

DISTRICT OF COLUMBIA
 DEPARTMENT OF MOTOR VEHICLES

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Motor Vehicles, pursuant to the authority set forth in Section 1825 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 50-904); The Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*); §§ 7 and 13 of the District of Columbia Traffic Act of 1925, effective March 3, 1925 (43 Stat. 1125; D.C. Official Code §§ 50-1401.01 & 50-1403.01); Regulation No. 72-13, effective June 30, 1972 (32 DCRR; 18 DCMR § 302); Section 902 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.02); and Mayor's Order 03-58, effective April 21, 2003, hereby gives notice of the intent to adopt the following rulemaking that will amend Chapters 1, 3, 10 and 13 of Title 18 of the District of Columbia Municipal Regulations (DCMR) (Vehicles and Traffic). The proposed rulemaking would clarify eligibility requirements for a special identification card, establish reckless driving as a ground for discretionary suspension or revocation, establish new procedures related to the adjudication of photo radar tickets (and is a revision to proposed rules previously published), and eliminate a reference to a repealed requirement that DC government employees display a G endorsement on their driver's license in order to be eligible to operate a government vehicle. Final rulemaking action shall not be taken in less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 18, DCMR, is amended as follows:

A. Chapter 1, Section 112, SPECIAL IDENTIFICATION CARDS, is amended by adding a new subsection 112.13 to read as follows:

112.13 Any driver's license issued by another jurisdiction shall be surrendered at the time of application and the resident shall be informed of the need to obtain a District Driver's license in order to operate a motor vehicle.

B. Chapter 3, CANCELLATION, SUSPENSION, OR REVOCATION OF LICENSES, is amended as follows:

1) Section 302, SUSPENSION AND REVOCATION FOR TRAFFIC OFFENSES, is amended by adding a new subsection 302.14 to read as follows:

302.14 Reckless driving, as that term is defined in § 9 of the District of Columbia Traffic Act of 1925, effective March 3, 1925 (43 Stat. 1125; D.C. Official Code §§ 50-2201.04), is grounds for suspension or revocation.

2) Section 303, ESTABLISHMENT OF A POINT SYSTEM, is amended by renumbering subsection 303.16 as 303.17.

C. Chapter 10, PROCEDURES FOR ADMINISTRATIVE HEARINGS, Section 1035, is amended by adding new sections 1035.6 through 1035.13 to read as follows:

1035.6 An owner who answers a notice of infraction by submitting an affidavit furnishing the name, address, and driver's license number of the person claimed to have had custody, care, or control of the vehicle at the time of the infraction shall be deemed to have waived all other available defenses.

1035.7 An owner who answers a notice of infraction as described in § 1035.6 shall remain liable for the infraction if the Director or a hearing examiner determines that any or all of the information furnished is inaccurate.

1035.8 For the purposes of § 1035.7, any notice sent to the address provided in the affidavit and returned as undeliverable shall establish that the owner submitted inaccurate information.

1035.9 For the purposes of § 1035.7, any driver's license number submitted that, based on the records of the Department of Motor Vehicles or information in the Washington Area Law Enforcement System, does not match the name provided shall establish that the owner submitted inaccurate information.

1035.10 A respondent determined to have submitted inaccurate information in the affidavit described in § 1035.6 shall receive written notice of the determination and be afforded an opportunity for a hearing to contest the determination of the Department that the information submitted was incorrect.

1035.11 Any person seeking a hearing under § 1035.11 must appear at the Department within sixty (60) days of receipt of the notice of determination.

1035.12 Failure to appear within the time period provided by § 1035.11 shall result in a default judgment being entered against the respondent in accordance with § 206(b) of the Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2302.06(b)).

1035.13 Nothing in this section shall preclude the Department from requesting that the respondent be criminally prosecuted for perjury.

D. Chapter 13, CLASSIFICATION AND ISSUANCE OF COMMERCIAL DRIVER'S LICENSES, Section 1313, DRIVER'S LICENSE ENDORSEMENTS AND RESTRICTIONS, subsection 1313.2(a) is repealed.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to Corey Buffo, General Counsel, D.C. Department of Motor Vehicles, 65 K Street, N.E., Room 210, Washington, D.C. 20002. Comments must be received not later than

thirty (30) days after the publication of this notice in the *D.C. Register*. Copies of this proposal may be obtained, at cost, by writing to the above address.

**DISTRICT OF COLUMBIA TAXICAB COMMISSION
PANEL ON RATES AND RULES**

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission ("Commission"), by its Panel on Rates and Rules, pursuant to the authority set forth under sections 8(b)(1)(D) and 9(b) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(b)(1)(D), and 50-308(b)), hereby gives notice of its proposed rulemaking action taken February 1, 2005, to amend § 502.1 of Chapter 5 of Title 31 of the District of Columbia Municipal Regulations ("DCMR"). The proposed rulemaking amends the local place of business requirement for taxicab companies and associations. Companies and associations will be required to have an administrative office located within the District of Columbia that includes a shop area for maintenance of vehicles. Final rulemaking action shall not be taken in less than thirty (30) days from the date of publication of this notice in the D.C. Register.

Title 31 DCMR, Section 502.1 is amended as follows:

502 REQUIREMENT OF LOCAL PLACE OF BUSINESS

502.1 Each company and association shall maintain an administrative office, including a shop area to maintain its fleet, in the District of Columbia, with a telephone number and address listed in the telephone directory in the name of the company or association.

Any person desiring to file written comments on the Panel's proposed rulemaking action must do so not later than thirty (30) days after the publication of this notice in the District of Columbia Register. Comments should be filed with Kimberly A. Lewis, Attorney Advisor and Secretary, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. Copies of the proposed rulemaking may be obtained by writing to the above address.

**DISTRICT OF COLUMBIA TAXICAB COMMISSION
PANEL ON RATES AND RULES**

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission ("Commission"), by its Panel on Rates and Rules, pursuant to the authority set forth under sections 8(b)(1)(G) and 9(b) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(b)(1)(G), and 50-308(b)), hereby gives notice of its proposed rulemaking action taken February 1, 2005, to amend § 504 of Chapter 5 of Title 31 of the District of Columbia Municipal Regulations ("DCMR"). The proposed rulemaking will no longer require taxicab owners to repaint new vehicles that are solely painted in factory black or white paint. Final rulemaking action shall not be taken in less than thirty (30) days from the date of publication of this notice in the D.C. Register.

Amend § 504 of Chapter 5 in Title 31 DCMR to read as follows:

504 COLOR SCHEME APPROVAL

504.4 Any new taxicab vehicle that is painted solely in factory black or white paint shall not be repainted. Prior to the initial vehicle inspection, the taxicab owner shall furnish the Department of Motor Vehicles – Inspection Station and Office of Taxicabs, each with one (1) color sample/chip along with the appropriate prefix and paint code for the color paint on the taxicab which is to be placed into service.

Any person desiring to file written comments on the Panel's proposed rulemaking action must do so not later than thirty (30) days after the publication of this notice in the District of Columbia Register. Comments should be filed with Kimberly A. Lewis, Attorney Advisor and Secretary, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. Copies of the proposed rulemaking may be obtained by writing to the above address.