

DISTRICT OF COLUMBIA
DEPARTMENT OF MOTOR VEHICLESNOTICE 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); § 10 of the Uniform Classification and Commercial Driver's License Act of 1990, effective September 20, 1990 (D.C. Law 8-161; D.C. Official Code § 50-409); Section 801 of the Motor Vehicle and Safe Driving Amendment Act of 2000, effective April 27, 2001 (D.C. Law 13-289; D.C. Official Code § 50-921); § 8 of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1123; D. C. Official Code § 1401.02); and Mayor's Order 03-58, effective April 21, 2003, hereby gives notice of the intent to amend Chapters 1, 4, and 13 of Title 18 of the District of Columbia Municipal Regulations (DCMR) (Vehicles and Traffic). These amendments would remove the requirement that a parent or guardian driver's license consent form be notarized, extend the time that a license may be expired before retesting is required, establish a time period between vision retesting for license renewal, limit the types of diabetics who must submit medical forms in connection with the issuance or renewal of a license, eliminate the motorcycle only license to accommodate the provisions of the graduated license law, conform the reciprocity permit regulations to provisions of the District of Columbia Traffic Act of 1925 and federal law, update the commercial driver's license regulations as suggested by the Federal Motor Carrier Safety Administration to establish conformity with federal law, to accommodate the display of presidential inaugural tags, and allow the Washington Metropolitan Area Transit Authority buses to display stickers in lieu of identification tags. 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* and upon the expiration of a 45-day Council review period or affirmative approval by the Council in less than forty-five (45) days.

This rulemaking is being submitted for a 45-day period of review by the Council of the District of Columbia pursuant to § 801 of the Motor Vehicle and Safe Driving Amendment Act of 2000, effective April 27, 2001 (D.C. Law 13-289; D.C. Official Code § 50-921) and § 10 of the Uniform Classification and Commercial Driver's License Act of 1990, effective September 20, 1990 (D.C. Law 8-161; D.C. Official Code § 50-409).

Title 18, DCMR, is amended as follows:

- A. Chapter 1, ISSUANCE OF DRIVER'S LICENSES, is amended as follows:
- 1) Section 103, APPLICATION FOR A DRIVER'S LICENSE OR LEARNER'S PERMIT, subsection 103.7 is amended by striking the phrase ", notarized".
 - 2) Section 104, EXAMINATION OF APPLICANTS FOR DRIVER'S LICENSES, subsection 104.9 is amended to read as follows:

- 104.9 Except as provided in section 111, the Director or his or her designee is authorized to exercise discretion and waive the written test or the road test, including the motorcycle road test in the case of a motorcycle endorsement holder, for an applicant presenting an expired permit as follows:
- (a) The written examination may be waived if the applicant presents a District driver's license that has been expired for a period of one (1) year or less;
 - (b) Except as provided in (c), the road test may be waived if the applicant presents a driver's license issued by the District or any other jurisdiction, including a foreign country, that has been expired for period of one (1) year or less;
 - (c) If the applicant, within two (2) years prior to date of the application, has been adjudicated or deemed liable for any moving violations for which points are assessable, and such points have not been waived, the road test may only be waived if the permit has been expired for a period of ninety (90) days or less.
- 3) Section 105, VISUAL REQUIREMENTS AND EXAMINATIONS, subsection 105.6 is amended by adding the phrase “, upon initial application and every second renewal thereafter, except as otherwise provided in this Chapter,” after the word “demonstrate”.
- 4) Section 106, SPECIAL PHYSICAL REQUIREMENTS AND EXAMINATIONS: PERSONS WITH DIABETES, SEIZURE DISORDERS, ALTERATION OR LOSS OF CONSCIOUSNESS, AND HEARING IMPAIRMENT, is amended as follows:
- a) By striking the phrase “a diabetic” wherever it appears and inserting the phrase “an insulin-dependent diabetic” in its place.
 - b) Subsection 106.2 is amended by striking the figure “seventy (70)” and inserting the figure “seventy-five (75)” in its place.
 - c) Subsection 106.12, paragraph (a) is amended by striking the word “diabetes” and inserting the word “insulin-dependent diabetes” in its place.
- 5) Section 107, LICENSES ISSUED TO DRIVERS, subsection 107.12 is repealed.
- 6) Section 110, RENEWAL OF DRIVER'S LICENSES, subsection 110.9 is amended by striking the word “diabetic” and inserting the phrase “an insulin-dependent diabetic” in its place.

