

DISTRICT OF COLUMBIA
OFFICIAL CODE

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

CHAPTER 22.
REGULATION OF TRAFFIC.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 22. REGULATION OF TRAFFIC.

TABLE OF CONTENTS

Subchapter I. General Provisions.

- Part A. Traffic Act, 1925.
 - § 50-2201.01. Short title.
 - § 50-2201.02. Definitions.
 - § 50-2201.03. Mayor to make rules; Department of Transportation; Director; Congressional and Council parking; title fees; common carriers; penalties; prosecutions; publication of regulations; excise tax; impoundment for outstanding violations.
 - § 50-2201.03a. Regulations for personal mobility devices.
 - § 50-2201.04. Speeding and reckless driving.
 - § 50-2201.04a. Operation of personal mobility devices.
 - § 50-2201.04b. Operation of all-terrain vehicles and dirt bikes.
 - § 50-2201.04c. Motor vehicle moving infractions in work zones; signage required.
 - § 50-2201.05. Fleeing from scene of accident; driving under the influence of liquor or drugs.
 - § 50-2201.05a. Establishment of Ignition Interlock Device Program.
 - § 50-2201.05b. Fleeing from a law enforcement officer in a motor vehicle.
 - § 50-2201.06. Garage keeper to report cars damaged in accidents.
 - § 50-2201.07. Control over park system not affected by this part.
 - § 50-2201.08. Repeal of certain prior laws; saving clause.
 - § 50-2201.09. Severability.
- Part B. Miscellaneous.
 - § 50-2201.21. Rules for towing and impoundment of vehicles, and vehicle conveyance fees.
 - § 50-2201.22. Appeal from assessment of excise tax for title certificates; election of remedies.
 - § 50-2201.23. Mayor may enter into interstate agreement concerning enforcement of traffic laws.
 - § 50-2201.24. Office of Registrar of Titles and Tags.
 - § 50-2201.25. Issuance of congressional tags.
 - § 50-2201.26. Issuance of duplicate congressional tags.
 - § 50-2201.27. Convictions to be reported.
 - § 50-2201.28. Right-of-way at crosswalks.
 - § 50-2201.29. Bus right-of-way at intersections.
 - § 50-2201.30. Special signs for failure to yield to pedestrians in crosswalks.

Subchapter II. Negligent Homicide.

- § 50-2203.01. Negligent homicide.
- § 50-2203.02. Negligent homicide included in manslaughter where death due to operation of vehicle.
- § 50-2203.03. Immoderate speed not dependent on legal rate of speed.

Subchapter III. Driving While Under the Influence of Alcohol.

- § 50-2205.01. Prima facie evidence of intoxication; relevant evidence of use of intoxicating liquor.[Repealed]
- § 50-2205.02. Evidence of intoxication.
- § 50-2205.03. Admissibility of test results.

Subchapter IV. Obscured Vision.

- § 50-2207.01. Smoke screens prohibited.[Repealed]
- § 50-2207.02. Tinted windows prohibited.

Subchapter V. Automated Traffic Enforcement.

- § 50-2209.01. Authorized; violations as moving violations; evidence; definition.
- § 50-2209.02. Liability for fines; notice of infraction; hearing.
- § 50-2209.03. Agreement with private entity to provide records and services.

CHAPTER 22. REGULATION OF TRAFFIC.

SUBCHAPTER I. GENERAL PROVISIONS.

PART A. TRAFFIC ACT, 1925.

§ 50-2201.01. SHORT TITLE.

This part may be cited as the "District of Columbia Traffic Act, 1925."

(Mar. 3, 1925, 43 Stat. 1119, ch. 443, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-701.

1973 Ed., § 40-601.

Emergency Act Amendments

For temporary (90 day) addition, see §§ 101 to 104 of Prohibition on the Reckless Operation of Recreational Motor Vehicles Emergency Act of 2004 (D.C. Act 15-462, June 23, 2004, 51 DCR 6750).

Miscellaneous Notes

Establishment--Task Force on Transportation, see Mayor's Order 2001-147, October 3, 2001 (48 DCR 9522).

§ 50-2201.02. DEFINITIONS.

When used in this part:

- (1) The term "motor vehicle" means all vehicles propelled by internal-combustion engines, electricity, or steam. The term "motor vehicle" shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, personal mobility devices, as defined by paragraph (15) of this section, or a battery-operated wheelchair when operated by a person with a disability.
- (2) The term "Court" means the Superior Court of the District of Columbia.
- (3) Repealed.
- (4) The term "Mayor" means the Mayor of the District of Columbia or his designated agent.
- (4A) The term "mini-van" means any 7 passenger vehicle which is not a sedan, station wagon, pick-up, or jeep-type vehicle, having a wheel base over 114 inches.
- (5) The term "person" means individual, partnership, corporation, or association.
- (6) The term "park" means to leave any motor vehicle standing on a public highway, whether or not attended.
- (7) The term "public highway" means any street, road, or public thoroughfare.
- (8) The term "this part" includes all lawful regulations issued thereunder by the Council of the District of Columbia and all lawful rules issued thereunder by the Mayor of the District of Columbia or his designated agent.
- (9) The term "vehicle" shall apply to any appliance moved over a highway on wheels or traction tread, including street cars, draft animals, and beasts of burden.
- (10) The term "traffic" shall be deemed to include not only motor vehicles but also all vehicles, pedestrians, and animals, of every description.
- (11) The term "chemical test" means a test which measures or relates to the properties or actions of

chemicals.

(12) The term "Personal Mobility Device" or "PMD" means a motorized propulsion device designed to transport one person or a self-balancing, two non-tandem wheeled device, designed to transport only one person with an electric propulsion system, but excluding a battery-operated wheelchair.

(13) The term "all-terrain vehicle" or "ATV" means any motor vehicle with not less than 3 low pressure tires, but not more than six low pressure tires, designed primarily for off-road use and which has a seat or saddle designed to be straddled by the operator. The terms "all-terrain vehicle" and "ATV" shall not include golf carts, riding lawnmowers, or tractors.

(14) The term "dirt bike" means any motorcycle designed primarily for off-road use.

(15) The term "work zone" means the area of a highway or roadway that is affected by construction, maintenance, or utility work activities, including the area delineated by and within all traffic control devices erected or installed to guide vehicular, pedestrian, and bicycle traffic.

(16) The term "Vehicle conveyance fee" shall have the same meaning as provided in § 50-2301.02(9).

(Mar. 3, 1925, 43 Stat. 1119, ch. 443, § 2; July 3, 1926, 44 Stat. 812, ch. 739, § 1; Feb. 27, 1931, 46 Stat. 1424, ch. 317, § 1; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); Apr. 26, 1977, D.C. Law 1-133, title II, § 201(a), 23 DCR 9697; Nov. 15, 1983, D.C. Law 5-42, § 2(a), 30 DCR 4999; Mar. 15, 1985, D.C. Law 5-176, § 12(a), 32 DCR 748; May 5, 1992, D.C. Law 9-96, § 4(a), 38 DCR 7274; Apr. 27, 2001, D.C. Law 13-289, § 401(a), 48 DCR 2057; Mar. 25, 2003, D.C. Law 14-235, § 10(a), 49 DCR 9788; Mar. 13, 2004, D.C. Law 15-105, §§ 90(c), 94 to 97, 51 DCR 881; Apr. 5, 2005, D.C. Law 15-289, § 2(a), 52 DCR 1446; Mar. 6, 2007, D.C. Law 16-224, § 101(a), 53 DCR 10225; Jan. 23, 2008, D.C. Law 17-67, § 2(a), 54 DCR 11646; Mar. 20, 2009, D.C. Law 17-303, § 3(a), 55 DCR 12803; Sept. 26, 2012, D.C. Law 19-171, § 140, 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-702.

1973 Ed., § 40-602.

Effect of Amendments

D.C. Law 13-289 added the definition for the term mini-van.

D.C. Law 14-235 rewrote par. (1) and added par. (12). Par. (1) had read as follows:

"(1) The term 'motor vehicle' means all vehicles propelled by internal-combustion engines, electricity, or steam. The term 'motor vehicle' shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

D.C. Law 15-105 validated previously made technical corrections; repealed par. (3); and in par. (10), substituted "The term 'traffic' shall" for "Traffic shall". Prior to amendment, par. (3) had read as follows:

"(3) The term 'District' means the District of Columbia."

D.C. Law 15-289 added pars. (13) and (14).

D.C. Law 16-224 revived the provisions of D.C. Law 14-235 that expired on October 1, 2005, and rewrote pars. (1) and (12) which had read as follows:

"(1) The term 'motor vehicle' means all vehicles propelled by internal-combustion engines, electricity, or steam. The term 'motor vehicle' shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, electric personal assistive mobility devices, as defined by paragraph (12) of this section, and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

"(12) The term 'Electric Personal Assistive Mobility Device' or 'EPAMD' means a device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 10 miles per hour or less."

D.C. Law 16-305, in par. (1), purported to substitute "person with a disability" for "handicapped person".

D.C. Law 17-67 added par. (15).

D.C. Law 17-303 added par. (16).

D.C. Law 19-171, in par. (16), inserted "The term".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 10(a) of Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Temporary Amendment Act of 2006 (D.C. Law 16-85, April 4, 2006, law notification 53 DCR 3344).

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 2(a) of the Motor Coach Vehicles Tax Exemption Emergency Amendment Act of 1999 (D.C. Act 13-182, November 22, 1999, 47 DCR 1).

For temporary (90 day) amendment of section, see § 10(a) of Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Emergency Amendment Act of 2005 (D.C. Act 16-237, December 22, 2005, 53 DCR 249).

For temporary (90 day) amendment of section, see § 10(a) of Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-323, March 23, 2006, 53 DCR 2567).

For temporary (90 day) amendment of section, see § 101(a) of Personal Mobility Device Emergency Amendment Act of 2006 (D.C. Act 16-528, December 4, 2006, 53 DCR 9826).

For temporary (90 day) amendment of section, see § 2(a) of Doubled Fines in Construction and Work Zones Emergency Amendment Act of 2007 (D.C. Act 17-149, October 18, 2007, 54 DCR 10894).

For temporary (90 day) amendment of section, see § 2(a) of Doubled Fines in Construction and Work Zones Congressional Review Emergency Amendment Act of 2008 (D.C. Act 17-252, January 23, 2008, 55 DCR 1264).

For temporary (90 day) amendment of section, see § 102(a) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary (90 day) amendment of section, see § 102(a) of Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 12774).

Legislative History of Laws

Law 1-133 was introduced in Council and assigned Bill No. 1-11, which was referred to the Committee on Transportation and Environmental Affairs, the Committee on the Judiciary and the Committee on Criminal Law. The Bill was adopted on first and second readings on October 12, 1976 and November 23, 1976, respectively. Signed by the Mayor on February 14, 1977, it was assigned Act No. 1-230 and transmitted to both Houses of Congress for its review.

Law 5-42 was introduced in Council and assigned Bill No. 5-29, which was referred to the Committee on Transportation and Environmental Affairs. The Bill was adopted on first and second readings on July 5, 1983, and September 6, 1983, respectively. Signed by the Mayor on September 22, 1983, it was assigned Act No. 5-67 and transmitted to both Houses of Congress for its review.

Law 5-176 was introduced in Council and assigned Bill No. 5-382, which was referred to the Committee on Transportation and Environmental Affairs. The Bill was adopted on first and second readings on December 4, 1984, and December 18, 1984, respectively. Signed by the Mayor on January 11, 1985, it was assigned Act No. 5-241 and transmitted to both Houses of Congress for its review.

Law 9-96, the "Comprehensive Anti-Drunk Driving Amendment Act of 1991," was introduced in Council and assigned Bill No. 9-34, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on October 1, 1991, and November 5, 1991, respectively. Signed by the Mayor on November 25, 1991, it was assigned Act No. 9-98 and transmitted to both Houses of Congress for its review.

For D.C. Law 13-289, see notes following § 50-401.

For Law 14-235, see notes following § 50-601.

For Law 15-105, see notes following § 50-203.

For Law 15-289, see notes following § 50-1401.01.

For Law 16-224, see notes following § 50-601.

For Law 16-305, see notes following § 50-101.

Law 17-67, the "Doubled Fines in Construction or Work Zones Amendment Act of 2007", was introduced in Council and assigned Bill No. 17-108 which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on October 23, 2007, and November 6, 2007, respectively. Signed by the Mayor on November 19, 2007, it was assigned Act No. 17-179 and transmitted to both Houses of Congress for its review. D.C. Law 17-67 became effective on January 23, 2008.

Law 17-303, the "District of Columbia Vehicle Towing, Storage, and Conveyance Fee Act of 2008", was introduced in Council and assigned Bill No. 17-394 which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on October 7, 2008, and November 18, 2008, respectively. Signed by the Mayor on December 9, 2008, it was assigned Act No. 17-591 and transmitted to both Houses of Congress for its review. D.C. Law 17-303 became effective on March 20, 2009.

For history of Law 19-171, see notes under § 50-921.02.

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402 (292, 293, 295 to 299) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

Miscellaneous Notes

Expiration of Law 14-235: Section 14 of D.C. Law 14-235 provided that the act shall expire on October 1, 2005.

§ 50-2201.03. MAYOR TO MAKE RULES; DEPARTMENT OF TRANSPORTATION; DIRECTOR; CONGRESSIONAL AND COUNCIL PARKING; TITLE FEES; COMMON CARRIERS; PENALTIES; PROSECUTIONS; PUBLICATION OF REGULATIONS; EXCISE TAX; IMPOUNDMENT FOR OUTSTANDING VIOLATIONS.

(a) The Mayor is authorized and empowered to make, modify, repeal, and enforce rules relating to and concerning the following:

- (1) The control of traffic and the movement of traffic;
- (2)(A) The length, weight, height, and width of vehicles; and
(B) The brakes, horns, lights, mufflers, and other equipment of vehicles and the inspection of same;
- (3)(A) The registration and reregistration of vehicles;
(B) The titling and retitling of motor vehicles and trailers, and the transfer of titles to motor vehicles and trailers; and
(C) The revocation, suspension, restoration, and reinstatement of the registration for motor vehicles and trailers and of certificates of title to motor vehicles and trailers;
- (4) The issuance, suspension, revocation, restoration, and reinstatement of operator's permits and operating privileges; provided, that the fee for restoration or reinstatement shall be \$98;
- (5) The establishment and location of hack stands; and
- (6) The speed, routing, and parking of vehicles; provided, that the Mayor shall establish and locate parking areas in the vicinity of government establishments for use only by members of Congress and governmental officials when on official business.

(b) There is established in the government of the District of Columbia a Department of Transportation, which under the direction of the Mayor, shall have charge of the issuance and revocation of operators' permits, the registration and titling of motor vehicles, the making of traffic studies and plans, the establishment and designation of arterial and other public highways, providing for the equipment of any street, road, or highway with control lights or other devices, or both, for the regulation of traffic, the installation and maintenance of traffic signs, signals, and markers, and of such other matters as may be determined by the Mayor. The Mayor shall appoint a Director of Vehicles and Traffic, who shall be in charge of said Department, and such other personnel as he may deem necessary to perform the duties thereof and as may be appropriated for by Congress. The Director of Vehicles and Traffic shall be responsible directly to the Mayor for the faithful performance of his duties and shall be subject to removal by the Mayor for cause.

(c) Members of Congress or the Council may park their vehicles in any available curb space in the District of Columbia, when:

- (1) The vehicle is used by the member of Congress or the Council on official business;
- (2) The vehicle is displaying a Congressional or Council registration tag issued by the jurisdiction represented by the member; and
- (3) The vehicle is not parked in violation of a loading zone, rush hour, firehouse, or fire plug limitation.

(d) The Mayor shall cause to be levied, collected, and paid a \$26 fee for each titling, duplicate titling, and retitling, and he shall not, after the 1st day of January, 1932, register or renew the registration of any motor vehicle or trailer unless and until the owner thereof shall make application in the form prescribed by the

Mayor and be granted an official certificate of title for such vehicle. No registration or titling fee shall be charged for vehicles owned by the District government. The owner of a motor vehicle or trailer registered in the District of Columbia shall not, after the 1st day of January, 1932, operate or permit or cause to be operated any such vehicle upon any public highway in the District without first obtaining a certificate of title therefor, nor shall any individual knowingly permit any certificate of title to be obtained in his name for any vehicle not in fact owned by him, and any individual violating any provision of this subsection or any regulations promulgated thereunder shall be fined not more than \$1,000 or imprisoned not more than one year, or both. If the properly designated agent of the Mayor shall determine that an applicant for a certificate of title is not entitled thereto, such certificate of title may be refused, and in that event unless such determination is reversed upon written application to the Mayor by the individual affected, such individual shall be entitled to proceed further as provided under § 50-1403.01(a); provided, that reasonable time for hearing be given the applicant in the first instance.

(e) As to all common carriers by vehicle which enter, operate in, or leave the District of Columbia, the power to route small vehicles within the District of Columbia, to regulate their equipment other than that specifically named elsewhere in this part, to regulate their schedules and their loading and unloading, to locate their stops and all platforms and loading zones, and to require the appropriate marking thereof is vested in the Public Service Commission of the District of Columbia.

(f) Except as otherwise provided in this part or in the District of Columbia Traffic Adjudication Act of 1978 (§ 50-2301.01 et seq.), any person violating any provision of this part or any rule promulgated hereunder shall, upon conviction thereof, be fined not more than \$300 or imprisoned for not more than 90 days, or both. Prosecution for violations shall be in the Superior Court of the District of Columbia upon information or indictment filed by the Corporation Counsel of the District of Columbia or any of his or her assistants.

(g) All regulations promulgated under the authority of this part shall be published in accordance with the requirements of title 1 of the District of Columbia Administrative Procedure Act (§ 2-501 et seq.).

(h) Repealed.

(i) Repealed.

