

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 50.**  
**MOTOR AND NON-MOTOR VEHICLES AND**  
**TRAFFIC.**

**CHAPTER 17A.**  
**DISTRACTED DRIVING PREVENTION.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 17A. DISTRACTED DRIVING**  
**PREVENTION.**

---

**TABLE OF CONTENTS**

---

§ 50-1731.01. Short title. ....

§ 50-1731.02. Definitions. ....

§ 50-1731.03. Prohibition on distracted driving. ....

§ 50-1731.04. Restricted use of mobile telephone and other electronic devices. ....

§ 50-1731.05. Additional restrictions on use of mobile telephone or other electronic devices by school bus drivers and holders of learner's permits. ....

§ 50-1731.06. Enforcement; fines and penalties. ....

§ 50-1731.07. Police officer's report. ....

§ 50-1731.08. Education. ....

§ 50-1731.09. Reporting requirements. ....

§ 50-1731.10. Rules. ....

# CHAPTER 17A. DISTRACTED DRIVING PREVENTION.

## § 50-1731.01. SHORT TITLE.

This chapter may be cited as the "Distracted Driving Safety Act of 2004".  
(Mar. 30, 2004, D.C. Law 15-124, § 1, 51 DCR 1541.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

Law 15-124, the "Distracted Driving Safety Act of 2004", was introduced in Council and assigned Bill No. 15-35, which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on December 2, 2003, and January 6, 2004, respectively. Signed by the Mayor on January 28, 2004, it was assigned Act No. 15-311 and transmitted to both Houses of Congress for its review. D.C. Law 15-124 became effective on March 30, 2004.

#### *Miscellaneous Notes*

Applicability date of D.C. Law 15-124: Section 11 of D.C. Law 15-124 provides: "This act shall apply as of July 1, 2004."

## § 50-1731.02. DEFINITIONS.

For the purposes of this chapter, the term:

- (1) "Distracted driving" means inattentive driving while operating a motor vehicle that results in the unsafe operation of the vehicle where such inattention is caused by reading, writing, performing personal grooming, interacting with pets or unsecured cargo, using personal communications technologies, or engaging in any other activity which causes distractions.
- (2) "Hands-free accessory" means an attachment, add-on, built-in feature, or addition to a mobile telephone, whether or not permanently installed in a motor vehicle, that when used allows the vehicle operator to maintain both hands on the steering wheel.
- (3) "Mobile telephone" means a cellular, analog, wireless, or digital telephone capable of sending or receiving telephone messages without an access line for service.
- (4) "Other electronic device" includes, but is not limited to, hand-held computers, pagers, and video games.
- (4A) "Text" or "texting" means using an electronic wireless communications device to compose, send, receive, or read a written message or image using a text-based communication system, including communications referred to as a text message, instant message, or electronic mail.
- (5) "Use" means talking, placing, texting, or receiving a call, or attempting to place, text, or receive a call, on a wireless communications device, including a mobile telephone.

(Mar. 30, 2004, D.C. Law 15-124, § 2, 51 DCR 1541; Dec. 10, 2009, D.C. Law 18-88, § 227(a), 56 DCR 7413.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Effect of Amendments*

D.C. Law 18-88 added par. (4A); and rewrote par. (5), which had read as follows:

"(5) 'Use' means talking, placing, or receiving a call, or attempting to place or receive a call, on a mobile telephone."

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 227(a) of Omnibus Public Safety and Justice Emergency Amendment Act of 2009 (D.C. Act 18-181, August 6, 2009, 56 DCR 6903).

For temporary (90 day) amendment of section, see § 227(a) of Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-227, October 21, 2009, 56 DCR 8668).

*Legislative History of Laws*

For Law 15-124, see notes following § 50-1731.01.