7) Section 111, RE-EXAMINATION REQUIREMENTS, is amended as follows:

a) Subsection 111.3, paragraph (b) is repealed.

b) Subsection 111.5 is amended to read as follows:

111.5 At age seventy-five (75) or the nearest renewal date thereafter, and at every subsequent renewal, an applicant shall:

(a) Furnish a statement from a practicing physician certifying that, after examination, the physician found the applicant to be physically and mentally competent to operate a motor vehicle;

(b) Pass an eye test;

(c) Take a written driving knowledge test; and

(d) Take a road test.

c) A new subsection 111.6 is added to read as follows:

111.6 The applicant under § 111.5 may also be required to successfully complete a reaction test.

B. Chapter 4, MOTOR VEHICLE AND TITLE REGISTRATION, is amended as follows:

1) Section 411, REGISTRATION OF MOTOR VEHICLES: GENERAL PROVISIONS, is amended as follows:

a) Subsection 411.1 is amended by inserting after the phrase "title" the phrase "and § 8 of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-1401.02) ("Act")".

b) Subsections 411.2 through 411.6 are amended to read as follows:

411.2 Any person displaying a valid District of Columbia reciprocity sticker, as provided for in § 411.3, is exempt from the District's license and registration requirements.

411.3 The Director shall issue reciprocity stickers, upon application, as follows:

(a) As required by § 8 of the Act;

- (b) To any non-resident servicemember in accordance with section 571 of title 50 of the United States Code; and
- (c) To any foreign mission, its members, or dependents of its members issued a title and registration by the U.S. Department of State.

- 411.4 Reciprocity stickers issued pursuant to §§ 411.3(b) or (c) shall be issued for the same duration set forth in § 8(d) of the Act.
- 411.5 No reciprocity sticker issued for a period of one hundred and eighty (180) days shall be issued to the same person within one (1) year from the expiration date of the previous reciprocity sticker.
- 411.6 The fee for a one hundred and eighty (180) day reciprocity sticker is two hundred and fifty dollars (\$250).

c) Subsections 411.7 and 411.8 are repealed.

2) Section 422, DISPLAY OF IDENTIFICATION TAGS, is amended as follows:

a) Subsection 422.1 is amended to read as follows:

422.1 Whenever a motor vehicle or trailer for which District of Columbia registration is required is being operated or left standing upon any public highway, such vehicle shall display two (2) current identification tags, one (1) on the front and the other on the rear; except as follows:

- (a) Motor vehicles need only display a special use identification tag on the rear of the vehicle; or
- (b) Motor vehicles may display a souvenir presidential inauguration tag on the front of the vehicle not more than sixty (60) days before and not more than sixty (60) days after inauguration day, provided that a current identification tag is displayed on the rear.

b) A new subsection 422.10 is added to read as follows:

422.10 Buses owned or leased by the Washington Metropolitan Area Transit Authority may display a sticker on the rear, in lieu of a tag, provided that the size, color, design, and material are approved by the Director.

3) Section 429, ENFORCEMENT OF REGISTRATION AND RECIPROCITY REQUIREMENTS, Subsection 429.2 is amended by striking the phrase “§§ 411.3, 411.6, 411.7, and 411.8” and insert “Chapter 4 of this Title and § 8 of the District of Columbia

Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-1401.02)" in its place.

C. Chapter 13, CLASSIFICATION AND ISSUANCE OF COMMERCIAL DRIVER'S LICENSES, is amended as follows:

1) Section 1301, APPLICATION FOR A COMMERCIAL DRIVER'S LICENSE, subsection 1301.01, paragraph (d) is amended to read as follows:

(d) Applicant's certification that he or she is not subject to any disqualification, or any license suspension, revocation, or cancellation under State law, and that he/she does not have a driver's license from more than one State or jurisdiction.

2) Section 1302, COMMERCIAL DRIVER'S INSTRUCTION LICENSE, subsection 1302.2 is amended by striking the figure "eighteen (18)" and inserting the figure "twenty-one (21)" in its place.

3) Subsection 1305, COMMERCIAL DRIVERS LICENSE REQUIRED, subsection 1305.2 is amended to read as follows:

1305.2 No resident under the age of twenty-one (21) may be issued a commercial driver's instruction license or commercial driver's license.

4) Section 1306, DISQUALIFICATION, is amended as follows:

a) Subsection 1306.1, paragraphs (a), (c), (d) and (f) are amended by striking the phrase "a commercial" wherever it appears and inserting the word "any" in its place.

b) Subsection 1306.2 is amended by adding a new paragraph (h) to read as follows:

(h) Driving a commercial motor vehicle while not in possession of a commercial driver's license.

c) Subsection 1306.10 is amended by adding at the end of the sentence the phrase "; unless the disqualification is imposed by the federal government pursuant to 49 CFR 383.52".

d) New subsections 1306.12 and 1306.13 are added to read as follows:

1306.12 Any person failing to submit the medical documentation in the time period provided by § 1327 shall be disqualified until that information is submitted.