(j)(1) In addition to the fees and charges levied under other provisions of this part, there is hereby levied and imposed an excise tax on the issuance of every original certificate of title for a motor vehicle or trailer in the District of Columbia and in the case of a sale, resale, or gift, except in the case of a bona fide gift between spouses, parent and child, or domestic partners, as that term is defined in § 32-701(3), or other transfer thereof on the issuance of every subsequent certificate of title, at the following percentage of the fair market value of the motor vehicle or trailer at the time the certificate of title is issued:

Weight Class	Registration Fee
Class I (3,499 pounds or less)	6%
Class II (3,500--4,999 pounds)	7%
Class III (5,000 pounds or greater)	8%

(2) For the purpose of this section, the Mayor or his duly authorized representative shall determine the fair market value of a motor vehicle or trailer. As used in this section, the term "original certificate of title" shall mean the first certificate of title issued by the District of Columbia for any particular motor vehicle or trailer. No certificate of title so issued shall be delivered or furnished to the person entitled thereto until the tax has been paid in full. The Assessor of the District of Columbia may require every applicant for a certificate to title to supply such information as he deems necessary as to the time of purchase, the purchase price, and other information relative to the determination of the fair market value of any motor vehicle or trailer for which a certificate of title is required and issued.

(3) The issuance of certificates of title for the following motor vehicles and trailers shall be exempt from the tax imposed by this subsection:

(A) Motor vehicles and trailers owned by the United States or the District of Columbia;

(B) Repealed;

(C) Repealed;

(D) Motor vehicles and trailers owned by a utility or public service company for use in furnishing a commodity or service; provided, that the receipts from furnishing such commodity or service are subject to a gross receipts or mileage tax in force in the District of Columbia at the time of a certificate of title for any such vehicle or trailer is issued.

(E) New motor vehicles acquired from dealers as replacements for defective vehicles purchased new not more than 60 days prior to the date of such replacement, except that if the fair market value of any replacement vehicle is greater than that of the vehicle which it replaces, then the tax imposed by this section shall be paid on such difference in value. If the fair market value of any replacement vehicle is less than that of the vehicle which it replaces, then the Mayor or his designated agent is authorized to refund to the owner of the replacement vehicle an amount equal to the difference between the excise tax paid on the defective vehicle and the excise tax paid on the replacement

vehicle.

(F) Rental or leased motor vehicles or trailers; provided, that the rental or leasing of such vehicles is subject to the gross receipts tax described in § 47-2002(3)(C).

(G) Taxis or taxicabs as defined in § 50-303(8).

(H) Previously permanently registered motor vehicles and trailers purchased or acquired by nonresidents prior to coming into the District of Columbia and establishing or maintaining residences in the District.

(I) Commercial vehicles having the characteristics specified in § 47-2352(c) that are owned or leased by a company with an established place of business (as defined in § 47-2302(13)) located within the District of Columbia, if such vehicles are used to furnish a commodity or service; provided, that, the receipts from furnishing such commodity or service are subject to a gross receipts or mileage tax in force in the District of Columbia at the time a certificate of title is issued for the vehicle.

(J) Motor vehicles, excluding motorcycles and motorized bicycles, with an estimated average miles per gallon ("MPG") for city driving at or above 40 MPG, as determined in accordance with 40 CFR §§ 600.001-08, and published in the Fuel Economy Guide by the United States Environmental Protection Agency and the United States Department of Energy or other alternative fueled vehicles as determined by the Department of Motor Vehicles through rulemaking.

(K) Motor vehicles following the death of one co-owner; provided, that the title is issued to a surviving owner.

(L) Motor vehicles whose ownership is determined by a decree of divorce or separation or pursuant to a written instrument incident to such divorce or separation; or, in the case of former domestic partners, ownership is either determined by a court order or one co-owner transfers his or her interest to the other co-owner provided that the applicant also submits the termination statement provided for in § 32-702(d)(1); and

(M) Motor vehicles re-titled by an insurance company in connection with an insurance claim or pursuant to Chapter 13A of this title.

(N) Any vehicle for which the certificate of title issued is a scrap title issued pursuant to § 50-2705.

(O) Repealed.

(P) Vehicles for which a District of Columbia title is being issued to the lienholder because of repossession or was re-issued to the owner after repossession.

(Q) Vehicles designated as non-repairable or salvage pursuant to Chapter 13A of this title.

(k)(1) Any unattended motor vehicle found parked at any time upon any public highway of the District of Columbia against which there are 2 or more unpaid notices of infraction or vehicle conveyance fees that the owner was deemed to have admitted or that were sustained after a hearing, pursuant to § 50-2303.05, § 50-2303.06, or § 50-2209.02, or against which there have been issued 2 or more warrants may, by or under the direction of an officer or member of the Metropolitan Police force or the United States Park Police force or an employee of the District of Columbia Department of Transportation, either by towing or otherwise, be removed or conveyed to and impounded in any place designated by the Mayor or immobilized in such manner as to prevent its operation; except, that no such vehicle shall be immobilized by any means other than by the use of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place.

(2) The notice, reclamation, and disposition procedures set forth in §§ 50- 2421.06 through 50-2421.10, shall apply to any vehicle impounded pursuant to this section. In any case involving immobilization of a vehicle pursuant to this subsection, such member or officer or employee shall cause to be placed on such vehicle, in a conspicuous manner, notice sufficient to warn any individual to the effect that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle.

(3) Repealed.

(4) The owner of an immobilized vehicle shall be subject to a booting fee of \$75 for such immobilization.

(l) The Director of the Department of Motor Vehicles may establish a fee discount of up to 10% on any service obtained through the telephone, Internet, mail, or other method that does not involve an in-person visit to the Department. This subsection shall not apply to the payment of the motor vehicle title tax.

(Mar. 3, 1925, 43 Stat. 1121, ch. 443, § 6; July 3, 1926, 44 Stat. 814, ch. 739, § 4; Feb. 27, 1931, 46 Stat. 1424, ch. 317, §§ 3, 4; Dec. 19, 1932, 47 Stat. 750, ch. 5; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 2, 1945, 59 Stat. 313, ch. 222; May 27, 1949, 63 Stat. 128, title III, ch. 146, § 301; Oct. 28, 1949, 63 Stat. 972, title XI, ch. 782, § 1106(a); July 24, 1956, 70 Stat. 633, ch. 695, § 1; Sept. 2, 1957, 71 Stat. 598, Pub. L. 85-273, § 3; Oct. 3, 1962, 76 Stat. 742, Pub. L. 87-745, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; Aug. 30, 1964, 78 Stat. 634, Pub. L. 88-503, § 21; Sept. 30, 1966, 80 Stat. 856, Pub. L. 89-610, title II, § 201; 1967

Reorg. Plan No. 3, 81 Stat. 980, § 503(c); Dec. 4, 1967, 81 Stat. 532, Pub. L. 90-172, § 1; Oct. 31, 1969, 83 Stat. 172, 174, Pub. L. 91-106, titles II, IV, §§ 201, 404; Dec. 12, 1969, 83 Stat. 343, Pub. L. 91-145, § 101; July 29, 1970, 84 Stat. 570, 583, Pub. L. 91-358, title I, §§ 155(a), 163(g)(2); Dec. 15, 1971, 85 Stat. 657, Pub. L. 92-196, title VII, § 705; Oct. 21, 1972, 86 Stat. 1015, Pub. L. 92-518, title III, § 301(a); Nov. 1, 1973, 87 Stat. 531, Pub. L. 93-145, § 101; Oct. 21, 1975, D.C. Law 1-23, title I, § 102, 22 DCR 2094; Jan. 22, 1976, D.C. Law 1-42, § 7(b), 22 DCR 6317; June 15, 1976, D.C. Law 1-70, title II, § 201, 23 DCR 536; Apr. 19, 1977, D.C. Law 1-124, title I, § 102, 23 DCR 8749; Apr. 26, 1977, D.C. Law 1-133, title IV, § 402, 23 DCR 9697; Sept. 12, 1978, D.C. Law 2-104, §§ 501, 601, 25 DCR 1275; Mar. 3, 1979, D.C. Law 2-139, § 3205(I), 25 DCR 5740; Mar. 6, 1979, D.C. Law 2-157, § 5, 25 DCR 6995; Apr. 3, 1982, D.C. Law 4-97, § 5, 29 DCR 765; Sept. 14, 1982, D.C. Law 4-145, § 7, 29 DCR 3138; June 22, 1983, D.C. Law 5-14, §§ 803, 804, 30 DCR 2632; Nov. 15, 1983, D.C. Law 5-42, § 2(b), 30 DCR 4999; May 1, 1990, D.C. Law 8-103, § 2, 37 DCR 1615; Sept. 26, 1990, D.C. Law 8-170, § 2, 37 DCR 4839; Aug. 17, 1991, D.C. Law 9-30, § 4(a), 38 DCR 4215; May 5, 1992, D.C. Law 9-96, § 4(b), 38 DCR 7274; Mar. 26, 1999, D.C. Law 12-175, § 802, 45 DCR 7193; April 5, 2000, D.C. Law 13-80, § 2, 46 DCR 10463; Oct. 19, 2002, D.C. Law 14-213, § 34, 49 DCR 8140; June 5, 2003, D.C. Law 14-307, § 1706(a), 49 DCR 11664; Oct. 28, 2003, D.C. Law 15-35, § 13(b), 50 DCR 6579; Mar. 16, 2005, D.C. Law 15-239, § 2(a), 51 DCR 9600; Apr. 8, 2005, D.C. Law 15-307, § 402, 52 DCR 1700; Oct. 20, 2005, D.C. Law 16-33, § 6002, 52 DCR 7503; June 16, 2006, D.C. Law 16-129, § 2, 53 DCR 4716; June 22, 2006, D.C. Law 16-139, § 10, 53 DCR 3682; Mar. 2, 2007, D.C. Law 16-191, § 89, 53 DCR 6794; Mar. 14, 2007, D.C. Law 16-279, §§ 202(a), 401(a), 54 DCR 903; Aug. 16, 2008, D.C. Law 17-219, § 6006, 55 DCR 7598; Sept. 12, 2008, D.C. Law 17-231, § 42, 55 DCR 6758; Mar. 20, 2009, D.C. Law 17-303, § 3(b), 55 DCR 12803.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-703.

1973 Ed., § 40-603.

Effect of Amendments

D.C. Law 13-80 added par. (j)(3)(III).

Section 3 of D.C. Law 13-80 provides:

"The Council adopts the fiscal impact statement in the committee report, as revised and amended by the attached memorandum dated October 25, 1999, as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)) [§ 1-206.02(c)(3), 2001 Ed.]."

Section 4 of D.C. Law 13-80 provides: "This act shall apply as of January 1, 2000."

D.C. Law 14-213, in the section heading, substituted "Congressional and Council parking" for "Congressional parking"; in subsecs. (c) and (c)(1), substituted "Congress or the Council" for "Congress"; and in subsec. (c)(2), substituted "Congressional or Council" for "Congressional".

D.C. Law 14-307, in subsec. (a)(4), substituted "\$98" for "\$75"; and in subsec. (d), substituted "\$26 fee for each titling, duplicate titling, and retitling," for "\$20 fee for each titling and retitling,".

D.C. Law 15-35, in subsec. (k), substituted "The notice, reclamation, and disposition procedures set forth in §§ 50-2421.06 through 50-2421.10, shall apply to any vehicle impounded pursuant to this section." for "It shall be the duty of the officer or member of the police force or employee of the District of Columbia Department of Transportation, removing or immobilizing such motor vehicle, or under whose direction such vehicle is removed or immobilized, to inform as soon as practicable the owner of an impounded or immobilized vehicle of the nature and circumstances of the prior unsettled traffic violation notices, notices of infractions or warrants, for which or an account of which such vehicle was impounded or immobilized." in the first sentence of par. (2), repealed par. (3), and deleted the second and third sentences in par. (4). Prior to amendment, pars. (3) and (4) of subsec. (k) had read as follows:

"(3) The owner of such impounded or immobilized vehicle, or other duly authorized person, shall be permitted to repossess or to secure the release of the vehicle upon:

"(A)(i) The depositing of the collateral required for his appearance in the Superior Court of the District of Columbia to answer for each violation; or

"(ii) Depositing the amount of the potential fine and penalty for each infraction, for which there is no outstanding or otherwise unsettled traffic violation notice, notice of infraction or warrant; and

"(B) Upon the payment of the fees required by paragraph (4) of this section."

"(4) The owner of an immobilized vehicle shall be subject to a booting fee of \$50 for such immobilization. The owner of an impounded motor vehicle shall be subject to a towing fee of \$75, plus a fee for storage. The owner of an immobilized vehicle which was impounded shall be subject to a total fee of \$75 plus a fee for storage, except that the total fee shall be \$175 plus a fee for storage whenever the size or weight of the impounded vehicle requires the Mayor to engage an outside contractor or utilize special equipment to tow the

vehicle."

D.C. Law 15-239, in subsec. (f), substituted "otherwise provided in this part" for "provided", and substituted "upon information or indictment" for "upon information".

D.C. Law 15-307, in subsec. (j), rewrote par. (1) and added subpars. (J), (K), (L), and (M) in par. (3). Prior to amendment, par. (1) of subsec. (j) read as follows:

"(j)(1) In addition to the fees and charges levied under other provisions of this part, there is hereby levied and imposed an excise tax on the issuance of every original certificate of title for a motor vehicle or trailer in the District of Columbia and, in the case of a sale, resale, gift or other transfer thereof, on the issuance of every subsequent certificate of title (except in the case of a bona fide gift between spouses or between parent and child) at the following percentage of the fair market value of the motor vehicle or trailer at the time the certificate of title is issued:

Weight Class	Registration Fee
Class I (3,499 pounds or less)	6%
Class II (3,500 pounds or more)	7%

D.C. Law 16-33, in subsec. (k)(4), substituted "\$75" for "\$50".

D.C. Law 16-129 rewrote subpar. (j)(3)(J), which had read as follows:

"(J) A clean-fuel vehicle or electric vehicle determined by the United States Internal Revenue Service to be eligible for a federal tax deduction or credit pursuant to 26 U.S.C. §§ 30 and 179A for the tax year during which it is being titled."

D.C. Law 16-139 added subpar. (j)(3)(N).

D.C. Law 16-191, in subsec. (j), validated a previously made technical correction.

D.C. Law 16-279, in subsec. (d), substituted "No registration or titling fee shall be charged for vehicles owned by the District government" for "No registration or other fee shall be charged to vehicles owned by the federal or District government or any duly accredited representative of a foreign government"; in subsec. (j)(3), substituted "Rental vehicles and utility trailers being registered as part of a rental fleet pursuant to subchapter III of Chapter 15 of this title" for "Rental vehicles and utility trailers, as defined in § 50-1505.01" in subpar. (F), and added subpars. (O), (P), and (Q); and added subsec. (I); and rewrote subsecs. (j)(1) and (k)(1), which formerly read:

"(j)(1) In addition to the fees and charges levied under other provisions of this part, there is hereby levied and imposed an excise tax on the issuance of every original certificate of title for a motor vehicle or trailer in the District of Columbia and, in the case of a sale, resale, gift or other transfer thereof, on the issuance of every subsequent certificate of title, except in the case of a bona fide gift between spouses, parent and child, or domestic partners, as that term is defined in § 32-701(3), at the following percentage of the fair market value of the motor vehicle or trailer at the time the certificate of title is issued:"

"(k)(1) Any unattended motor vehicle found parked at any time upon any public highway of the District of Columbia against which there are 2 or more outstanding or otherwise unsettled traffic violation notices or notices of infraction or against which there have been issued 2 or more warrants may, by or under the direction of an officer or member of the Metropolitan Police force or the United States Park Police force or an employee of the District of Columbia Department of Transportation, either by towing or otherwise, be removed or conveyed to and impounded in any place designated by the Mayor or immobilized in such manner as to prevent its operation; except, that no such vehicle shall be immobilized by any means other than by the use of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place."

D.C. Law 17-219, in subsec. (j)(3), rewrote subpars. (F) and (J) and repealed subpar. (O), which had read as follows:

"(F) Rental vehicles and utility trailers being registered as part of a rental fleet pursuant to subchapter III of Chapter 15 of this title."

"(J) The following low-emissions motor vehicles:

"(i) A new clean fuel or electric vehicle titled in the District of Columbia before January 1, 2006, determined by the United States Internal Revenue Service to be eligible for a federal tax deduction or credit pursuant to sections 30 and 179A of the Internal Revenue Code of 1986, approved Oct. 24, 1992 (100 Stat. 3019; 26 U.S.C. §§ 30 and 179A).

"(ii) A new fuel cell, lean burn technology, hybrid, or alternative fuel motor vehicle titled in the District of Columbia on or after January 1, 2006; provided, that, in each case, the owner presents proof, to the satisfaction of the Mayor, that the purchase of the vehicle entitles the owner to a federal tax credit pursuant to the Energy Policy Act of 2005, approved Aug. 8, 2005 (119 Stat. 594; scattered sections of the United States Code)."

"(O) Vehicles for which a lessor previously paid the excise tax to the District of Columbia, or for which the

lessor was exempt from the excise tax pursuant to subparagraph (J), and application for title is being made by the former lessee."

D.C. Law 17-231, in subsec. (j)(3)(L), substituted "§ 32-702(d)(1)" for "§ 32- 702".

D.C. Law 17-303, in subsec. (k)(1), substituted "notices of infraction or vehicle conveyance fees" for "notices of infraction".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2 of Certificate of Title Excise Tax Exemption Temporary Amendment Act of 2004 (D.C. Law 15-312, April 8, 2005, law notification 52 DCR 4701).

For temporary (225 day) amendment of section, see § 2 of Low-Emissions Motor Vehicle Tax Exemption Temporary Amendment Act of 2006 (D.C. Law 16-88, April 4, 2006, law notification 53 DCR 3347).