Law 18-88, the "Omnibus Public Safety and Justice Amendment Act of 2009", as introduced in Council and assigned Bill No. 18-151, which was referred to the Committee on Public Safety and the Judiciary. The bill as adopted on first and second readings on June 30, 2009, and July 31, 2009, respectively. Signed by the Mayor on August 26, 2009, it was assigned Act No. 18-189 and transmitted to both Houses of Congress for its review. D.C. Law 18-88 became effective on December 10, 2009.

### **§ 50-1731.03. PROHIBITION ON DISTRACTED DRIVING.**

Distracted driving shall be prohibited. A person found guilty of distracted driving shall be subject to the fines and penalties set forth in § 50-1731.06(a).

(Mar. 30, 2004, D.C. Law 15-124, § 3, 51 DCR 1541.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For Law 15-124, see notes following § 50-1731.01.

### **§ 50-1731.04. RESTRICTED USE OF MOBILE TELEPHONE AND OTHER ELECTRONIC DEVICES.**

(a) No person shall use a mobile telephone or other electronic device while operating a moving motor vehicle in the District of Columbia unless the telephone or device is equipped with a hands-free accessory.

(b) The provisions of this section shall not apply to the following:

- (1) Emergency use of a mobile telephone, including calls to 911 or 311, a hospital, an ambulance service provider, a fire department, a law enforcement agency, or a first-aid squad;
- (2) Use of a mobile telephone by law enforcement and emergency personnel or by a driver of an authorized emergency vehicle, acting within the scope of official duties; or
- (3) Initiating or terminating a telephone call, or turning the telephone on or off.

(Mar. 30, 2004, D.C. Law 15-124, § 4, 51 DCR 1541.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For Law 15-124, see notes following § 50-1731.01.

### **§ 50-1731.05. ADDITIONAL RESTRICTIONS ON USE OF MOBILE TELEPHONE OR OTHER ELECTRONIC DEVICES BY SCHOOL BUS DRIVERS AND HOLDERS OF LEARNER'S PERMITS.**

(a) A person shall not use a mobile telephone or other electronic device, including those with hands-free accessories, while operating a moving school bus that is carrying passengers; provided, that this section shall not apply to a school bus driver who places an emergency call to school officials or to the exceptions set forth in § 50-1731.04(b).

(b) A person who holds a learner's permit shall be prohibited from using any mobile telephone or other electronic device, including those with hands-free accessories, while operating a moving motor vehicle on a public highway except in an emergency, as set forth in § 50-1731.04(b).

(Mar. 30, 2004, D.C. Law 15-124, § 5, 51 DCR 1541.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For Law 15-124, see notes following § 50-1731.01.

## **§ 50-1731.06. ENFORCEMENT; FINES AND PENALTIES.**

(a) The penalty for violating §§ 50-1731.03, 50-1731.04, or 50-1731.05 shall be a fine of \$100; provided, that the fine shall be suspended for a first time violator who, subsequent to the violation but prior to the imposition of a fine, provides proof of acquisition of a hands-free accessory of the type required by this chapter. The suspension shall not apply to violations related to texting.

(b) A violation of the provisions of §§ 50-1731.03, 50-1731.04, or 50-1731.05 shall be processed and adjudicated under the provisions applicable to moving violations set forth in subchapter II of Chapter 23 of this title; provided, that no points shall be assessed for a violation of this chapter that does not contribute to an accident.

(Mar. 30, 2004, D.C. Law 15-124, § 6, 51 DCR 1541; Apr. 8, 2005, D.C. Law 15-304, § 2, 52 DCR 1694; Dec. 10, 2009, D.C. Law 18-88, § 227(b), 56 DCR 7413.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Effect of Amendments*

D.C. Law 15-304 rewrote subsec. (b) which had read:

"(b) A violation of the provisions of § 50-1731.03, 50-1731.04 or 50-1731.05 shall be processed and adjudicated under the provisions applicable to moving violations set forth in subchapter II of Chapter 23 of this title."

D.C. Law 18-88, in subsec. (a), inserted "The suspension shall not apply to violations related to texting."