1306.13 The Department shall act expeditiously in imposing disqualifications under this section and posting them to the driver's record.

- 5) Section 1311, DURATION OF COMMERCIAL DRIVER'S LICENSE, is amended by adding a new subsection 1311.3 to read as follows:

1311.3 Any endorsement issued pursuant to this Chapter shall not expire before the date that the license expires.

- 6) Section 1312, DRIVER'S LICENSE TYPE AND CLASS, subsection 1312.2(a) is amended by striking the phrase "or is a semi-trailer or trailer with two (2) or more axels".

- 7) Section 1314, PROCEDURES FOR LICENSING ACTIONS, is amended as follows:

- a) Subsection 1314.4 is amended by striking the phrase "possesses a commercial driver's license" and inserting the phrase "possesses a driver's license" in its place.

- b) Subsection 1314.6 is amended by striking the phrase "of any licensing action taken against such person's driving privileges" and inserting the phrase "or conviction for a violation that may result in the disqualification, revocation, suspension, or cancellation of the person's commercial driver's license" in its place.

- c) Subsection 1314.7 is amended to read as follows:

1314.7 Whenever a person who does not hold a commercial driver's license, but who is licensed to drive by another State, is convicted of a violation in a commercial motor vehicle of any law relating to motor vehicle traffic control (other than a parking violation), the Department shall notify the licensing entity in the State where the driver is licensed of this conviction as follows:

- (a) Beginning on September 30, 2005, the notification will be made within thirty (30) days of the conviction.

- (b) Beginning on September 30, 2008, the notification will be made within ten (10) days of the conviction.

- d) A new subsection 1314.8 is added to read as follows:

1314.8 The Department shall make driver record information available as required by 49 CFR § 225(c).

8) Section 1315 COMMERCIAL DRIVER'S LICENSE KNOWLEDGE TEST, subsection 1315.1 is amended by adding a new paragraph (i) to read as follows:

(i) An air brake test, which shall be administered to persons who apply to operate a vehicle with air brakes.

9) Section 1328, USA PATRIOT ACT, is amended by inserting a new subsection 1328.3 to read as follows:

1328.3 Upon receipt of a finding by the Transportation Security Administration that an applicant or permittee represents a security threat, the Director shall refuse to issue, or shall immediately revoke any hazardous materials endorsement effective 5 days after mailing a notice of revocation to the permittee's address in the Department's records.

10) Section 1329, EXEMPTIONS TO THE COMMERCIAL DRIVER'S LICENSE REQUIREMENTS, subsection 1329.1 is amended to read as follows:

1329.1 Persons on active military duty; members of the military reserves; members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms); and active duty U.S. Coast Guard personnel are exempt from the requirements of D.C. law 8-161 and this Chapter.

11) Section 1399, DEFINITIONS, is amended as follows:

a) The definition of "Driving a Commercial Motor Vehicle While Under the Influence of Alcohol" is repealed.

b) By adding the following new definition:

"Conviction – means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated."

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 by writing to the above address.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING**

**Zoning Commission Case No. 04-31
(Text Amendment to Definitions Section, 11 DCMR § 199)**

The Zoning Commission for the District of Columbia, pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Code § 6-641.01 (2001)), hereby gives notice of its intent to amend section 199.1 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (DCMR)). The proposed amendment would add two new definitions to the Zoning Regulations. The definitions to be added are for the terms "clear height, floor to ceiling," and "glass, clear and/or low-emissivity," both of which currently appear in certain neighborhood commercial overlays being considered by the Commission.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The following rulemaking action is proposed:

- A. Amend Title 11, DCMR, by adding the following new definitions to § 199.1, in proper alphabetical order. The new definition language is shown bolded and underlined:

1. **Clear Height, Floor to Ceiling – floor to ceiling height is a vertical distance measured from the finished floor to the finished ceiling that is unobstructed by any of the following:**
 - (a) **elements of the building structure, other than columns and walls;**
 - (b) **components of mechanical, plumbing, or fire suppression systems; or**
 - (c) **components of electrical systems, except lighting fixtures.**

If the ceiling is not finished, the distance shall be measured to the lowest point of any of the structural elements of systems referenced in (a), (b), or (c), above.

2. **Glass, Clear and/or Low-Emissivity – glass with a visible light transmission rating of at least seventy percent (70%) and an outdoor visible light reflectance rating of no greater than seventeen percent (17%).**

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice

Z.C. NOTICE OF PROPOSED RULEMAKING

Z.C. CASE NO. 04-31

PAGE 2

in the *D.C. Register*. Comments should be filed with the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.