Emergency Act Amendments

For temporary amendment of section, see § 502 of the Fiscal Year 1999 Budget Support Emergency Act of 1998 (D.C. Act 12-401, July 13, 1998, 45 DCR 4794), § 502 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1998 (D.C. Act 12-564, January 12, 1999, 46 DCR 669), and § 502 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1999 (D.C. Act 13-41, March 31, 1999, 46 DCR 3446).

For temporary (90-day) amendment of section, see § 502 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1999 (D.C. Act 13-41, March 31, 1999, 46 DCR 3446).

For temporary (90-day) amendment of section, see § 2(b) of the Motor Coach Vehicles Tax Exemption Emergency Amendment Act of 1999 (D.C. Act 13-182, November 22, 1999, 47 DCR 1).

For temporary (90 day) amendment of section, see § 1706(a) of Fiscal Year 2003 Budget Support Amendment Emergency Act of 2002 (D.C. Act 14-544, December 4, 2002, 49 DCR 11700).

For temporary (90 day) amendment of section, see § 1706(a) of the Fiscal Year 2003 Budget Support Amendment Congressional Review Emergency Act of 2003 (D.C. Act 15-27, February 24, 2003, 50 DCR 2151).

For temporary (90 day) amendment of section, see § 1706(a) of Fiscal Year 2003 Budget Support Amendment Second Congressional Review Emergency Act of 2003 (D.C. Act 15-103, June 20, 2003, 50 DCR 5499).

For temporary (90 day) amendment of section, see § 13(b) of the Removal and Disposition of Abandoned, Dangerous and Other Unlawfully Parked Vehicles Reform Emergency Act of 2002 (D.C. Act 15-104, June 20, 2003, 50 DCR 5534).

For temporary (90 day) amendment of section, see § 13(b) of Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Congressional Review Emergency Act of 2003 (D.C. Act 15-171, October 6, 2003, 50 DCR 9163).

For temporary (90 day) amendment of section, see § 2 of Certificate of Title Excise Tax Exemption Emergency Amendment Act of 2004 (D.C. Act 15-615, November 30, 2004, 51 DCR 11441).

For temporary (90 day) amendment of section, see § 2 of Certificate of Title Excise Tax Exemption Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-20, February 17, 2005, 52 DCR 2967).

For temporary (90 day) amendment of section, see § 6002 of Fiscal Year 2006 Budget Support Emergency Act of 2005 (D.C. Act 16-168, July 26, 2005, 52 DCR 7667).

For temporary (90 day) amendment of section, see § 2 of Low-Emissions Motor Vehicle Tax Exemption Emergency Amendment Act of 2005 (D.C. Act 16-239, December 22, 2005, 53 DCR 258).

For temporary (90 day) amendment of section, see § 2 of Low-Emissions Motor Vehicle Tax Exemption Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-324, March 23, 2006, 53 DCR 2574).

For temporary (90 day) amendment of section, see § 102(b) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary (90 day) amendment of section, see § 102(b) of Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 12774).

Legislative History of Laws

Law 1-23 was introduced in Council and assigned Bill No. 1-47, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first, amended first, and second readings, and reconsideration of second reading, on April 15, 1975, June 1, 1975, June 24, 1975 and July 11, 1975, respectively. Signed by the Mayor on July 23, 1975, it was assigned Act No. 1- 34 and transmitted to both Houses of Congress for its review.

Law 1-42 was introduced in Council and assigned Bill No. 1-161, which was referred to the Committee on the Budget. The Bill was adopted on first and second readings on July 29, 1975 and October 7, 1975, respectively. Signed by the Mayor on October 24, 1975, it was assigned Act No. 1-59 and transmitted to both Houses of Congress for its review.

Law 1-70 was introduced in Council and assigned Bill No. 1-229, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings and reconsiderations of final reading on February 20, 1976, March 11, 1976 and April 6, 1976, respectively. Signed by the Mayor on April 20, 1976, it was assigned Act No. 1-106 and transmitted to both Houses of Congress for its review.

Law 1-124 was introduced in Council and assigned Bill No. 1-375, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on December 3, 1976 and December 17, 1976, respectively. Signed by the Mayor on January 25, 1977, it was assigned Act No. 1-226 and transmitted to both Houses of Congress for its review.

Law 1-133 was introduced in Council and assigned Bill No. 1-11, which was referred to the Committee on Transportation and Environmental Affairs, the Committee on the Judiciary and the Committee on Criminal Law. The Bill was adopted on first and second readings on October 12, 1976 and November 23, 1976, respectively. Signed by the Mayor on February 14, 1977, it was assigned Act No. 1-230 and transmitted to both Houses of Congress for its review.

Law 2-104 was introduced in Council and assigned Bill No. 2-195, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 13, 1978 and June 27, 1978, respectively. Signed by the Mayor on July 1, 1978, it was assigned Act No. 2-215 and transmitted to both Houses of Congress for its review.

Law 2-139 was introduced in Council and assigned Bill No. 2-10, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on October 17, 1978 and October 31, 1978, respectively. Signed by the Mayor on November 22, 1978, it was assigned Act No. 2-300 and transmitted to both Houses of Congress for its review.

Law 2-157 was introduced in Council and assigned Bill No. 2-284, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on November 28, 1978 and December 12, 1978, respectively. Signed by the Mayor on December 29, 1978, it was assigned Act No. 2-326 and transmitted to both Houses of Congress for its review.

Law 4-97 was introduced in Council and assigned Bill No. 4-337, which was referred to the Committee on Transportation and Environmental Affairs. The Bill was adopted on first and second readings on January 12, 1982, and January 26, 1982, respectively. Signed by the Mayor on February 9, 1982, it was assigned Act No. 4-155 and transmitted to both Houses of Congress for its review.

Law 4-145 was introduced in Council and assigned Bill No. 4-389, which was referred to the Committee on Transportation and Environmental Affairs. The Bill was adopted on first and second readings on June 8, 1982, and June 22, 1982, respectively. Signed by the Mayor on July 12, 1982, it was assigned Act No. 4-213 and transmitted to both Houses of Congress for its review.

Law 5-14 was introduced in Council and assigned Bill No. 5-74, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on April 12, 1983 and April 26, 1983, respectively. Signed by the Mayor on May 4, 1983, it was assigned Act No. 5-29 and transmitted to both Houses of Congress for its review.

Law 5-42 was introduced in Council and assigned Bill No. 5-29, which was referred to the Committee on Transportation and Environmental Affairs. The Bill was adopted on first and second readings on July 5, 1983, and September 6, 1983, respectively. Signed by the Mayor on September 22, 1983, it was assigned Act No. 5-67 and transmitted to both Houses of Congress for its review.

Law 8-103, the "District of Columbia Traffic Act Amendment Act of 1990," was introduced in Council and assigned Bill No. 8-270, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on January 30, 1990, and February 13, 1990, respectively. Signed by the Mayor on February 28, 1990, it was assigned Act No. 8-157 and transmitted to both Houses of Congress for its review.

Law 8-153, the "Motor Vehicle Fees Amendment Temporary Act of 1990," was introduced in Council and assigned Bill No. 8-591. The Bill was adopted on first and second readings on May 29, 1990, and June 12, 1990, respectively. Signed by the Mayor on June 13, 1990, it was assigned Act No. 8-213 and transmitted to both Houses of Congress for its review.

Law 8-170, the "Motor Vehicle Fees Amendment Act of 1990," was introduced in Council and assigned Bill No. 8-213, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on June 12, 1990, and June 26, 1990, respectively. Signed by the Mayor on July 12, 1990, it was assigned Act No. 8-235 and transmitted to both Houses of Congress for its review.

Law 9-30, the "District of Columbia Motor Vehicle Services Fees Amendment Act of 1991," was introduced in Council and assigned Bill No. 9-163, which was referred to the Committee on Public Works. The Bill was adopted on first and second readings on June 4, 1991, and June 18, 1991, respectively. Signed by the Mayor

on July 2, 1991, it was assigned Act No. 9-57 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 9-96, see Historical and Statutory Notes following § 50-2201.02.

Law 9-19, the "Omnibus Budget Support Temporary Act of 1991," was introduced in Council and assigned Bill No. 9-205. The Bill was adopted on first and second readings on May 7, 1991, and June 4, 1991, respectively. Signed by the Mayor on June 21, 1991, it was assigned Act No. 9-43 and transmitted to both Houses of Congress for its review.

Law 12-175, the "Fiscal Year 1999 Budget Support Act of 1998," was introduced in Council and assigned Bill No. 12-618, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 5, 1998 and June 2, 1998, respectively. Signed by the Mayor on June 23, 1998, it was assigned Act No. 12-399 and transmitted to both Houses of Congress for its review. D.C. Law 12-175 became effective on March 26, 1999.

Law 13-80, the "Motor Coach Vehicles Tax Exemption Amendment Act of 1999," was introduced in Council and assigned Bill No. 13-347, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on October 5, 1999, and November 2, 1999, respectively. Signed by the Mayor on November 22, 1999, it was assigned Act No. 13-205 and transmitted to both Houses of Congress for its review. D.C. Law 13-80 became effective on April 5, 2000.

Law 14-213, the "Technical Amendments Act of 2002", was introduced in Council and assigned Bill No. 14-671, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 4, 2002, and July 2, 2002, respectively. Signed by the Mayor on July 26, 2002, it was assigned Act No. 14-459 and transmitted to both Houses of Congress for its review. D.C. Law 14-213 became effective on October 19, 2002.

For Law 14-307, see notes following § 50-1212.

Law 15-35, the "Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Act of 2003", was introduced in Council and assigned Bill No. 15-78, which was referred to Committee on Public Works and the Environment. The Bill was adopted on first and second readings on June 3, 2003, and July 8, 2003, respectively. Signed by the Mayor on July 29, 2003, it was assigned Act No. 15-113 and transmitted to both Houses of Congress for its review. D.C. Law 15-35 became effective on October 28, 2003.

Law 15-239, the "Fleeing Law Enforcement Prohibition Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-759, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on July 13, 2004, and September 21, 2004, respectively. Signed by the Mayor on October 4, 2004, it was assigned Act No. 15-528 and transmitted to both Houses of Congress for its review. D.C. Law 15-239 became effective on March 16, 2005.

For Law 15-307, see notes following § 50-1331.01.

Law 16-33, the "Fiscal Year 2006 Budget Support Act of 2005", was introduced in Council and assigned Bill No. 16-200 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 10, 2005, and June 21, 2005, respectively. Signed by the Mayor on July 26, 2005, it was assigned Act No. 16-166 and transmitted to both Houses of Congress for its review. D.C. Law 16-33 became effective on October 20, 2005.

Law 16-129, the "Low-emissions Motor Vehicle Tax Exemption Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-521 which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on March 7, 2006, and April 4, 2006, respectively. Signed by the Mayor on April 21, 2006, it was assigned Act No. 16-347 and transmitted to both Houses of Congress for its review. D.C. Law 16-129 became effective on June 16, 2006.

For Law 16-139, see notes following § 50-2701.

For Law 16-191, see notes following § 50-921.09.

For Law 16-279, see notes following § 50-312.

For Law 17-219, see notes following § 50-921.11.

Law 17-231, the "Omnibus Domestic Partnership Equality Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-135, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on April 1, 2008, and May 6, 2008, respectively. Signed by the Mayor on June 6, 2008, it was assigned Act No. 17-403 and transmitted to both Houses of Congress for its review. D.C. Law 17-231 became effective on September 12, 2008.

For Law 17-303, see notes following § 50-2201.02.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402 (295 to 299) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the

Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

Delegation of Authority

Delegation of authority under Law 5-14, see Mayor's Order 83-190, July 25, 1983.

Miscellaneous Notes

Department of Vehicles and Traffic abolished: The Department of Vehicles and Traffic, including the Director, was abolished and the functions thereof transferred to the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952. Reorganization Order No. 54 of the Board of Commissioners, dated June 30, 1953, as amended, September 1, 1953, established a Department of Vehicles and Traffic, headed by a Director; a Board of Revocation and Review of Hackers' Identification Cards; a Motor Vehicle Parking Agency; and a Commissioners' Traffic Advisory Board; prescribed the functions thereof; and abolished the previously existing Department of Vehicles and Traffic, the Registrar of Titles and Tags, the Board of Revocation and Review of Hackers' Identification Cards, the Driver Improvement Section, and the Motor Vehicle Parking Agency. Reorganization Order No. 54 was repealed and replaced by Organization Order Nos. 105, 106, 107, and 108, dated May 17, 1955. Organization Order No. 105 continued the Department of Vehicles and Traffic and prescribed the functions thereof. Organization Order No. 106 continued the Motor Vehicle Parking Agency and prescribed the composition and functions thereof. The Department of Vehicles and Traffic was redesignated as the Department of Motor Vehicles by Commissioners' Order No. 58-919, dated June 10, 1958. The Department of Highways was replaced by Reorganization Order No. 58-1116, dated July 15, 1958, which order established the Department of Highways and Traffic. The executive functions of the Board of Commissioners were transferred to the Commissioner of the District of Columbia by § 401 of Reorganization Plan No. 3 of 1967. Organization Order No. 107, relating to the Hackers' Board was redesignated as Organization Order No. 13, dated August 15, 1968, and amended. Organization Order No. 108, as amended, replaced the Commissioners' Traffic Advisory Board with a Citizens' Traffic Board, and prescribed the composition and functions thereof. Reorganization Plan No. 2 of 1975 combined the Department of Motor Vehicles and the Department of Highways and Traffic to form the Department of Transportation.

The functions of the Department of Transportation were transferred to the Department of Public Works by Reorganization Plan No. 4 of 1983, effective March 1, 1984.

Office of Assessor abolished: The Office of the Assessor was abolished and the functions thereof transferred to the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952. All functions of the Office of the Assessor including the functions of all officers, employees and subordinate agencies were transferred to the Department of General Administration by Reorganization Order No. 3 of the Board of Commissioners, dated August 28, 1952. Reorganization Order No. 20, dated November 10, 1952, abolished the Office of the Assessor and transferred the functions to the Finance Office in the Department of General Administration. The same order provided that an Office of the Assessor would be created in the Finance Office. Reorganization Order No. 20 was superseded and replaced by Organization Order No. 121, dated December 12, 1957, provided that the Finance Office (consisting of the Office of the Finance Officers, Property Tax Division, Revenue Division, Treasury Division, Accounting Division, and Data Processing Division) shall continue under the direction and control of the Director of General Administration, and prescribed the functions thereof. The executive functions of the Board of Commissioners were transferred to the Commissioner of the District of Columbia by § 401 of Reorganization Plan No. 3 of 1967. Organization Order No. 121 was revoked by Organization Order No. 3, dated December 13, 1967, Part IVC of which prescribed the functions of the Finance Office within a newly established Department of General Administration. Functions of the Finance Office was stated in Part IVC of Organization Order No. 3 were transferred to the Director of the Department of Finance and Revenue by Commissioner's Order No. 69-96, dated March 7, 1969. Functions pertaining to centralized accounting as set forth in Commissioner's Order No. 69-96 were transferred to the Director of the Office of Budget and Financial Management by Organization Order No. 30, dated April 5, 1972. The Office of Budget and Financial Management was replaced by Organization Order No. 50, dated December 31, 1974, which Order established the Office of Budget and Management Systems. The Office of Budget and Management Systems was replaced by Mayor's Order 79-5, dated January 2, 1979, which Order established the Office of Budget and Resource Development.

Mayor authorized to issue rules: Section 1102 of D.C. Law 5-14 provided that the Mayor shall issue rules necessary to carry out the provisions of the act.

Effect of repeal provisions: Section 14 of D.C. Law 15-35 provides: "Any repeal of a law or regulation by this act shall not invalidate any enforcement action, adjudication, or any other action made or taken pursuant to such law or regulation."

Application of Law 15-35: Section 15 of D.C. Law 15-35 provides: "This act shall apply to all vehicles impounded after its effective date. This act shall also apply to all vehicles impounded prior to its effective date

provided that notice is sent to the owners and lien holders in accordance with the provisions of subsections 7(b) or (c), as is applicable."

Short title of subtitle A of title VI of Law 16-33: Section 6001 of D.C. Law 16-33 provided that subtitle A of title VI of the act may be cited as the Traffic Amendment Act of 2005.

Short title: Section 6005 of D.C. Law 17-219 provided that subtitle B of title VI of the act may be cited as the "Department of Motor Vehicles Incentive Exemption for Leased Vehicles and Low Emission Vehicles Amendment Act of 2008".

§ 50-2201.03A. REGULATIONS FOR PERSONAL MOBILITY DEVICES.

(a) The Mayor shall promulgate regulations governing the PMD, including:

- (1) Exempting the personal mobility device from the regulations governing motor vehicles;
- (2) Establishing a registration process, such as, for example, requiring that each PMD bear a serial number, valid registration tag, or valid registration plate;
- (3) Establishing a fine schedule for violations of the PMD regulations; and
- (4) Providing an adjudication process for violations of PMD law and regulations.

(b) Regulations promulgated pursuant to this section shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, holidays, and days of Council recess. If the proposed rules are not approved within the 45-day period of review, the rules shall be deemed disapproved.

(Mar. 3, 1925, ch. 443, § 6a, as added Mar. 25, 2003, D.C. Law 14-235, § 10(b), 49 DCR 9788; Mar. 6, 2007, D.C. Law 16-224, § 101(b), 53 DCR 10225.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 16-224 revived the provisions of D.C. Law 14-235 that expired on October 1, 2005.

Temporary Addition of Section

For temporary (225 day) addition, see § 10(b) of Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Temporary Amendment Act of 2006 (D.C. Law 16-85, April 4, 2006, law notification 53 DCR 3344).

Emergency Act Amendments

For temporary (90 day) addition, see § 10(b) of Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Emergency Amendment Act of 2005 (D.C. Act 16-237, December 22, 2005, 53 DCR 249).

For temporary (90 day) addition, see § 10(b) of Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-323, March 23, 2006, 53 DCR 2567).

