and not DDOT. The bill eliminates an outdated requirement that funds be appropriated out of the General Fund to implement certain DMV operations. The bill also repeals a Vehicle Inspection Task Force that sunset in 2011. The bill repeals outdated language related to the registrar of titles and tags. The bill eliminates an outdated authorization to charge a \$0.50 vehicle registration surcharge for vehicle tags with special reflective materials. The bill updates the administration of vehicle liens, including the elimination of a specific \$0.50 fee to record the release of a lien in favor of giving the Mayor flexibility to set a fee. The bill authorizes the Mayor to issue rules regarding liens. The bill updates the statute to reflect a 2003 approved⁷ increase from \$15 to \$20 for the initial and monthly late fees a resident must pay for failure to have their motor vehicle inspected in a timely manner.

The bill makes its provisions applicable 180 days after the bill's effective date.

Financial Plan Impact

Funds are sufficient in the fiscal year 2022 through fiscal year 2025 budget and financial plan to implement the bill. The bill's most substantial changes are to authorize the Mayor to set various fees for DMV services through rulemaking; currently the fees are codified and can only be changed through amendments to the law. There are no costs associated with giving the Mayor this flexibility and the bill does not propose any specific fee changes.

Any provisions that amend DMV operations are consistent with existing practices and DMV can absorb any new enforcement provisions within its existing budgeted resources. The remaining provisions are technical changes, clarifications, or conforming changes and their implementation does not impose costs on the District.

⁶ Traffic and Parking Ticket Penalty Amendment Act of 2018, effective October 30, 2018 (D.C. Law 22-175; D.C. Official Code §§ 50-2302.05 and 50-2302.06).

⁷ Other-Type Funds and Adjustment to Other Fees and Charges Act of 2002, effective June 5, 2003 (D.C. Law 14-307; 49 DCR 11562).

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



LEGAL COUNSEL DIVISION

MEMORANDUM

TO: Bryan Hum
Interim Director
Office of Policy and Legislative Affairs

FROM: Brian K. Flowers
Deputy Attorney General
Legal Counsel Division

DATE: September 19, 2022

SUBJECT: Legal Sufficiency Review of Draft Legislation - the "Department of Motor Vehicles Omnibus Amendment Act of 2022"
(AE-19-331-B)

This is to Certify that this Office has reviewed the above-referenced proposed legislation and has found it to be legally sufficient. If you have questions regarding this certification, please do not hesitate to contact me at 724-5524.

Brian K. Flowers

Brian K. Flowers