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 2 of Distracted Driving Safety Revised Temporary Amendment Act of 2004 (D.C. Law 15-232, March 16, 2005, law notification 52 DCR 3558).

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 2 of Distracted Driving Safety Emergency Amendment Act of 2004 (D.C. Act 15-464, June 23, 2004, 51 DCR 6756).

For temporary (90 day) amendment of section, see § 2 of Distracted Driving Safety Revised Emergency Amendment Act of 2004 (D.C. Act 15-500, August 2, 2004, 51 DCR 8812).

For temporary (90 day) amendment of section, see § 2 of Distracted Driving Safety Revised Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-616, November 30, 2004, 51 DCR 11444).

For temporary (90 day) amendment of section, see § 2 of Distracted Driving Safety Revised Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-16, February 17, 2005, 52 DCR 2958).

For temporary (90 day) amendment of section, see § 227(b) of Omnibus Public Safety and Justice Emergency Amendment Act of 2009 (D.C. Act 18-181, August 6, 2009, 56 DCR 6903).

For temporary (90 day) amendment of section, see § 227(b) of Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-227, October 21, 2009, 56 DCR 8668).

#### *Legislative History of Laws*

For Law 15-124, see notes following § 50-1731.01.

Law 15-304, the "Distracted Driving Safety Revised Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-981, which was referred to the Committee on Public works and Environment. The Bill was adopted on first and second readings on November 9, 2004, and December 7, 2004, respectively. Signed by the Mayor on December 29, 2004, it was assigned Act No. 15-701 and transmitted to both Houses of Congress for its review. D.C. Law 15-304 became effective on April 8, 2005.

For Law 18-88, see notes following § 50-1731.02.

## **§ 50-1731.07. POLICE OFFICER'S REPORT.**

(a) Whenever the Metropolitan Police Department ("MPD") makes a written report on an accident involving a motor vehicle, the report shall include the following information:

- (1) Whether a mobile telephone or other electronic device was present in the motor vehicle;
- (2) Whether the use of a mobile telephone or other electronic device by a motor vehicle operator may have contributed to the cause of the accident; and

(3) Whether any other distraction may have contributed to the cause of the accident.

(b) The MPD shall provide a copy of each accident report to the District Department of Transportation.

(Mar. 30, 2004, D.C. Law 15-124, § 7, 51 DCR 1541.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For Law 15-124, see notes following § 50-1731.01.

**§ 50-1731.08. EDUCATION.**

The Director of the Department of Motor Vehicles shall include educational information on the use of mobile telephones and other electronic devices while driving in the District's Driver and Motorcycle Operator's Study Guide. The Director shall also include questions pertaining to distracted driving and mobile telephone usage while driving on the driver's license exam.

(Mar. 30, 2004, D.C. Law 15-124, § 8, 51 DCR 1541.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For Law 15-124, see notes following § 50-1731.01.

**§ 50-1731.09. REPORTING REQUIREMENTS.**

(a) The Director of the District Department of Transportation shall annually publish and submit to the Council a report containing statistics regarding the possible relationship between motor vehicle accidents in the District of Columbia and the use of mobile telephones or other electronic devices by motor vehicle operators.

(b) The Mayor shall, within 2 years and 6 months after March 30, 2004, submit a report to the Council containing recommendations concerning the use of mobile telephones or other electronic devices in motor vehicles. The report shall include a recommendation as to whether the provisions of this chapter should be amended.

(Mar. 30, 2004, D.C. Law 15-124, § 9, 51 DCR 1541.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For Law 15-124, see notes following § 50-1731.01.

**§ 50-1731.10. RULES.**

The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of this chapter.

(Mar. 30, 2004, D.C. Law 15-124, § 10, 51 DCR 1541.)

*HISTORICAL AND STATUTORY NOTES*

*Legislative History of Laws*

For Law 15-124, see notes following § 50-1731.01.