For temporary (90 day) addition, see § 101(b) of Personal Mobility Device Emergency Amendment Act of 2006 (D.C. Act 16-528, December 4, 2006, 53 DCR 9826).

Legislative History of Laws

For Law 16-224, see notes following § 50-601.

Miscellaneous Notes

Expiration of previous addition: Section 14 of D.C. Law 14-235 (49 DCR 9788), which previously added this section, expired on October 1, 2005.

§ 50-2201.04. SPEEDING AND RECKLESS DRIVING.

(a) No vehicle shall be operated at a greater rate of speed than permitted by the regulations adopted under the authority of this part.

(b) Any person who drives any vehicle upon a highway carelessly and heedlessly in willful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property, shall be guilty of reckless driving.

(c) Any individual violating any provision of this section where the offense constitutes reckless driving shall upon conviction for the 1st offense be fined not more than \$500 or imprisoned not more than 3 months, or both; upon conviction for the 2nd offense committed within a 2-year period shall be fined not more than

\$1,000 or imprisoned not more than 1 year, or both; and upon conviction for the 3rd or any subsequent offense committed within a 2-year period of the 1st offense shall be fined not more than \$3,000 or imprisoned not more than 1 year, or both.

(d) Any individual violating any provision of this section, except where the offense constitutes reckless driving, shall be subject to a civil fine under the District of Columbia Traffic Adjudication Act (§ 50-2301.01 et seq.).

(Mar. 3, 1925, 43 Stat. 1123, ch. 443, § 9; July 3, 1926, 44 Stat. 814, ch. 739, § 5; Feb. 27, 1931, 46 Stat. 1427, ch. 317, § 4; June 24, 1936, 49 Stat. 1901, ch. 749; Nov. 25, 1942, 56 Stat. 1023, ch. 642, § 1; Sept. 12, 1978, D.C. Law 2-104, § 601, 25 DCR 1275; Sept. 14, 1982, D.C. Law 4-145, § 7, 29 DCR 3138; Apr. 5, 2005, D.C. Law 15-289, § 2(c), 52 DCR 1446.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-712.

1973 Ed., § 40-605.

Effect of Amendments

D.C. Law 15-289 rewrote subsec. (c) which had read:

"(c) Any individual violating any provision of this section where the offense constitutes reckless driving shall upon conviction for the 1st offense be fined not more than \$250 or imprisoned not more than 3 months, or both; and upon conviction for the 2nd or any subsequent offense committed within 2 years from the date of any such previous offense such individual shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 102(c) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary (90 day) amendment of section, see § 102(c) of Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 12774).

Legislative History of Laws

Law 2-104 was introduced in Council and assigned Bill No. 2-195, which referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 13, 1978 and June 27, 1978, respectively. Signed by the Mayor on July 1, 1978, it was assigned Act No. 2-215 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 4-145, see Historical and Statutory Notes following § 50-2201.03.

For Law 15-289, see notes following § 50-1401.01.

Miscellaneous Notes

Definitions applicable: For definitions applicable in this section, see § 50- 2201.02.

§ 50-2201.04A. OPERATION OF PERSONAL MOBILITY DEVICES.

A personal mobility device shall not be operated:

- (1) In the District if it has not been validly registered, unless it is validly registered in another jurisdiction, when required by applicable law of that jurisdiction, and bears readily visible evidence of being registered.
- (2) By a person under 16 years of age;
- (3) Above the maximum speed limit of 10 miles per hour;
- (4) Upon a sidewalk within the Central Business District, as defined by section 9901 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901);
- (5) By a person carrying any package, bundle, or other article that hinders the person from keeping both hands on the handlebars; or
- (6) On any roadway or sidewalk while the person is wearing a headset, headphone, or earphone, unless the device is used to improve the hearing of a person with a hearing impairment or covers or is inserted in one ear only.

(Mar. 3, 1925, ch. 443, § 9a, as added Mar. 25, 2003, D.C. Law 14-235, § 10(c), 49 DCR 9788; Mar. 6, 2007, D.C. Law 16-224, § 101(d), 53 DCR 10225.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 16-224 revived the provisions of D.C. Law 14-235 that expired on October 1, 2005.

Temporary Amendments of Section

Section 2 of D.C. Law 18-89, in par. (4), substituted "9901), unless operated by a person with a disability;" for "9901);".

Section 4(b) of D.C. Law 18-89 provides that the act shall expire after 225 days of its having taken effect.

Temporary Addition of Section

For temporary (225 day) addition, see § 2 of Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Temporary Amendment Act of 2006 (D.C. Law 16-85, April 4, 2006, law notification 53 DCR 3344).

Emergency Act Amendments

For temporary (90 day) addition, see § 10(c) of Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Emergency Amendment Act of 2005 (D.C. Act 16-237, December 22, 2005, 53 DCR 249).

For temporary (90 day) addition, see § 10(c) of Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-323, March 23, 2006, 53 DCR 2567).

For temporary (90 day) addition, see § 101(d) of Personal Mobility Device Emergency Amendment Act of 2006 (D.C. Act 16-528, December 4, 2006, 53 DCR 9826).

For temporary (90 day) amendment of section, see § 2 of Personal Mobility Device for Persons with Disabilities Emergency Amendment Act of 2009 (D.C. Act 18-195, October 8, 2009, 56 DCR 8126).

Legislative History of Laws

For Law 16-224, see notes following § 50-601.

Miscellaneous Notes

Expiration of previous addition: Section 14 of D.C. Law 14-235 (49 DCR 9788), which previously added this section, expired on October 1, 2005.

§ 50-2201.04B. OPERATION OF ALL-TERRAIN VEHICLES AND DIRT BIKES.

(a) No person shall operate 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) Any individual violating any provision of this section shall upon conviction be fined not more than \$1,000 or imprisoned not more than 30 days, or both. All such prosecutions shall be in the Superior Court of the District of Columbia upon information filed by the Attorney General of the District of Columbia or any of his assistants in the name of the District of Columbia.

(Mar. 3, 1925, ch. 443, § 9b, as added Apr. 5, 2005, D.C. Law 15-289, § 2(d), 52 DCR 1446.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 102(d) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary (90 day) amendment of section, see § 102(d) of Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 12774).

Legislative History of Laws

For Law 15-289, see notes following § 50-1401.01.

§ 50-2201.04C. MOTOR VEHICLE MOVING INFRACTIONS IN WORK ZONES; SIGNAGE REQUIRED.

(a) For any motor vehicle moving infraction, as defined in Chapter 26 of Title 18 of the District of Columbia

Municipal Regulations, committed by the driver within a work zone, during any time when traffic is regulated or restricted through or around the zone, when work is actually being performed in the zone by workers acting in their official capacity, the civil fine shall be double the amount otherwise prescribed and, in a criminal infraction case, the fine shall be one category higher than the penalty prescribed by law.

(b) Signs or notices shall be affixed at the point of ingress of constriction or work zones alerting drivers of doubled fines and increased penalties for moving infractions within the zone.

(Mar. 3, 1925, 43 Stat. 1119, ch. 443, § 9c, as added Jan. 23, 2008, D.C. Law 17-67, § 2(b), 54 DCR 11646.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 2(b) of Doubled Fines in Construction and Work Zones Emergency Amendment Act of 2007 (D.C. Act 17-149, October 18, 2007, 54 DCR 10894).

For temporary (90 day) addition, see § 2(b) of Doubled Fines in Construction and Work Zones Congressional Review Emergency Amendment Act of 2008 (D.C. Act 17-252, January 23, 2008, 55 DCR 1264).

Legislative History of Laws

For Law 17-67, see notes following § 50-2201.02.

§ 50-2201.05. FLEEING FROM SCENE OF ACCIDENT; DRIVING UNDER THE INFLUENCE OF LIQUOR OR DRUGS.

(a)(1) Any person operating a vehicle, who shall injure any person therewith, or who shall do substantial damage to property therewith and fail to stop and give assistance, together with his name, place of residence, including street and number, and the name and address of the owner of the vehicle so operated, to the person so injured, or to the owner of such property so damaged, or to the operator of such other vehicle, or to any bystander who shall request such information on behalf of the injured person, or, if such owner or operator is not present, then he shall report the information above required to a police station or to any police officer within the District immediately. In all cases of accidents resulting in injury to any person, the operator of the vehicle causing such injury shall also report the same to any police station or police officer within the District immediately.

(2) Any operator whose vehicle causes personal injury to an individual and who fails to conform to the above requirements shall, upon conviction of the 1st offense, be fined not more than \$500, or shall be imprisoned not more than 6 months, or both; and upon the conviction of his 2nd or subsequent offense, shall be fined not more than \$1,000, or shall be imprisoned not more than 1 year, or both.

(3) Any operator whose vehicle causes substantial damage to any other vehicle or property and fails to conform to the above requirements, shall, upon conviction of the 1st offense, be fined not more than \$100, or be imprisoned not more than 30 days, or both; and for the 2nd or any subsequent offense, be fined not more than \$300, or be imprisoned not more than 90 days, or both.

(b)(1)(A)(i) No person shall operate or be in physical control of any vehicle in the District:

(I) When the person's alcohol concentration at the time of testing is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine;

(II) While under the influence of intoxicating liquor or any drug or any combination thereof; or

(III) If under 21 years of age, when the person's blood, breath, or urine contains any measurable amount of alcohol.

(ii) Any person violating any provision of this paragraph upon conviction for the first offense, unless the person has been previously been convicted for a violation of paragraph (2) of this subsection, shall be fined \$300 and may be imprisoned for not more than 90 days. In addition, if the person's alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine, but was not more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath, or was not more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for a mandatory minimum period of 5 days, or if the person's alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional mandatory minimum period of 10 days, which mandatory minimum period shall not be suspended by the court.

(B)(i) Any person convicted of a second offense under subparagraph (A)(i) of this paragraph shall be sentenced pursuant to sub-subparagraph (iii) of this subparagraph if the second offense occurs within 15 years of the conviction for the first offense under subparagraph (A)(i) of this paragraph.

(ii) Any person who is convicted of an offense listed in subparagraph (A)(i) of this paragraph following a previous conviction for a violation of paragraph (2) of this subsection shall be sentenced pursuant to sub-subparagraph (iii) of this subparagraph if the offense listed in subparagraph (A)(i) of this paragraph occurs within 15 years of the prior conviction under paragraph (2) of this subsection.

(iii) Any person convicted of a subsequent offense pursuant to sub-subparagraphs (i) or (ii) of this subparagraph shall be fined not less than \$1,000 and not more than \$5,000, and sentenced to a term of imprisonment of not more than one year and not less than a mandatory-minimum of 5 days, which shall be imposed and not suspended. In addition to the mandatory-minimum and any additional term of imprisonment which may be imposed, the court may impose a sentence of at least 30 days of community service in accordance with § 16- 712.

(iv) In addition to the penalty authorized in sub-subparagraph (iii) of this subparagraph, if the person's alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine, but was not more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath, or was not more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional mandatory-minimum period of 10 days, or if the person's alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional mandatory-minimum period of 20 days. The additional mandatory-minimum periods of imprisonment shall not be suspended by the court.

(C)(i) Any person convicted of a third or subsequent offense listed under subparagraph (A)(i) of this paragraph shall be sentenced pursuant to sub-subparagraph (iii) of this subparagraph if the third or subsequent offense occurs within 15 years of the prior conviction.

(ii) Any person who is convicted of a second offense under subparagraph (A)(i) of this paragraph following a previous conviction for a violation of paragraph (2) of this subsection shall be sentenced pursuant to subsection sub-subparagraph (iii) of this subparagraph if the second offense occurs within 15 years of the prior conviction under paragraph (2) of this subsection.

(iii) Any person convicted of a subsequent offense pursuant to sub-subparagraph (i) or (ii) of this subparagraph shall be fined an amount not less than \$2,000 and not more than \$ 10,000, and sentenced to a term of imprisonment of not more than one year and not less than a mandatory-minimum of 10 days, which shall be imposed and not suspended. In addition, the person may be required to perform at least 60 days of community service in accordance with § 16-712.

(iv) In addition to the penalty authorized in sub-subparagraph (iii) of this subparagraph, if the person's alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine, but was not more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath, or was not more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional mandatory-minimum period of 15 days, or if the person's alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional mandatory-minimum period of 25 days. The additional mandatory-minimum periods of imprisonment shall not be suspended by the court.

(D) In addition to the penalties otherwise authorized by this section, any person convicted of a violation of paragraphs (1) and (2) of this subsection while transporting a person 17 years of age or younger shall be fined an additional minimum of \$500 and not more than \$1000 and sentenced to perform 48 hours of community service benefiting children for the first such offense and 80 hours of community service for a subsequent such offense.

(2)(A) No person shall, while the person's ability to operate a vehicle is impaired by the consumption of intoxicating liquor, operate or be in physical control of any vehicle in the District.

(B) Any person violating any provision of subparagraph (A) of this paragraph, upon conviction for the first offense, unless the person has previously been convicted for a violation of paragraph (1) of this subsection, shall be fined not less than \$200 and not more than \$300 and may be imprisoned for not more than 30 days.

(C) Any person convicted of a second offense under subparagraph (A) of this paragraph shall be sentenced pursuant to subparagraph (E) of this paragraph if the second offense occurs within 15 years of a conviction for a first offense under subparagraph (A) of this paragraph.

(D) Any person convicted of an offense under subparagraph (A) of this paragraph following a prior conviction for a violation of paragraph (1)(A)(i) of this subsection shall be sentenced pursuant to subparagraph (E) of this paragraph if the offense under subparagraph (A) of this paragraph occurs within 15 years of the prior conviction for an offense listed under paragraph (1)(A)(i) of this subsection.

(E) Any person convicted of an offense under subparagraph (A) of this paragraph pursuant to subparagraphs (C) or (D) of this paragraph shall be fined not less than \$300 and not more than \$500 and sentenced to a term of imprisonment of not more than one year and not less than a mandatory-minimum of 5 days, which shall be imposed and not suspended. In addition, the person may be required to perform at least 30 days of community service in accordance with § 16-712.

(F) Any person convicted of a third or subsequent offense under subparagraph (A) of this paragraph shall be fined not less than \$1,000 and not more than \$5,000 and sentenced to a term of imprisonment of not more than one year and not less than a mandatory-minimum of 10 days, which shall be imposed and not suspended. In addition, the person may be required to perform at least 60 days of community service in accordance with § 16-712.

(G) Any person convicted of a second offense under subparagraph (A) of this paragraph who has previously been convicted of an offense listed under paragraph (1)(A)(i) of this subsection shall, if the second offense occurs within 15 years of the prior conviction for an offense listed under paragraph (1)(A)(i) of this subsection, be fined in an amount not less than \$1,000 and not more than \$5,000 and sentenced to a period of imprisonment of not more than one year and not less than a mandatory-minimum of 10 days, which shall be imposed and not suspended. In addition, the person may be required to perform at least 60 days of community service in accordance with § 16-712.

(3) Notwithstanding any other provision of law, all fines imposed and collected pursuant to this subsection during fiscal year 2006 and each succeeding fiscal year shall be transferred to the General Fund of the District of Columbia.

(4) Convictions under this subsection prior to September 14, 1982 shall constitute a prior offense under paragraph (1) of this subsection if the individual's previous conviction occurred within 15 years of the conviction pursuant to this act. A conviction of any individual or a finding of guilty in the case of a juvenile under the provisions of substantially similar laws of any other state or of the United States, shall be considered a conviction.

(5) The Corporation Counsel of the District of Columbia, or his assistants, shall prosecute violations of this subsection, in the name of the District of Columbia. The Corporation Counsel is authorized to request that a person who is charged with a violation of any provision of paragraph (1) of this subsection agree, as a condition to acceptance into a diversion program in lieu of prosecution, to pay the District of Columbia or its agents a reasonable fee for the costs to the District of the person's participation in the diversion program; provided, that the Corporation Counsel shall set the fee by rule and at a level which the Corporation Counsel determines will not unreasonably discourage persons from entering the diversion program. The Corporation Counsel may reduce or waive the fee if it finds that the person is indigent. The Mayor shall determine the provider, the content, and eligibility requirements for any diversion program.

(6) Any person convicted of violating paragraphs (1) or (2) of this subsection who has previously been convicted of violating either provision within a 15- year period, shall receive an assessment of the person's degree of alcohol abuse and treatment, as appropriate.

(b-1)(1) A law enforcement officer who has reasonable grounds to believe that a person is or has been violating subsection (b) of this section, without making an arrest or issuing a violation notice, may request the person to submit to a preliminary breath test, to be administered by the officer, who shall use a device which the Mayor has by rule approved for that purpose.

(2) Before administering the test, the officer shall advise the person to be tested that the test is voluntary and that the results of the test will be used to aid in the officer's decision whether to arrest the person.

(3) The results of the preliminary breath test shall be used by the officer to aid in the decision whether to arrest the person. Except as provided in subsection (d) of this section, the results of the test shall not be used as evidence by the District in any prosecution, and shall not be admissible in any judicial proceeding.

(4) The results of the test may be used, and shall be admissible, in any judicial or other proceeding in which the validity of the arrest or the conduct of the officer is an issue.

(c) Any violation of any provision of law or regulation issued thereunder which is repealed or amended by this part, and any liability arising under such provisions or regulations may, if the violation occurred or the liability arose prior to such repeal or amendment, be prosecuted to the same extent as if this part had not been enacted.

(c-1)(1) Except as provided in paragraph (2) of this subsection, when a law enforcement officer arrests a person for a violation of any provision of subsection (b) of this section, the officer shall cause the motor vehicle which the arrested person operated or controlled to be impounded.

