

DISTRICT OF COLUMBIA
DEPARTMENT OF MOTOR VEHICLESNOTICE OF FINAL 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, took action to adopt the following rulemaking that amended Chapters 1, 3, 10 and 13 of Title 18 of the District of Columbia Municipal Regulations (DCMR) (Vehicles and Traffic). The rulemaking clarified eligibility requirements for a special identification card, established reckless driving as a ground for discretionary suspension or revocation, established new procedures related to the adjudication of photo radar tickets (and is a revision to proposed rules previously published), and eliminated a reference to a repealed requirement that DC government employees display a G endorsement on their driver's license in order to be eligible to operate a government vehicle. One comment was received that generally advocated an easier dismissal process for photo radar tickets. No changes were made to the text of the proposed rulemaking as published with a notice of a proposed rulemaking in the D.C. Register on March 11, 2005 (52 DCR 2460). These final rules will be effective upon publication 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.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., 2nd FLOOR, WEST TOWER
WASHINGTON, D.C. 20005

NOTICE OF FINAL RULEMAKING

TELEPHONE TARIFF 04-7, IN THE MATTER OF THE APPLICATION OF VERIZON-
WASHINGTON, D.C., INC., FOR AUTHORITY TO AMEND THE LOCAL EXCHANGE
SERVICES TARIFF, P.S.C. - D.C. -No. 203

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice of its final rulemaking action, taken in Order No. 13521 (March 4, 2005), to approve the tariff application of Verizon Washington, D.C. Inc. ("Verizon DC")¹ to amend the following tariff page:

**LOCAL EXCHANGE SERVICES TARIFF, P.S.C.-D.C.-No. 203
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2. Through this tariff filing, Verizon DC sought to increase its rate for the Verizon Regional Package from \$34.95 to \$36.95, and its rate for the Regional Package Extra from \$39.95 to \$41.95.² Verizon DC stated that the Application complied with Price Cap Plan 2004.³

3. The Commission issued a Notice of Proposed Rulemaking, published in the *D.C. Register* on December 10, 2004, inviting the public to submit comments on the proposed tariff revision.⁴ One comment was filed opposing the Application.⁵ Subsequently, the Commission, in Order No. 13521, approved Verizon DC's Application, finding that that the proposed tariff revision complied with Sections 3(a)(1) and (2) of Price Cap Plan 2004. This tariff revision becomes effective upon the publication date of this Notice of Final Rulemaking in the *D.C. Register*.

¹ Telephone Tariff 04-7, In the Matter of the Application of Verizon Washington, DC, Inc. for Authority to Amend the Local Exchange Services Tariff, P.S.C.-D.C.-No. 203, Letter from J. Henry Ambrose, Vice President for Regulatory Matters of Verizon DC to Christine D. Brooks, Commission Secretary, filed November 24, 2004 ("Application").

² See Application at 1.

³ See *id.* See also Formal Case No. 1005, In the Matter of Verizon Washington, D.C. Inc.'s Price Cap Plan 2004 for the Provision of Local Telecommunications Services in the District of Columbia, Order No. 13370 (September 9, 2004). ("Price Cap Plan 2004").

⁴ 51 D.C. Reg. 11349-11350 (2004).

⁵ Telephone Tariff 04-7, Comments from Margaret Uglow (January 25, 2005).