(2) The officer shall not cause the vehicle to be impounded if:

(A) A registered owner of the vehicle authorizes the officer to release the vehicle to a person:

- (i) Who is in the company of the arrested person;
 - (ii) Who has in his or her immediate possession a valid permit to operate a motor vehicle; and
 - (iii) Whom the officer determines to be in physical condition to operate the vehicle without violating subsection (b) of this section;
 - (B) A registered owner of the vehicle:
 - (i) Is present to take custody of the vehicle;
 - (ii) Has in his or her immediate possession a valid permit to operate a motor vehicle; and
 - (iii) Is determined by the officer to be in physical condition to operate the vehicle without violating subsection (b) of this section; or
 - (C) The arrested person authorizes the officer to release the vehicle to a person:
 - (i) Who is not in the company of the arrested person;
 - (ii) Who has in his or her immediate possession a valid permit to operate a motor vehicle;
 - (iii) Whom the officer determines to be in physical condition to operate the vehicle without violating subsection (b) of this section; and
 - (iv) Who shall take possession of the vehicle within a reasonable period of time from a public parking space to be determined by the arresting officer.
- (3)(A) Except as provided in paragraph (4) of this subsection or in subparagraph (B) of this paragraph, an impounded vehicle shall be released:
- (i) At any time to a registered owner of the vehicle, other than the arrested person; or
 - (ii) 24 hours after the arrest, to the arrested person.
- (B) No vehicle shall be released to a person unless a law enforcement officer determines that the person is in physical condition to operate a motor vehicle without violating subsection (b) of this section.
- (C) If the law enforcement officer has a reasonable doubt that the person is in the physical condition required by subparagraph (B) of this paragraph, the officer may direct that a chemical test be administered to determine the person's blood-alcohol or blood-drug content. The results of the test may not be used as evidence in any criminal proceeding. If the person refuses to submit to a chemical test, the officer may determine that the person does not meet the condition of subparagraph (B) of this paragraph.
- (4) Any motor vehicle that is impounded shall be subject to an impoundment charge of \$50, which shall be paid prior to the release of the motor vehicle. Any motor vehicle that remains impounded and unclaimed for more than 72 hours shall be processed and handled as an abandoned vehicle, and shall be subject to any other charges and costs, including storage fees and relocation costs, as are otherwise provided and assessed by the Mayor.
- (5)(A) Except as provided in subparagraph (B) of this paragraph, neither the District of Columbia nor any employee of the District of Columbia shall be liable for injury to persons or damage to property which results from any act or omission in the implementation of any provision of this subsection.
- (B) An employee of the District of Columbia may be liable for injury or damage which results from the gross negligence of the employee. If the act or omission of the employee which constitutes gross negligence occurred while the employee was engaged in furthering the governmental interest of the District of Columbia, the District of Columbia may also be liable for the resulting injury or damage.
- (d) The Mayor or his designated agent shall revoke the operator's permit or the privilege to drive a motor vehicle in the District of Columbia, or revoke both such permit and privilege, of any person who is convicted or adjudicated a juvenile delinquent as a result of the commission in the District of any of the following offenses:
- (1) Operating or being in control of a vehicle while the individual's blood contains .08% or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the individual's breath, consisting substantially of alveolar air, or while the individual's urine contains .10% or more, by weight, of alcohol, or while under the influence of intoxicating liquor or any drug or any combination thereof.
 - (2) Any homicide committed by means of a motor vehicle.
 - (3) Leaving the scene of an accident in which the motor vehicle driven by him was involved and in which there is bodily injury, without giving assistance or making known his identity and address and the identity and address of the owner of said vehicle.
 - (4) Reckless driving or operating or being in physical control of a vehicle while the ability to operate is impaired by the consumption of intoxicating liquor involving bodily injury.

(5) Any felony in the commission of which a motor vehicle is involved.

(e) Whenever a judgment of conviction of any offense set forth in subsection (d) of this section has become final, the clerk of the court in which the judgment was entered shall certify such conviction to the Mayor or his designated agent, who shall thereupon take the action required by subsection (d) of this section. A judgment of conviction shall be deemed to have become final for the purposes of this subsection:

(1) If no appeal is taken from the judgment, upon the expiration of the time within which an appeal could have been taken; or

(2) If an appeal is taken from the judgment, the date upon which the judgment, having been sustained, can no longer be appealed from or reviewed on a writ of certiorari.

(Mar. 3, 1925, 43 Stat. 1124, ch. 443, § 10; Feb. 27, 1931, 46 Stat. 1427, ch. 317, § 4; Dec. 15, 1944, 58 Stat. 805, ch. 588; Aug. 16, 1954, 68 Stat. 732, ch. 741, §§ 7, 8; Aug. 5, 1981, D.C. Law 4-29, § 604(b)(1), 28 DCR 3081; Sept. 14, 1982, D.C. Law 4-145, §§ 5, 7, 29 DCR 3138; Mar. 9, 1983, D.C. Law 4-174, §§ 10, 11, 29 DCR 5753; May 5, 1992, D.C. Law 9-96, § 4(c), 38 DCR 7274; Feb. 5, 1994, D.C. Law 10-68, § 32, 40 DCR 6311; May 24, 1994, D.C. Law 10-122, § 3, 41 DCR 1658; Apr. 13, 1999, D.C. Law 12-212, § 2(a), 46 DCR 5; Apr. 3, 2001, D.C. Law 13-238, § 2(a), 48 DCR 602; Oct. 16, 2006, 120 Stat. 2042, Pub. L. 109-356, § 307; Mar. 2, 2007, D.C. Law 16-195, § 8, 53 DCR 8675; Apr. 24, 2007, D.C. Law 16-306, § 228(a), 53 DCR 8610; Mar. 25, 2009, D.C. Law 17-353, § 141, 56 DCR 1117; Dec. 10, 2009, D.C. Law 18-88, § 228, 56 DCR 7413; Sept. 14, 2011, D.C. Law 19-21, § 9002, 58 DCR 6226.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-716.

1973 Ed., § 40-609.

Effect of Amendments

D.C. Law 13-238, in subsec. (b), rewrote pars. (1) and (2), added the last sentence to par. (4), and added par. (6). Subsec. (b), pars. (1) and (2) had read:

"(b)(1) No individual shall, when the individual's blood contains .08% or more, by weight, of alcohol (or when .38 micrograms or more of alcohol are contained in 1 milliliter of his breath, consisting of substantially alveolar air), or defendant's urine contains .10% or more, by weight, of alcohol, or under the influence of intoxicating liquor or any drug or any combination thereof, operate or be in physical control of any vehicle in the District. No individual under 21 years of age shall, when the individual's blood, breath, or urine contains any measurable amount of alcohol, operate or be in physical control of any vehicle in the District. Any individual violating any provision of this paragraph, upon conviction for the first offense, unless the individual has previously been convicted for a violation of paragraph (2) of this subsection, shall be fined \$300 and in addition may be imprisoned for not more than 90 days; upon conviction for the second offense, or for the first offense following a previous conviction for a violation of paragraph (2) of this subsection, within a 15-year period, shall be fined an amount not less than \$1,000 and not more than \$5,000 and in addition may be imprisoned for not more than 1 year; and, upon conviction for the third or any subsequent offense, or for the second offense following a previous conviction for a violation of paragraph (2) of this subsection, within a 15-year period, shall be fined an amount not less than \$2,000 and not more than \$10,000 and in addition may be imprisoned for not more than 1 year.

"(2) No individual shall, while the individual's ability to operate a vehicle is impaired by the consumption of intoxicating liquor, operate or be in physical control of any vehicle in the District. Any individual violating any provision of this paragraph, upon conviction for the 1st offense, unless the individual has previously been convicted for a violation of paragraph (1) of this subsection, shall be fined not less than \$200 and not more than \$300 and in addition may be imprisoned for not more than 30 days; upon conviction for the 2nd offense, or for the 1st offense following a previous conviction for a violation of paragraph (1) of this subsection, within a 15-year period, shall be fined an amount not less than \$300 and not more than \$500 and in addition may be imprisoned for not more than 90 days; and, upon conviction for the 3rd or any subsequent offense, or for the 2nd offense following a previous conviction for a violation of paragraph (1) of this subsection, within a 15-year period, shall be fined an amount not less than \$1,000 and not more than \$5,000 and in addition may be imprisoned for not more than 1 year."

Pub. L. 109-356 rewrote subsec. (b)(3) which had read as follows:

"(3) All fines imposed pursuant to this subsection shall be used exclusively for the enforcement and prosecution of the District traffic alcohol laws."

D.C. Law 16-195 rewrote subsec. (b)(1): and, in subsec. (b)(2), substituted "person" for "individual". Prior to amendment, subsec. (b)(1) read as follows:

"(b)(1)(A) No individual shall, when the individual's blood contains .08% or more, by weight, of alcohol (or when .38 micrograms or more of alcohol are contained in 1 milliliter of his breath, consisting of substantially alveolar air), or the individual's urine contains .10% or more, by weight, of alcohol, or under the influence of intoxicating liquor or any drug or any combination thereof, operate or be in physical control of any vehicle in the

District. No individual under 21 years of age shall, when the individual's blood, breath, or urine contains any measurable amount of alcohol, operate or be in physical control of any vehicle in the District. Any individual violating any provision of this paragraph, upon conviction for the first offense, unless the individual has previously been convicted for a violation of paragraph (2) of this subsection, shall be fined \$300 and may be imprisoned for not more than 90 days. In addition, if the individual's blood contains at least .20%, but not more than .25%, by weight, of alcohol, the individual shall be imprisoned for an additional mandatory minimum period of 5 days, or if the level is more than .25%, by weight, of alcohol, for an additional mandatory minimum period of 10 days. The additional mandatory minimum period shall not be suspended by the court.

"(B) Upon conviction for the second offense, or for the first offense following a previous conviction for a violation of paragraph (2) of this subsection, within a 15-year period, an individual shall be fined an amount not less \$1,000 and not more than \$5,000 and sentenced for a period of imprisonment of not less than 5 days, which must be imposed and not suspended, and not more than one year, or required to perform at least 30 days of community service in accordance with D.C. Code § 16-712. In addition, if the individual's blood contains at least .20%, but not more than .25%, by weight, of alcohol, the individual shall be imprisoned for an additional mandatory minimum period of 10 days, or if the level is more than .25%, by weight, of alcohol, for an additional mandatory minimum period of 20 days. The additional mandatory minimum period shall not be suspended by the court.

"(C) Upon conviction for the third or any subsequent offense, or for the second offense following a previous conviction for a violation of paragraph (2) of this subsection, within a 15-year period, an individual shall be fined an amount not less than \$2,000 and not more than \$10,000 and either sentenced for a period of imprisonment of not less than 10 days, which must be imposed and not suspended, and not more than one year, or required to perform at least 60 days of community service in accordance with § 16-712. In addition, if the individual's blood contains at least .20%, but not more than .25%, by weight, of alcohol, the individual shall be imprisoned for an additional minimum mandatory period of 15 days, or if the level is more than .25%, by weight, of alcohol volume, for an additional mandatory minimum period of 25 days. The additional mandatory minimum period shall not be suspended by the court."

"(D) In addition to the penalties otherwise authorized by this section, any individual convicted for a violation of paragraphs (1) and (2) of this subsection while transporting an individual 17 years of age or younger shall be fined an additional minimum of \$500 and not more than \$1000 and sentenced to perform 48 hours of community service benefiting children or, for a subsequent offense, 80 hours of community service in such program."

D.C. Law 16-306, in subsec. (d), substituted "who is convicted or adjudicated a juvenile delinquent as a result of the commission in the District" for "who is convicted in the District".

D.C. Law 17-353 validated a previously made technical correction in subsec. (b).

D.C. Law 18-88 rewrote subsecs. (b)(1)(B), (C), (D), and (b)(2), which had read as follows:

"(B) Upon conviction for the second offense, or for the first offense following a previous conviction for a violation of paragraph (2) of this subsection, within a 15-year period, an individual shall be fined an amount not less \$1,000 and not more than \$5,000 and sentenced for a period of imprisonment of not less than 5 days, which must be imposed and not suspended, and not more than one year, or required to perform at least 30 days of community service in accordance with § 16-712. In addition, if the person's alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine, but was not more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath, or was not more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional minimum mandatory period of 10 days or if the person's alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional mandatory minimum period of 20 days; which additional mandatory minimum periods shall not be suspended by the court.

"(C) Upon conviction for the third or any subsequent offense, or for the second offense following a previous conviction for a violation of paragraph (2) of this subsection, within a 15-year period, an individual shall be fined an amount not less than \$2,000 and not more than \$10,000 and either sentenced for a period of imprisonment of not less than 10 days, which must be imposed and not suspended, and not more than one year, or required to perform at least 60 days of community service in accordance with § 16-712. In addition, if the person's alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine, but was not more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath, or was not more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional minimum mandatory period of 15 days, or if the person's alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for a mandatory minimum period of 25 days, which additional mandatory minimum periods shall not be suspended by the court.

"(D) In addition to the penalties otherwise authorized by this section, any person convicted for a violation of paragraphs (1) and (2) of this subsection while transporting a person 17 years of age or younger shall be fined an additional minimum of \$500 and not more than \$1000 and sentenced to perform 48 hours of community service benefiting children or, for a subsequent offense, 80 hours of community service in such program."

"(2) No person shall, while the person's ability to operate a vehicle is impaired by the consumption of intoxicating liquor, operate or be in physical control of any vehicle in the District. Any person violating any provision of this paragraph, upon conviction for the first offense, unless the person has previously been convicted for a violation of paragraph (1) of this subsection, shall be fined not less than \$200 and not more than \$300 and may be imprisoned for not more than 30 days; upon conviction for the second offense, or for the first offense following a previous conviction for a violation of paragraph (1) of this subsection, within a 15-year period, shall be fined an amount not less than \$300 and not more than \$500 and either sentenced for a period of imprisonment of not less than 5 days, which must be imposed and not suspended, and not more than one year or required to perform at least 30 days of community service in accordance with § 16-712; and, upon conviction for the third or any subsequent offense, or for the second offense following a previous conviction for a violation of paragraph (1) of this subsection, within a 15-year period, shall be fined an amount not less than \$1,000 and not more than \$5,000 and either sentenced for a period of imprisonment of not less than 10 days, which must be imposed and not suspended, and not more than one year or required to perform at least 60 days of community service in accordance with § 16-712."

D.C. Law 19-21, in subsec. (b)(3), deleted ", shall be used by the District of Columbia exclusively for the enforcement and prosecution of the District traffic alcohol laws, and shall remain available until expended" following "District of Columbia".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 3 of Underage Drinking Temporary Amendment Act of 1993 (D.C. Law 10-12, September 11, 1993, law notification 40 DCR 6834).

For temporary (225 day) amendment of section, see § 4 of Driving Under the Influence Repeat Offenders Temporary Amendment Act of 2000 (D.C. Law 13-198, October 21, 2000, law notification 47 DCR 8988).

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 2 of the Driving Under the Influence Repeat Offenders Emergency Amendment Act of 2000 (D.C. Act 13-382, July 24, 2000, 47 DCR 6697).

For temporary (90-day) repeal of expiration date of section, see § 4 of the Driving Under the Influence Repeat Offenders Emergency Amendment Act of 2000 (D.C. Act 13-382, July 24, 2000, 47 DCR 6697).

For temporary (90 day) amendment of section, see §§ 2 and 4 of the Driving Under the Influence Repeat Offenders Congressional Review Emergency Amendment Act of 2000 (D.C. Act 13-437, October 20, 2000, 47 DCR 8737).

For temporary (90 day) amendment of section, see § 228(a) of Omnibus Public Safety Emergency Amendment Act of 2006 (D.C. Act 16-445, July 19, 2006, 53 DCR 6443).

For temporary (90 day) amendment of section, see § 4(e)(1) of Anti-Drunk Driving Clarification Emergency Amendment Act of 2006 (D.C. Act 16-469, July 31, 2006, 53 DCR 6764).

For temporary (90 day) amendment of section, see § 228(a) of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-490, October 18, 2006, 53 DCR 8686).

For temporary (90 day) amendment of section, see § 8 of Anti-Drunk Driving Clarification Second Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-518, October 27, 2006, 53 DCR 9104).

For temporary (90 day) amendment of section, see § 8(a) of Anti-Drunk Driving Clarification Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-6, January 16, 2007, 54 DCR 1452).

For temporary (90 day) amendment of section, see § 228(a) of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-10, January 16, 2007, 54 DCR 1479).

For temporary (90 day) amendment of section, see § 228(a) of Omnibus Public Safety Second Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-25, April 19, 2007, 54 DCR 4036).

For temporary (90 day) amendment of section, see § 228 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 § 228 of Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-227, October 21, 2009, 56 DCR 8668).

For temporary (90 day) repeal of section, see § 102(e) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary (90 day) repeal of section, see § 102(e) of Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 12774).

Legislative History of Laws

Law 4-29 was introduced in Council and assigned Bill No. 4-123, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on May 5, 1981, and May 19, 1981, respectively.

Signed by the Mayor on June 9, 1981, it was assigned Act No. 4-51 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 4-145, see Historical and Statutory Notes following § 50-2201.03.

For legislative history of D.C. Law 4-174, see Historical and Statutory Notes following § 50-2203.01.

For legislative history of D.C. Law 9-96, see Historical and Statutory Notes following § 50-2201.02.

Law 10-68, the "Technical Amendments Act of 1993," was introduced in Council and assigned Bill No. 10-166, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 29, 1993, and July 13, 1993, respectively. Signed by the Mayor on August 23, 1993, it was assigned Act No. 10-107 and transmitted to both Houses of Congress for its review. D.C. Law 10-68 became effective on February 5, 1994.

Law 10-122, the "Alcoholic Beverage Control Act and Rules Reform Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-207, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on February 1, 1994, and March 1, 1994, respectively. Signed by the Mayor on March 21, 1994, it was assigned Act No. 10-214 and transmitted to both Houses of Congress for its review. D.C. Law 10-122 became effective on May 24, 1994.

Law 12-212, the "Anti-Drunk Driving Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-581, which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on October 6, 1998, and November 10, 1998, respectively. Signed by the Mayor on December 1, 1998, it was assigned Act No. 12-517 and transmitted to both Houses of Congress for its review. D.C. Law 12-212 became effective on April 13, 1999.

Law 13-238, the "Driving Under the Influence Repeat Offenders Amendment Act of 2000," was introduced in Council and assigned Bill No. 13-715, which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on November 8, 2000, and December 5, 2000, respectively. Signed by the Mayor on December 21, 2000, it was assigned Act No. 13-516 and transmitted to both Houses of Congress for its review. D.C. Law 13-238 became effective on April 3, 2001.

For Law 16-195, see notes following § 50-406.

For Law 16-306, see notes following § 50-1403.02.

For Law 17-353, see notes following § 50-324.

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

For history of Law 19-21, see notes under § 50-231.

References in Text

"This act", referred to at the end of subsection (b)(4), means the District of Columbia Traffic Act, 1925.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

Miscellaneous Notes

Implementation of authority under Law 4-145: See Mayor's Order 83-234, September 30, 1983.

Mayor authorized to issue rules: See Historical and Statutory Notes following § 50-2205.02.

Expiration of Law 12-212: Section 8(b) of D.C. Law 12-212 providing that the act shall expire on September 30, 2000, was repealed by section 4 of D.C. Law 13-238.

Short title: Section 9001 of D.C. Law 19-21 provided that subtitle A of title IX of the act may be cited as "Fiscal Year 2012 Transfer of Special Purpose Funds Act of 2011".

§ 50-2201.05A. ESTABLISHMENT OF IGNITION INTERLOCK DEVICE PROGRAM.

(a) The Mayor shall establish an Ignition Interlock Device Program, not later than January 1, 2002, applicable only to persons who have been convicted of a second or subsequent offense pursuant to § 50-

2201.05(b)(1) and (b)(2).

(b) For the purpose of this section, "Ignition Interlock Device" means ignition equipment designed to prevent a motor vehicle from being operated by a person whose blood alcohol level exceeds the calibrated setting on the device.

(c) The Mayor shall adopt rules to implement the provisions of this section.

(Mar. 3, 1925, 43 Stat. 1124, ch. 443, § 10a, as added Apr. 3, 2001, D.C. Law 13-238, § 2(b), 48 DCR 602.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For D.C. Law 13-238, see notes following § 50-2201.05.

Delegation of Authority

Delegation of Authority Over an Ignition Interlock Device Program Pursuant to the D.C. Traffic Act of 1925, see Mayor's Order 2002-72, April 19, 2002 (49 DCR 3736).

§ 50-2201.05B. FLEEING FROM A LAW ENFORCEMENT OFFICER IN A MOTOR VEHICLE.

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

(1) "Law enforcement officer" means a sworn member of the Metropolitan Police Department or a sworn member of any other police force operating in the District of Columbia.

(2) "Signal" means a communication made by hand, voice, or the use of emergency lights, sirens, or other visual or aural devices.

(b)(1) An operator of a motor vehicle who knowingly fails or refuses to bring the motor vehicle to an immediate stop, or who flees or attempts to elude a law enforcement officer, following a law enforcement officer's signal to bring the motor vehicle to a stop, shall be fined not more than \$1,000, or imprisoned for not more than 180 days, or both.

(2) An operator of a motor vehicle who violates paragraph (1) of this subsection and while doing so drives the motor vehicle in a manner that would constitute reckless driving under § 50-2201.04(b), or causes property damage or bodily injury, shall be fined not more than \$5,000, or imprisoned for not more than 5 years, or both.

(c) It is an affirmative defense under this section if the defendant can show, by a preponderance of the evidence, that the failure to stop immediately was based upon a reasonable belief that the defendant's personal safety is at risk. In determining whether the defendant has met this burden, the court may consider the following factors:

(1) The time and location of the event;

(2) Whether the law enforcement officer was in a vehicle clearly identifiable by its markings, or if unmarked, was occupied by a law enforcement officer in uniform or displaying a badge or other sign of authority;

(3) The defendant's conduct while being followed by the law enforcement officer;

(4) Whether the defendant stopped at the first available reasonably lighted or populated area; and

(5) Any other factor the court considers relevant.

(d)(1) The Mayor or his designee, pursuant to § 50-1403.01, may suspend the operating permit of a person convicted under subsection (b)(1) of this section for a period of not more than 180 days and may suspend the operating permit of a person convicted under subsection (b)(2) of this section for a period of not more than 1 year.

(2) A suspension of an operator's permit under paragraph (1) of this subsection for a person who has been sentenced to a term of imprisonment for a violation of subsection (b)(1) or (2) of this section shall begin following the person's release from incarceration.

(e) Prosecution for violations under this section shall be conducted in the name of the District of Columbia by the Attorney General for the District of Columbia, or his or her assistants, in the Superior Court of the District of Columbia.

(Mar. 3, 1925, ch. 443, § 10b, as added Mar. 16, 2005, D.C. Law 15-239, § 2(b), 51 DCR 9600.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 2 of the Fleeing Law Enforcement Prohibition Emergency Amendment

Act of 2004 (D.C. Act 15-495, July 19, 2004, 51 DCR 7841).

For temporary (90 day) addition, see § 2 of Fleeing Law Enforcement Prohibition Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-546, October 12, 2004, 51 DCR 9842).

For temporary (90 day) addition of section, see § 2 of Fleeing Law Enforcement Prohibition Second Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-726, January 13, 2005, 52 DCR 1950).

For temporary (90 day) amendment of section, see § 102(f) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary (90 day) addition of sections, see § 102(g) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary (90 day) amendment of section, see § 102(f) of Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 12774).

For temporary (90 day) addition of sections, see § 102(g) of Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 12774).

Legislative History of Laws

For Law 15-239, see notes following § 50-2201.03.

§ 50-2201.06. GARAGE KEEPER TO REPORT CARS DAMAGED IN ACCIDENTS.

The individual in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident or struck by bullets shall report to a police station within 24 hours after such motor vehicle is received, giving the make of the motor vehicle, the engine number, the registry number, and the name and address of the owner or operator of such motor vehicle. Any such individual failing so to report shall, upon conviction thereof, be fined not less than \$25 nor more than \$100 for each offense.

(Mar. 3, 1925, 43 Stat. 1125, ch. 443, § 12; Sept. 14, 1982, D.C. Law 4- 145, § 7, 29 DCR 3138.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-719.

1973 Ed., § 40-611.

Legislative History of Laws

For legislative history of D.C. Law 4-145, see Historical and Statutory Notes following § 50-2201.03.

Miscellaneous Notes

Definitions applicable: For definitions applicable in this section, see § 50- 2201.02.

§ 50-2201.07. CONTROL OVER PARK SYSTEM NOT AFFECTED BY THIS PART.

Nothing contained in this part shall be construed to interfere with the exclusive charge and control prior to March 3, 1925, committed to the Director of the National Park Service over the park system of the District, and he is hereby authorized and empowered to make and enforce all regulations for the control of vehicles and traffic, and limiting the speed thereof on roads, highways, and bridges within the public grounds in the District, under his control, subject to the penalties prescribed in this part.

(Mar. 3, 1925, 43 Stat. 1126, ch. 443, § 16(b); July 3, 1926, 44 Stat. 835, ch. 760, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-721.

1973 Ed., § 40-613.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 102(h) of Comprehensive Impaired Driving and Alcohol

Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary (90 day) amendment of section, see § 102(h) of Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 12774).

Transfer of Functions

By Executive Order No. 6166, dated June 10, 1933, the Office of Public Buildings and Public Parks of the National Capital was changed to National Parks, Buildings, and Reservations. Act of March 2, 1934, 48 Stat. 389, ch. 38, § 1, abolished National Parks, Buildings, and Reservations and transferred its powers and duties to the National Park Service.

§ 50-2201.08. REPEAL OF CERTAIN PRIOR LAWS; SAVING CLAUSE.

(a) The provisions of the act entitled "An Act regulating the speed of automobiles in the District of Columbia, and for other purposes," approved June 29, 1906 (34 Stat. 621, ch. 3615), and, in so far as they relate to the regulation of vehicles or vehicle traffic in the District, the provisions of the act entitled "An act to authorize the Commissioners of the District of Columbia to make police regulations for the government of said District," approved January 26, 1887 (24 Stat. 369, ch. 49) and of the joint resolution entitled "Joint resolution to regulate licenses to proprietors of theaters in the city of Washington, District of Columbia, and for other purposes," approved February 26, 1892 (27 Stat. 394, Res. 4, 7) and of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30th, 1918, and for other purposes," approved March 3, 1917 (39 Stat. 1064, ch. 160), are repealed. The provisions of § 20 of the Act entitled "An Act to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes," approved March 3, 1917 (39 Stat. 1129, ch. 165), shall not apply to any person operating any motor vehicle in the District.

(b) Any violation of any provision of law or regulation issued thereunder which is repealed by this part and any liability arising under such provisions or regulations may, if the violation occurred or the liability arose prior to such repeal, be prosecuted to the same extent as if this part had not been enacted.

(Mar. 3, 1925, 43 Stat. 1125, ch. 443, § 16(a), (c).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-722.

1973 Ed., § 40-614.

§ 50-2201.09. SEVERABILITY.

If any provision of this part is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the part and the applicability of such provision to other persons and circumstances shall not be affected thereby.

(Mar. 3, 1925, 43 Stat. 1126, ch. 443, § 18.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-723.

1973 Ed., § 40-615.

PART B. MISCELLANEOUS.

§ 50-2201.21. RULES FOR TOWING AND IMPOUNDMENT OF VEHICLES, AND VEHICLE CONVEYANCE FEES.

The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, may issue rules regarding towing and impoundment of vehicles in connection with enforcement of the District's parking restrictions and to establish the amount of, and implement a system for collecting, a vehicle conveyance fee.

(Sept. 12, 1978, D.C. Law 2-104, § 505, 25 DCR 1275; Mar. 20, 2009, D.C. Law 17-303, § 4(d), 55 DCR 12803.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-704.

1973 Ed., § 40-603.1.

Effect of Amendments

D.C. Law 17-303 rewrote the section, which had read as follows:

"The Mayor of the District of Columbia is authorized to establish from time to time a reasonable fee to be charged for the cost of storing impounded vehicles. Such storage fee shall not be charged for the first 24 hour period in which a vehicle is impounded."

Legislative History of Laws

For legislative history of D.C. Law 2-104, see Historical and Statutory Notes following § 50-2201.03.

For Law 17-303, see notes following § 50-2201.02.

§ 50-2201.22. APPEAL FROM ASSESSMENT OF EXCISE TAX FOR TITLE CERTIFICATES; ELECTION OF REMEDIES.

Any person aggrieved by the assessment of any tax imposed by § 50-2201.03(j) may, within 6 months from the date the person entitled to a certificate of title was notified of the amount of such tax, appeal to the Superior Court of the District of Columbia in the same manner and to the same extent as set forth in §§ 47-3303, 47-3304, 47-3306, 47-3307 and 47-3308, and as the same may hereafter be amended.

(May 27, 1949, 63 Stat. 129, title III, ch. 146, § 303; July 29, 1970, 84 Stat. 573, 581, Pub. L. 91-358, title I, §§ 156(a), 161(d)(2).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-705.

1973 Ed., § 40-605-1.

§ 50-2201.23. MAYOR MAY ENTER INTO INTERSTATE AGREEMENT CONCERNING ENFORCEMENT OF TRAFFIC LAWS.

The Mayor of the District of Columbia may enter into an interstate agreement with the Commonwealth of Virginia or with the State of Maryland, or with both, pursuant to which the parties to such agreement may assist each other in the enforcement of its laws relating to traffic (including parking violations).

(June 30, 1972, 86 Stat. 392, Pub. L. 92-327, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-706.

1973 Ed., § 40-603-2.

Change in Government

This section originated at a time when local government powers were delegated to the District of Columbia Council and to a Commissioner of the District of Columbia. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 50-2201.24. OFFICE OF REGISTRAR OF TITLES AND TAGS.

The employee of the Department of Transportation who is charged with the immediate responsibility for, and exercises supervision over, the issuance of tags and certificates of title and the registration of motor vehicles and trailers shall be known as the Registrar of Titles and Tags.

(June 28, 1944, 58 Stat. 527, ch. 300, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-707.

1973 Ed., § 40-603a.

Miscellaneous Notes

Department of Vehicles and Traffic abolished: See Historical and Statutory Notes following § 50-2201.03.

§ 50-2201.25. ISSUANCE OF CONGRESSIONAL TAGS.

After June 28, 1944, no part of any District of Columbia appropriations shall be available for any expense for or incident to the issuance of congressional tags except to those persons set out in § 50-2201.03, including the Speaker and the Vice President.

(June 28, 1944, 58 Stat. 532, ch. 300, § 8.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-708.

1973 Ed., § 40-603b.

§ 50-2201.26. ISSUANCE OF DUPLICATE CONGRESSIONAL TAGS.

Each Senator, member of the House of Representatives, and other individual who is authorized by law to be issued a congressional tag for his automobile shall, upon application therefor, be entitled to be issued a duplicate tag bearing the same number.

(Aug. 5, 1977, 91 Stat. 684, Pub. L. 95-94, title IV, § 410.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-709.

1973 Ed., § 40-603c.

§ 50-2201.27. CONVICTIONS TO BE REPORTED.

All convictions under §§ 50-1403.01, 50-2201.03, 50-2201.04, and 50-2201.05 shall be reported by the Clerk of the Court to the Mayor or his designated agent.

(Feb. 27, 1931, 46 Stat. 1429, ch. 317, § 5.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-720.

1973 Ed., § 40-612.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 50-2201.28. RIGHT-OF-WAY AT CROSSWALKS.

(a) When official traffic-control signals are not in place or not in operation, the driver of a vehicle shall stop and give the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or unmarked crosswalk at an intersection.

(b) A pedestrian who has begun crossing on the "WALK" signal shall be given the right-of-way by the driver of any vehicle to continue to the opposite sidewalk or safety island, whichever is nearest.

(c) Any person convicted of failure to stop and give the right-of-way to a pedestrian or of colliding with a pedestrian shall be subject to a fine of not more than \$500, or imprisonment for not more than 30 days, or both. Any person convicted of a violation of this section may be sentenced to perform community service as an alternative to, but not in addition to, any term of imprisonment authorized by this section.

(c-1) Civil fines, penalties, and fees may be imposed by the Department of Motor Vehicles as alternative sanctions for any infraction of the provisions of this section, or rules or regulations issued under the authority of this section, pursuant to Chapter 23 of this title. Adjudication of any infraction shall be pursuant to Chapter 23 of this title.

(d) The Mayor of the District of Columbia ("Mayor") shall submit to the Council of the District of Columbia ("Council") a proposed plan for an extensive public information program on the rights and responsibilities of pedestrians and drivers. This proposed plan shall include proposals for increasing police enforcement of pedestrian right-of-way laws. The proposed plan shall be submitted to the Council within 90 days of October 9, 1987, for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed plan, in whole or in part, by resolution within this 45-day review period, the proposed plan shall be deemed approved.

(e) Prosecution for violations under this section shall be conducted in the name of the District of Columbia by the Attorney General for the District of Columbia, or his or her assistants, in the Superior Court of the District of Columbia.

(Oct. 9, 1987, D.C. Law 7-34, § 2, 34 DCR 5316; Mar. 16, 2005, D.C. Law 15-224, § 2, 51 DCR 10533; Mar. 2, 2007, D.C. Law 16-191, § 114, 53 DCR 6794; Nov. 25, 2008, D.C. Law 17-269, § 2, 55 DCR 11015; Dec. 2, 2011, D.C. Law 19-49, § 2, 58 DCR 8945.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-726.

Effect of Amendments

D.C. Law 15-224 rewrote subsec. (a) and, in subsec. (c), substituted 'stop and give' for 'yield'. Prior to amendment, subsec. (a) read:

"(a) When official traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or unmarked crosswalk at an intersection."

D.C. Law 16-191 added subsec. (e).

D.C. Law 17-269 added subsec. (c-1).

D.C. Law 19-49 rewrote subsec. (c-1), which had read as follows:

"(c-1) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this section, or the rules or regulations issued under the authority of this section, pursuant to Chapter 18 of Title 2. Adjudication of any infractions shall be pursuant to Chapter 18 of Title 2."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2 of Pedestrian Safety Reinforcement Emergency Amendment Act of 2011 (D.C. Act 19-135, August 9, 2011, 58 DCR 6798).

Legislative History of Laws

Law 7-34, "Pedestrian Protection Amendment Act of 1987," was introduced in Council and assigned Bill No. 7-166, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 16, 1987 and June 30, 1987, respectively. Signed by the Mayor on July 23, 1987, it was assigned Act No. 7-62 and transmitted to both Houses of Congress for its review.

Law 15-224, the "Pedestrian Protection Right-of-Way at Crosswalks Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-43, which was referred to the Committee on Public Works and Environment. The Bill was adopted on first and second readings on July 13, 2004, and October 5, 2004, respectively. Signed by the Mayor on November 1, 2004, it was assigned Act No. 15-563 and transmitted to both Houses of Congress for its review. D.C. Law 15-224 became effective on March 16, 2005.

For Law 16-191, see notes following § 50-921.09.

Law 17-269, the "Pedestrian Safety Enforcement Amendment Act of 2008", was introduced in Council and

assigned Bill No. 17-539 which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on July 15, 2008, and September 16, 2008, respectively. Signed by the Mayor on September 30, 2008, it was assigned Act No. 17-522 and transmitted to both Houses of Congress for its review. D.C. Law 17-269 became effective on November 25, 2008.

Law 19-49, the "Pedestrian Safety Reinforcement Amendment Act of 2011", was introduced in Council and assigned Bill No. 19-291, which was referred to the Committee on Public Works and Transportation. The Bill was adopted on first and second readings on July 12, 2011, and September 20, 2011, respectively. Signed by the Mayor on October 11, 2011, it was assigned Act No. 19-179 and transmitted to both Houses of Congress for its review. D.C. Law 19-49 became effective on December 2, 2011.

§ 50-2201.29. BUS RIGHT-OF-WAY AT INTERSECTIONS.

(a) A motor vehicle driver shall be prohibited from passing to the left and pulling in front of a bus to make a right turn when the bus is at a bus stop at an intersection to receive or discharge passengers; the vehicle shall stay or merge behind the bus to effect its turn.

(b) A person violating subsection (a) of this section shall be subject to a fine of \$100.00 or twice the fine prescribed for illegal turns, whichever is greater.

(c) Within 60 days of September 29, 2006, the Mayor shall ensure that affixed on the rear of each bus operating in the District of Columbia is a sticker or decal advising drivers of the prohibition described in subsection (a) of this section.

(d) Nothing in this section shall relieve the operator of a bus from complying with all applicable traffic regulations or from otherwise exercising due caution in the operation of a bus.

(e) For the purposes of this section, "Bus" means public transit such as Metrobuses, the Downtown Circulator, the Georgetown Blue Buses, Maryland and Virginia State commuter charters, and Tourmobile vehicles.

(Oct. 9, 1987, D.C. Law 7-34, § 2a, as added Sept. 29, 2006, D.C. Law 16- 165, § 2, 53 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 16-165, the "Pedestrian Protection Bus Safety Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-188 which was referred to the Committee on Public Works and Environment. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 18, 2006, it was assigned Act No. 16-433 and transmitted to both Houses of Congress for its review. D.C. Law 16-165 became effective on September 29, 2006.

§ 50-2201.30. SPECIAL SIGNS FOR FAILURE TO YIELD TO PEDESTRIANS IN CROSSWALKS.

The District Department of Transportation shall develop and implement a plan to create and post special signs with the following or substantially similar notation: "D.C. Law: Failure to stop for pedestrians in crosswalk punishable by \$250 fine". The signs shall be posted at selected District crosswalks and intersections to alert motorists of the fine for this infraction. The Director of the District Department of Transportation shall be responsible for determining which crosswalks and intersections shall have the signs.

(Nov. 25, 2008, D.C. Law 17-269, § 4, 55 DCR 11015; Sept. 26, 2012, D.C. Law 19-171, § 141, 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-171, in the section heading, validated a previously made technical correction.

Legislative History of Laws

For Law 17-269, see notes following § 50-2201.28.

For history of Law 19-171, see notes under § 50-921.02.

SUBCHAPTER II. NEGLIGENT HOMICIDE.

§ 50-2203.01. NEGLIGENT HOMICIDE.

Any person who, by the operation of any vehicle in a careless, reckless, or negligent manner, but not wilfully or wantonly, shall cause the death of another, including a pedestrian in a marked crosswalk, or unmarked crosswalk at an intersection, shall be guilty of a felony, and shall be punished by imprisonment for not more than 5 years or by a fine of not more than \$5,000 or both.

(Mar. 3, 1901, ch. 854, § 802(a); June 17, 1935, 49 Stat. 385, ch. 266; June 25, 1936, 49 Stat. 1921, ch. 804; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 578, Pub. L. 91-358, title I, § 160(a)(3); Sept. 14, 1982, D.C. Law 4-145, § 8, 29 DCR 3138; Mar. 9, 1983, D.C. Law 4-174, § 14, 29 DCR 5753; Oct. 9, 1987, D.C. Law 7-34, § 3, 34 DCR 5316.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-713.

1973 Ed., § 40-606.

Legislative History of Laws

For legislative history of D.C. Law 4-145, see Historical and Statutory Notes following § 50-2201.03.

Law 4-174 was introduced in Council and assigned Bill No. 4-398, which was referred to the Committee on Housing and Economic Development. The Bill was adopted on first and second readings on October 19, 1982, and November 16, 1982, respectively. Signed by the Mayor on December 8, 1982, it was assigned Act No. 4-257 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 7-34, see Historical and Statutory Notes following § 50-2201.28.

§ 50-2203.02. NEGLIGENCE HOMICIDE INCLUDED IN MANSLAUGHTER WHERE DEATH DUE TO OPERATION OF VEHICLE.

The crime of negligent homicide defined in § 50-2203.01 shall be deemed to be included within every crime of manslaughter charged to have been committed in the operation of any vehicle, and in any case where a defendant is charged with manslaughter committed in the operation of any vehicle, if the jury shall find the defendant not guilty of the crime of manslaughter such jury may, in its discretion, render a verdict of guilty of negligent homicide.

(Mar. 3, 1901, ch. 854, § 802(b); June 17, 1935, 49 Stat. 385, ch. 266.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-714.

1973 Ed., § 40-607.

§ 50-2203.03. IMMODERATE SPEED NOT DEPENDENT ON LEGAL RATE OF SPEED.

In any prosecution under § 50-2203.01 or § 50-2203.02, whether the defendant was driving at an immoderate rate of speed shall not depend upon the rate of speed fixed by law for operating such vehicle.

(Mar. 3, 1901, ch. 854, § 802(c); June 17, 1935, 49 Stat. 385, ch. 266.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-715.

1973 Ed., § 40-608.

SUBCHAPTER III. DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL.

§ 50-2205.01. PRIMA FACIE EVIDENCE OF INTOXICATION; RELEVANT EVIDENCE OF USE OF INTOXICATING LIQUOR.[REPEALED]

(Mar. 4, 1958, 72 Stat. 30, 31, Pub. L. 85-338, §§ 1, 2; Oct. 21, 1972, 86 Stat. 1018, Pub. L. 92-519, § 8; Sept. 14, 1982, D.C. Law 4-145, § 11(a), 29 DCR 3138.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-717.

1973 Ed., § 40-609a.

Legislative History of Laws

For legislative history of D.C. Law 4-145, see Historical and Statutory Notes following § 50-2201.03.

§ 50-2205.02. EVIDENCE OF INTOXICATION.

If as a result of the operation or the physical control of a vehicle, a person is tried in any court of competent jurisdiction within the District of Columbia for operating or being in physical control of a vehicle while under the influence of intoxicating liquor in violation of § 50-2201.05(b), negligent homicide in violation of § 50-2203.01, or manslaughter committed in the operation of a vehicle in violation of § 22-2105, and in the course of the trial there is received, based upon a chemical test, evidence of alcohol in the defendant's blood, urine, or breath, such evidence:

(1) Shall, if at the time of testing, defendant's alcohol concentration was less than 0.05 grams per 100 milliliters of blood or per 210 liters of breath or 0.06 grams or less per 100 milliliters of urine, establish a rebuttable presumption that the defendant was not, at the time, under the influence of intoxicating liquor.

(2) If at the time of testing, defendant's alcohol concentration was 0.05 grams or more per 100 milliliters of blood or per 210 liters of breath or more than 0.06 grams per 100 milliliters of urine, but less than 0.08 grams per 100 milliliters of blood or per 210 liters of breath or less than 0.10 grams per 100 milliliters of urine, this evidence shall constitute prima facie proof that the defendant was, at the time, under the influence of intoxicating liquor.

(Sept. 14, 1982, D.C. Law 4-145, § 2, 29 DCR 3138; Mar. 9, 1983, D.C. Law 4-714, §§ 4, 5, 29 DCR 5753; May 5, 1992, D.C. Law 9-96, § 2(a), 38 DCR 7274; Feb. 5, 1994, D.C. Law 10-68, § 33, 40 DCR 6311; Apr. 13, 1999, D.C. Law 12-212, § 5, 46 DCR 5; Mar. 2, 2007, D.C. Law 16-195, § 2, 53 DCR 8675; Dec. 10, 2009, D.C. Law 18-88, § 229, 56 DCR 7413.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-717.1.

Effect of Amendments

D.C. Law 16-195 rewrote the section which had read as follows:

"If as a result of the operation of a vehicle, any person is tried in any court of competent jurisdiction within the District of Columbia for operating such vehicle while under the influence of any intoxicating liquor or while the ability to operate a vehicle is impaired by the consumption of intoxicating liquor in violation of § 50-2201.05(b), negligent homicide in violation of § 50-2203.01, or manslaughter committed in the operation of such vehicle in violation of § 22-2105 and in the course of such trial there is received in evidence, based upon a chemical test, competent proof to the effect that at the time of such operation:

"(1) Defendant's blood contained less than .03%, by weight, of alcohol, or defendant's urine contained less than .04%, by weight, of alcohol, or that at the time of the test less than .14 micrograms of alcohol were contained in 1 milliliter of his or her breath, consisting of substantially alveolar air, this evidence shall not establish a presumption that the defendant was or was not, at the time, under the influence of intoxicating liquor, but it may be considered with other competent evidence in determining whether the defendant was under the influence of intoxicating liquor; and

"(2) Defendant's blood contained .05 or more, by weight, of alcohol, or defendant's urine contained .06% or more, by weight, of alcohol, or that at the time of the test, .24 micrograms or more of alcohol were contained in 1 milliliter of his or her breath, consisting of substantially alveolar air, this evidence shall constitute prima facie proof that the defendant was, at the time, under the influence of intoxicating liquor and that, while the defendant was operating or in physical control of a vehicle, his or her ability to operate a vehicle was impaired by the consumption of intoxicating liquor."

D.C. Law 18-88, in par. (1), substituted "less than 0.05 grams" for "0.05 grams or less"; and rewrote par. (2), which had read as follows:

"(2) Shall not, if at the time of testing, defendant's alcohol concentration was more than 0.05 grams per 100 milliliters of blood or per 210 liters of breath or more than 0.06 grams per 100 milliliters of urine, but less than

0.08 grams per 100 milliliters of blood or per 210 liters of breath or less than 0.10 grams per 100 milliliters of urine, establish a presumption that the defendant was or was not, at the time, under the influence of intoxicating liquor, but it may be considered with other competent evidence in determining whether the defendant was under the influence of intoxicating liquor."

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 4 of Driving Under the Influence Repeat Offenders Temporary Amendment Act of 2000 (D.C. Law 13-198, October 21, 2000, law notification 47 DCR 8988).

For temporary (225 day) amendment of section, see § 2 of Anti-Drunk Driving Clarification Temporary Amendment Act of 2005 (D.C. Law 16-50, February 9, 2006, law notification 53 DCR 1458).

Emergency Act Amendments

For temporary (90-day) repeal of expiration date of section, see § 4 of the Driving Under the Influence Repeat Offenders Emergency Amendment Act of 2000 (D.C. Act 13-382, July 24, 2000, 47 DCR 6697).

For temporary (90 day) amendment of section, see § 4 of the Driving Under the Influence Repeat Offenders Congressional Review Emergency Amendment Act of 2000 (D.C. Act 13-437, October 20, 2000, 47 DCR 8737).

For temporary (90 day) addition of section, see § 2 of Anti-Drunk Driving Clarification Emergency Amendment Act of 2005 (D.C. Act 16-194, November 3, 2005, 52 DCR 10034).

For temporary (90 day) amendment of section, see § 2 of Anti-Drunk Driving Clarification Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-300, February 27, 2006, 53 DCR 1881).

For temporary (90 day) amendment of section, see § 2 of Anti-Drunk Driving Clarification Emergency Amendment Act of 2006 (D.C. Act 16-469, July 31, 2006, 53 DCR 6764).

For temporary (90 day) amendment of section, see § 2 of Anti-Drunk Driving Clarification Second Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-518, October 27, 2006, 53 DCR 9104).

For temporary (90 day) amendment of section, see § 2 of Anti-Drunk Driving Clarification Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-6, January 16, 2007, 54 DCR 1452).

For temporary (90 day) amendment of section, see § 229 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 § 229 of Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18- 227, October 21, 2009, 56 DCR 8668).

For temporary (90 day) repeal of section, see § 103(e)(2)(A) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary (90 day) repeal of section, see § 103(e)(2)(A) of Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 12774).

Legislative History of Laws

For legislative history of D.C. Law 4-145, see Historical and Statutory Notes following § 50-2201.03.

For legislative history of D.C. Law 4-174, see Historical and Statutory Notes following § 50-2203.01.

For legislative history of D.C. Law 9-96, see Historical and Statutory Notes following § 50-2201.02.

For legislative history of D.C. Law 10-68, see Historical and Statutory Notes following § 50-2201.05.

For legislative history of D.C. Law 12-212, see Historical and Statutory Notes following § 50-2201.05.

For Law 16-195, see notes following § 50-406.

For Law 18-88, see notes following § 50-1731.06.

Miscellaneous Notes

Mayor authorized to issue rules: Section 12 of D.C. Law 4-145 provided that the Mayor shall issue rules to implement the provisions of the act.

Expiration of Law 12-212: Section 8(b) of D.C. Law 12-212, which provided that the act shall expire on September 30, 2000, was repealed by section 4 of D.C. Law 13-238.

§ 50-2205.03. ADMISSIBILITY OF TEST RESULTS.

An official copy of the results of any blood, urine, or breath test performed on a person by a technician or by a police officer shall be admissible as substantive evidence, without the presence or the testimony of

the technician or of the police officer who administered the test, in any proceeding in which that person is charged with a violation of § 50-2201.05(b); provided, that the police officer or the technician certifies that the breath test was conducted in accordance with the manufacturer's specifications, and that the equipment on which the breath test was conducted has been tested within the past 3 months and has been found to be accurate or, in the case of a blood or urine specimen, that the test of the specimen has been certified to be accurate by the chief toxicologist, Office of the Chief Medical Examiner or his or her designee; provided, further, that the person on whom any blood, urine, or breath test has been performed, or that person's attorney, may seek to compel the attendance and the testimony of the technician or of the police officer in any proceeding by stating, in writing, the reasons why the accuracy of the test result is in issue and by requesting, in writing, at least 15 days in advance of the proceeding, that such technician or such police officer appear and testify in the proceeding. Any such person upon whom a blood, urine, or breath test is performed, shall be informed, in writing, of the provisions of this section at the time that such person is charged. After having been informed, failure to give timely and proper notice shall constitute a waiver of the person's (on whom the test has been performed) right to the presence and testimony of the technician or the police officer.

(Sept. 14, 1982, D.C. Law 4-145, § 3, 29 DCR 3138; Mar. 9, 1983, D.C. Law 4-174, § 6, 29 DCR 5753; May 5, 1992, D.C. Law 9-96, § 2(b), 38 DCR 7274.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-717.2.

Emergency Act Amendments

For temporary (90 day) repeal of section, see § 103(e)(2)(B) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary (90 day) addition of sections, see § 103(e)(2)(C), (e)(3) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary (90 day) repeal of section, see § 103(e)(2)(B) of Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 12774).

For temporary (90 day) addition of sections, see § 103(e)(2)(C), (e)(3) of Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 12774).

Legislative History of Laws

For legislative history of D.C. Law 4-145, see Historical and Statutory Notes following § 50-2201.03.

For legislative history of D.C. Law 4-174, see Historical and Statutory Notes following § 50-2203.01.

For legislative history of D.C. Law 9-96, see Historical and Statutory Notes following § 50-2201.02.

Miscellaneous Notes

Mayor authorized to issue rules: See Historical and Statutory Notes following § 50-2205.02.

SUBCHAPTER IV. OBSCURED VISION.

§ 50-2207.01. SMOKE SCREENS PROHIBITED.[REPEALED]

(Mar. 3, 1925, 43 Stat. 1124, ch. 443, § 11; Sept. 14, 1982, D.C. Law 4- 145, § 7, 29 DCR 3138; Apr. 29, 2004, D.C. Law 15-154, § 12, 50 DCR 10996.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-718.

1973 Ed., § 40-610.

Legislative History of Laws

For legislative history of D.C. Law 4-145, see Historical and Statutory Notes following § 50-2201.03.

Law 15-154, the "Elimination of Outdated Crimes Amendment Act of 2003", was introduced in Council and assigned Bill No. 15-79, which was referred to Committee on the Judiciary. The Bill was adopted on first and second readings on October 7, 2003, and November 4, 2003, respectively. Signed by the Mayor on

November 25, 2003, it was assigned Act No. 15-255 and transmitted to both Houses of Congress for its review. D.C. Law 15-154 became effective on April 29, 2004.

Miscellaneous Notes

Definitions applicable: For definitions applicable in this section, see § 50- 2201.02.

§ 50-2207.02. TINTED WINDOWS PROHIBITED.

(a)(1) Except as provided in subsection (b) of this section, no motor vehicle, other than a mini-van, may be operated or parked upon the public streets or spaces of the District of Columbia with:

- (A) A front windshield or front side windows that allow less than 70% light transmittance; or
- (B) A rear windshield or rear side windows that allow less than 50% light transmittance.

(2) Except as provided in subsection (b) of this section, no mini-van may be operated or parked upon the public streets or spaces of the District of Columbia with:

- (A) A front windshield or front side windows that allow less than 55% light transmittance, or
- (B) A rear windshield or rear side windows that allow less than 35% light transmittance.

(b) A motor vehicle may be operated or parked upon the public streets of the District of Columbia with a front windshield that allows less than 70% light transmittance above the AS-1 line, or within 5 inches from the top of the windshield.

(c) Any person who operates or parks a motor vehicle in violation of subsection (a) of this section shall be issued a \$50 citation.

(d)(1) Except as provided by subsection (f) of this section, any motor vehicle found to violate subsection (a) of this section shall be required to be inspected at an official District Inspection Station within 5 business days after the finding.

(2) If the motor vehicle is not brought into compliance with subsection (a) of this section by the end of the 5-day period, the owner of the vehicle shall be fined not more than \$1,000.

(e)(1) Except as provided by subsection (f) of this section, any motor vehicle found to violate subsection (a) of this section on a second or subsequent occasion shall be required to be inspected at an official District Inspection Station within 5 business days after the second or subsequent finding.

(2) If the motor vehicle is not brought into compliance with subsection (a) of this section by the end of the 5-day period, the owner of the vehicle may be fined not more than \$5,000.

(f) Any police officer or other authorized government agent of the District may order the immediate removal of a motor vehicle from the public streets to an official District Inspection Station if the police officer or other authorized government agent determines that the health and safety of the public is at risk due to window tinting in violation of subsection (a) of this section.

(g) No person shall install window tinting on a motor vehicle which is not exempt pursuant to subsection (h) of this section, in the District of Columbia which would cause the motor vehicle to violate subsection (a) of this section if the vehicle were operated or parked on the public streets of the District of Columbia.

(h) This section shall not apply to:

- (1) Limousines, ambulances, buses, and hearses meeting the requirements of 18 DCMR § 413.10;
- (2) Church owned vehicles;
- (3) All official government vehicles;
- (4) Vehicles with tinted windows installed by the manufacturer prior to purchase; or
- (5) Vehicles exempted by the Director of the Department of Motor Vehicles because the owner of the vehicle has a medical condition requiring windows which allows less light than permitted pursuant to subsection (a) of this section.

(i) Nothing in this subchapter shall be construed to modify or affect any federal law concerning the window tinting of motor vehicles that is applicable to manufacturers, importers, dealers, or motor vehicle repair businesses for new or used motor vehicles and equipment.

(j) The Director of the Department of Motor Vehicles is authorized to promulgate rules to implement the provisions this section and to amend existing provisions of Title 18 of the District of Columbia Municipal Regulations to conform to its requirements. Rules promulgated or amended pursuant to this section shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, holidays, and days of Council recess.

(k) Notice of an infraction issued pursuant to subsections (d)(2) or (e)(2) of this section shall be mailed by U.S. mail to the owner's last known address in the Department of Motor Vehicles' records.

(l) Violations of subsections (d)(2) and (e)(2) of this section shall be adjudicated as moving violations.

(m) Answers to notices sent pursuant to subsection (k) of this section shall be in accordance with § 50-2302.05(a), (b), (c), and (e)), and subsection (n) of this section.

(n)(1) A person to whom a notice of infraction has been issued shall answer within 30 calendar days of the date the notice was mailed or within a greater period of time as prescribed by the Director by regulation.

(2) If a person fails to answer the notice within the 30-day period or within the period of time prescribed by the Director, the person's registration certificate shall be suspended. The notice of the suspension shall be mailed by U.S. mail to the person's address on the Department's records. Suspension shall take effect 15 days after the date the notice of suspension was mailed.

(3) The possession by the Department of a copy of the notice of suspension addressed to a person or a copy of the certificate or affidavit provided for in 18 DCMR § 307.7 shall establish a rebuttable presumption that the notice of suspension was received by the person by the date the suspension became effective.

(4) A suspension resulting from a failure to answer shall remain in effect until the person answers the notice, except that once the offense is deemed admitted the suspension may be lifted only by payment of the fine for the offense and any additional penalties imposed pursuant to § 50-2301.05, for failure to answer within the time required by paragraph (1) of this subsection.

(o) The Director shall reject any vehicles appearing for inspection pursuant to Chapter 11 of this title whose window tint violates subsections (a) or (b) of this section.

(p) No points shall be assessed for any violation of this section.

(Mar. 3, 1925, 43 Stat. 1119, ch. 443, § 11a, as added Aug. 26, 1994, D.C. Law 10-163, § 2, 41 DCR 4886; Apr. 27, 2001, D.C. Law 13-289, § 402, 48 DCR 2057; Apr. 8, 2005, D.C. Law 15-307, § 205(b), 52 DCR 1700.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-718.1.

Effect of Amendments

D.C. Law 13-289 rewrote subsecs. (a) and (h); and added subsec. (j). Subsecs. (a) and (h) had read:

"(a) Except as provided in subsection (b) of this section, no motor vehicle may be operated or parked upon the public streets or spaces of the District of Columbia with:

"(1) A front windshield or front side windows that allow less than 70% light transmittance; or

"(2) A rear windshield or rear side windows that allow less than 50% light transmittance."

"(h) Limousines, ambulances, buses and hearses, meeting the requirements of 18 DCMR 413.10, church-owned vehicles, and all official government vehicles, shall be exempt from the requirements of this section."

D.C. Law 15-307 added subsecs. (k) to (p).

Emergency Act Amendments

For temporary amendment of section, see § 1002 of the Fiscal Year 1999 Budget Support Emergency Act of 1998 (D.C. Act 12-401, July 13, 1998, 45 DCR 4794), § 1002 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1998 (D.C. Act 12-564, January 12, 1999, 46 DCR 669), and § 1002 of the Fiscal Year 1999 Budget Support Congressional Review Emergency Act of 1999 (D.C. Act 13-41, March 31, 1999, 46 DCR 3446).

Legislative History of Laws

Law 10-163, the "Motor Vehicle Tinted Window Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-422, which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on June 7, 1994, and June 21, 1994, respectively. Signed by the Mayor on July 8, 1994, it was assigned Act No. 10-276 and transmitted to both Houses of Congress for its review. D.C. Law 10-163 became effective on August 26, 1994.

For D.C. Law 13-289, see notes following § 50-401.

For Law 15-307, see notes following § 50-1331.01.

SUBCHAPTER V. AUTOMATED TRAFFIC ENFORCEMENT.

§ 50-2209.01. AUTHORIZED; VIOLATIONS AS MOVING VIOLATIONS; EVIDENCE; DEFINITION.

(a) The Mayor is authorized to use an automated traffic enforcement system to detect moving infractions. Violations detected by an automated traffic enforcement system shall constitute moving violations. Proof of an infraction may be evidenced by information obtained through the use of an automated traffic enforcement system. For the purposes of this subchapter, the term "automated traffic enforcement system" means equipment that takes a film or digital camera-based photograph which is linked with a violation detection system that synchronizes the taking of a photograph with the occurrence of a traffic infraction.

(b) Recorded images taken by an automated traffic enforcement system are prima facie evidence of an infraction and may be submitted without authentication.

(c) An individual's driver's license or privilege to operate a motor vehicle in the District shall not be suspended for a violation detected by an automated traffic enforcement system for failure to:

- (1) Timely answer a notice of infraction;
- (2) Appear, without good cause, at a scheduled hearing; or
- (3) Timely pay any civil fine or penalty.

(Apr. 9, 1997, D.C. Law 11-198, § 901, 43 DCR 4569; Oct. 23, 2012, D.C. Law 19-187, § 2(a), 59 DCR 10149.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-751.

Effect of Amendments

D.C. Law 19-187 added subsec. (c).

Temporary Addition of Section

For temporary (225 day) addition, see § 901 of Fiscal Year 1997 Budget Support Temporary Amendment Act of 1996 (D.C. Law 11-226, April 9, 1997, law notification 44 DCR 2584).

Emergency Act Amendments

For temporary addition of section, see § 901 of the Fiscal Year 1997 Budget Support Emergency Act of 1996 (D.C. Act 11-302, July 25, 1996, 43 DCR 4181), § 901 of the Fiscal Year 1997 Budget Support Emergency Amendment Act of 1996 (D.C. Act 11-429, October 29, 1996, 43 DCR 6151), and § 901 of the Fiscal Year 1997 Budget Support Congressional Adjournment Emergency Amendment Act of 1997 (D.C. Act 12-2, February 19, 1997, 44 DCR 1590).

For temporary amendment of section, see § 902 of the Fiscal Year 1997 Budget Support Emergency Act of 1996 (D.C. Act 11-302, July 25, 1996, 43 DCR 4181), § 902 of the Fiscal Year 1997 Budget Support Emergency Amendment Act of 1996 (D.C. Act 11-429, October 29, 1996, 43 DCR 6151), and § 902 of the Fiscal Year 1997 Budget Support Congressional Adjournment Emergency Amendment Act of 1997 (D.C. Act 12-2, February 19, 1997, 44 DCR 1590).

For temporary (90 day) addition of section, see § 2 of Automated Traffic Enforcement Fund Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-1, January 19, 2005, 52 DCR 2671).

Legislative History of Laws

Law 11-198, the "Fiscal Year 1997 Budget Support Act of 1996," was introduced in Council and assigned Bill No. 11-741, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 19, 1996, and July 3, 1996, respectively. Signed by the Mayor on July 26, 1996, it was assigned Act No. 11-360 and transmitted to both Houses of Congress for its review. D.C. Law 11-198 became law April 9, 1997.

Law 19-187, the "Automated Traffic Enforcement Amendment Act of 2012", was introduced in Council and assigned Bill No. 19-244, which was referred to the Committee on Environment, Public Works and Transportation. The Bill was adopted on first and second readings on June 5, 2012, and July 10, 2012, respectively. Signed by the Mayor on August 6, 2012, it was assigned Act No. 19-440 and transmitted to both Houses of Congress for its review. D.C. Law 19- 187 became effective on October 23, 2012.

§ 50-2209.02. LIABILITY FOR FINES; NOTICE OF INFRACTION; HEARING.

(a) Absent an intervening criminal or fraudulent act, the owner of a vehicle issued a notice of infraction shall be liable for payment of the fine assessed for the infraction.

(b) When a violation is detected by an automated traffic enforcement system, the Mayor shall mail a summons and a notice of infraction to the name and address of the registered owner of the vehicle on file with the Department of Motor Vehicles or the appropriate state motor vehicle agency. The notice shall include the date, time, and location of the violation, the type of violation detected, the license plate number, and state of issuance of the vehicle detected, and a copy of the photo or digitized image of the violation.

(c) An owner or operator who receives a citation may request a hearing which shall be adjudicated pursuant to subchapter I of Chapter 23 of this title.

(d) The owner or operator of a vehicle shall not be presumed liable for violations in the vehicle recorded by an automated traffic enforcement system when yielding the right of way to an emergency vehicle, when the vehicle or tags have been reported stolen prior to the citation, when part of a funeral procession, or at the direction of a law enforcement officer.

(Apr. 9, 1997, D.C. Law 11-198, § 902, 43 DCR 4569; Mar. 24, 1998, D.C. Law 12-81, § 51, 45 DCR 745; Apr. 8, 2005, D.C. Law 15-307, § 206, 52 DCR 1700; Oct. 23, 2012, D.C. Law 19-187, § 2(b), 59 DCR 10149.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-752.

Effect of Amendments

D.C. Law 15-307, in subsec. (a), substituted "the name, driver's license number, and address of the person who leased, rented, or otherwise had care, custody, or control of the vehicle; except that if the vehicle was in the temporary care, custody, or control of a business, the owner need only provide the name and address of that business" for "the name and address of the person who leased, rented, or otherwise had care, custody, or control of the vehicle".

D.C. Law 19-187 rewrote subsec. (a); and, in subsec. (b), substituted "Department of Motor Vehicles" for "Bureau of Motor Vehicle Services". Prior to amendment, subsec. (a) read as follow:

"(a) The owner of a vehicle issued a notice of infraction shall be liable for payment of the fine assessed for the infraction, unless the owner can furnish evidence that the vehicle was, at the time of the infraction, in the custody, care, or control of another person. In the event that the registered owner claims that the vehicle was in the custody, care, or control of another person, the registered owner of the vehicle shall provide evidence in a sworn affidavit, under penalty of perjury, setting forth the name, driver's license number, and address of the person who leased, rented, or otherwise had care, custody, or control of the vehicle; except that if the vehicle was in the temporary care, custody, or control of a business, the owner need only provide the name and address of that business."

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 902 of Fiscal Year 1997 Budget Support Temporary Amendment Act of 1996 (D.C. Law 11-226, April 9, 1997, law notification 44 DCR 2584).

Emergency Act Amendments

For temporary amendment of section, see § 903 of the Fiscal Year 1997 Budget Support Emergency Act of 1996 (D.C. Act 11-302, July 25, 1996, 43 DCR 4181), § 903 of the Fiscal Year 1997 Budget Support Emergency Amendment Act of 1996 (D.C. Act 11-429, October 29, 1996, 43 DCR 6151), and § 903 of the Fiscal Year 1997 Budget Support Congressional Adjournment Emergency Amendment Act of 1997 (D.C. Act 12-2, February 19, 1997, 44 DCR 1590).

Legislative History of Laws

For legislative history of D.C. Law 11-198, see Historical and Statutory Notes following § 50-2209.01.

Law 12-81, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-408, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 1997, and December 4, 1997, respectively. Signed by the Mayor on December 22, 1997, it was assigned Act No. 12-246 and transmitted to both Houses of Congress for its review. D.C. Law 12-81 became effective on March 24, 1998.

For Law 15-307, see notes following § 50-1331.01.

For history of Law 19-187, see notes under § 50-2209.01.

§ 50-2209.03. AGREEMENT WITH PRIVATE ENTITY TO PROVIDE RECORDS AND SERVICES.

The Mayor may enter an agreement with a private entity to obtain relevant records regarding registration information or to perform tasks associated with the use of an automated traffic enforcement system,

including, but not limited to, the operation, maintenance, administration or mailing of notices of violations.
(Apr. 9, 1997, D.C. Law 11-198, § 903, 43 DCR 4569.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-753.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 904 of Fiscal Year 1997 Budget Support Temporary Amendment Act of 1996 (D.C. Law 11-226, April 9, 1997, law notification 44 DCR 2584).

Temporary Addition of Section

For temporary (225 day) addition, see § 2 of Automated Traffic Enforcement Fund Temporary Amendment Act of 2002 (D.C. Law 14-226, March 25, 2003, law notification 50 DCR 2739).

For temporary (225 day) addition, see § 2 of Automated Traffic Enforcement Fund Temporary Amendment Act of 2003 (D.C. Law 15-103, March 10, 2004, law notification 51 DCR 3623).

For temporary (225 day) addition, see § 2 of Automated Traffic Enforcement Fund Temporary Amendment of 2004 (D.C. Law 15-252, March 17, 2005, law notification 52 DCR 4128).

Section 2 and 3 of D.C. Law 18-281 added sections to read as follows:

"Sec. 904. Automated Traffic Enforcement Fund.

"(a) Effective April 9, 1997, there is established the Automated Traffic Enforcement Fund ('Fund') as a lapsing fund, to be administered by the Mayor as an agency fund as defined in D.C. Official Code § 47-373(2)(I), into which shall be deposited funds to be used exclusively for the administration of the automated traffic enforcement system.

"(b) Authorized expenditures from the Fund include:

"(1) Vendor payments pursuant to an agreement reached under section 903 of this title;

"(2) Salaries, benefits, and overtime incurred by members of the Metropolitan Police Department in the administration of the system;

"(3) Adjudication costs resulting from use of the system;

"(4) Supplies and equipment purchases related to use of the system;

"(5) Utilities;

"(6) Fleet acquisition and operation;

"(7) Facility improvements, rent, and occupancy; and

"(8) Any other expense determined by the Mayor or his designee to be required for the administration of the system.

"(c) The Fund shall be financed through fines and fees received from enforcement and regulation of the activities described in section 902 of this title and through other funds as may be appropriated to the Fund. Revenue deposited into the Fund and all interest earned thereon shall revert to the General Fund of the District of Columbia on September 30 of each fiscal year, but shall, during the fiscal year, be continually available for the uses and purposes set forth in this section, subject to authorization by Congress in an appropriations act.

"(d) The Fund shall be accounted for under procedures established pursuant to D.C. Official Code §§ 47-371 through 47-377.

"Sec. 3. As of the effective date of the Automated Traffic Enforcement Fund Emergency Amendment Act of 2010, effective September 29, 2010 (D.C. Act 18- 536; 57 DCR ____), an amount up to but not exceeding \$9 million shall be reprogrammed from the Metropolitan Police Department (FA0) Special Purpose Revenue operating budget to the pay-go Capital Budget within Agency PA0 for purposes of supporting future automated traffic initiatives. Notice of the reprogramming authorized by this section shall be transmitted to the Council prior to its taking effect."

Section 5(b) of D.C. Law 18-281 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary amendment of section, see § 904 of the Fiscal Year 1997 Budget Support Emergency Act of 1996 (D.C. Act 11-302, July 25, 1996, 43 DCR 4181), § 904 of the Fiscal Year 1997 Budget Support Emergency Amendment Act of 1996 (D.C. Act 11-429, October 29, 1996, 43 DCR 6151), and § 904 of the Fiscal Year 1997 Budget Support Congressional Adjournment Emergency Amendment Act of 1997 (D.C. Act 12-2, February 19, 1997, 44 DCR 1590).

For temporary (90 day) addition of § 50-2209.04, see § 2 of Automated Traffic Enforcement Fund Second

Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-604, January 7, 2003, 50 DCR 689).

For temporary (90 day) addition of § 50-2209.04, see § 2 of Automated Traffic Enforcement Fund Emergency Amendment Act of 2002 (D.C. Act 14-422, July 17, 2002, 49 DCR 7619).

For temporary (90 day) addition of § 50-2209.04, see § 2 of Automated Traffic Enforcement Fund Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-493, October 23, 2002, 49 DCR 9779).

For temporary (90 day) addition, see § 2 of Automated Traffic Enforcement Fund Emergency Amendment Act of 2003 (D.C. Act 15-189, October 24, 2003, 50 DCR 9497).

For temporary (90 day) addition, see § 2 of Automated Traffic Enforcement Fund Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-327, January 28, 2004, 51 DCR 1595).

For temporary (90 day) addition, see § 2 of Automated Traffic Enforcement Fund Emergency Amendment Act of 2004 (D.C. Act 15-590, November 1, 2004, 51 DCR 10727).

For temporary (90 day) addition, see § 2 of Automated Traffic Enforcement Fund Emergency Amendment Act of 2010 (D.C. Act 18-536, September 29, 2010, 57 DCR 9292).

For temporary (90 day) addition of section, see § 2 of Automated Traffic Enforcement Fund Congressional Review Emergency Amendment Act of 2010 (D.C. Act 18-671, December 28, 2010, 58 DCR 123).

Legislative History of Laws

For legislative history of D.C. Law 11-198, see Historical and Statutory Notes following § 50-2209.01.

For legislative history of D.C. Law 11-226, see Historical and Statutory Notes following § 50-2209.01.