

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); § 206 of the Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.06); §§ 6 and 13 of the District of Columbia Traffic Act of 1925, effective March 3, 1925 (43 Stat. 1125; D.C. Official Code §§ 50-2201.03 and 50-1403.01); § 9 of the International Registration Plan Agreement Act of 1997, effective September 5, 1997 (D.C. Law 12-14; D.C. Official Code § 50-1507.07); § 2 of Title IV of the District of Columbia Revenue Act of 1937, approved September 8, 1950 (64 Stat. 792; D.C. Official Code § 50-1501.02); An Act To provide for annual inspection of all motor vehicles in the District of Columbia, approved February 18, 1938 (52 Stat. 78; D.C. Official Code § 50-1107); 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, 4, 6, 10, 11, 13, 22 and 30 of Title 18 of the District of Columbia Municipal Regulations (DCMR) (Vehicles and Traffic). The proposed rulemaking would apply requirements for obtaining duplicate or modified licenses to obtaining duplicate or modified identification cards, reference additional suspension and revocation statutory provisions, allow some suspensions and revocations to run concurrently and not be served cumulatively, require registrants of heavy trucks to submit proof of payment of the heavy vehicle use tax, allow the Director to require two year registration, establish that vehicles displaying irremovable commercial advertisement or insignia may be required to register as commercial vehicles, require vehicle owners to exchange their registration card whenever they change their address, add manufacturer tags to those tags that only need to be displayed on the rear of the vehicle, clarify the requirements for non-attorney representation at a hearing, establish standards of conduct for representing persons contesting traffic tickets, limit the duration of trip permits for apportionable vehicles to six days, replace all references to the Department of Public Works with the Department of Motor Vehicles with regard to inspection of motor vehicles, limit the number of inspections for vehicles for hire to one per day, establish the requirement of a notarized affidavit for non-attorney representation at hearings, remove reference to repealed penalties for violating school bus driver's licensing provisions, clarify the existing fee for the reinstatement of a commercial driver's license after a disqualification, clarify the notice of infraction issuance process, and remove redundant provisions regarding representation at traffic adjudication hearings. 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, ISSUANCE OF DRIVER'S LICENSES, section 109, DUPLICATE OR MODIFIED LICENSES is amended as follows:

- 1) The title is amended by adding the phrase "AND SPECIAL IDENTIFICATION CARDS" at the end.
  - 2) Subsection 109.1 is amended as follows:
    - a) By inserting the phrase ", special identification card" after the phrase "provisional permit".
    - b) By striking the phrase "permit or license" wherever it appears and inserting the phrase "permit, license, or special identification card" in its place.
  - 3) Subsections 109.3 through 109.6 are amended by inserting the phrase "or special identification card" after the word "license" wherever it appears.
  - 4) Subsection 109.5 is amended by striking the word "permit" and inserting the phrase "license or special identification card" in its place.
  - 5) Subsection 109.6 is amended by removing the first symbol "\$" after the phrase "as required by".
- B. Chapter 3, CANCELLATION SUSPENSION OR REVOCATION OF LICENSES, is amended as follows:
- 1) Section 301, MANDATORY REVOCATIONS, is amended by adding a new subsection 301.2 to read as follows:

301.2 The Director shall revoke, for one (1) year, the license of any person who refuses to submit to chemical testing upon receipt of an officer's sworn report as required by § 5(a) of the District of Columbia Implied Consent Act, approved October 21, 1972 (86 Stat. 1018, D.C. Official Code § 50-1905(a)).
  - 2) Section 302, SUSPENSIONS AND REVOCATIONS FOR TRAFFIC OFFENSES, is amended as follows:
    - a) Subsection 302.5 is amended to read as follows:

302.5 Operating a motor vehicle while physically or mentally unqualified to operate a motor vehicle by reason of diabetic coma, or epileptic or other seizure, is grounds for suspension or revocation.
    - b) A new subsection 302.15 is added to read as follows:

302.15 Offenses and circumstances listed in §13(a) of the District of Columbia Traffic Act of 1925, effective March 3, 1925 (43 Stat. 1125; D.C. Official Code § 50-1403.01 (a)) are grounds for license suspension or revocation.

- 3) Section 306, PERIOD OF SUSPENSION OR REVOCATION, is amended by adding a new subsection 306.14 to read as follows:

306.14 If a driver's license is suspended or revoked pursuant to § 302 of this title and is subsequently revoked again based upon a court conviction for the same underlying offense, the Director may allow the suspension and revocation periods to run concurrently or may credit time already spent in suspension or revocation status towards the duration of the revocation based on a court conviction.

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

- 1) Section 412, REFUSAL OF REGISTRATION, subsection 412.1 is amended by adding a new paragraph (o) to read as follows:

(o) If the person is required to pay the heavy use vehicle tax, as described in section 4481 of the Internal Revenue Code of 1954, added June 29, 1956 (70 Stat. 390, 26 U.S.C. § 4481), and does not submit proof of payment as required by section 141(c) of the Federal Aid Highway Amendments of 1974, added January 4, 1975 (Pub. L 93-643, 23 U.S.C. 141).

- 2) Section 413, APPLICATION FOR REGISTRATION, is amended as follows:

- a) Subsection 413.1 and 413.2 are repealed.  
b) A new subsection 413.13 is added to read as follows:

413.13 Motor vehicles, other than buses, displaying irremovable commercial advertisement or insignia may be considered commercial vehicles by the Director for registration purposes.

- 3) Section 414, CHANGE OF ADDRESS OF REGISTRANT, is amended as follows:

- a) Subsection 414.1 is amended to read as follows:

414.1 If a registrant changes his or her address, that registrant shall, not more than thirty (30) days after relocating to the new address, surrender the old registration card to the Director and apply for an updated registration card.

- b) Subsection 414.2 is amended by striking the phrase “, advise the registrant that the notice has been received, and authorize the registrant to change the address on the registration card”.
  - 4) Section 422, DISPLAY OF IDENTIFICATION TAGS, subsection 422.2 is amended by striking the phrase “dealer’s tag” and inserting the phrase “dealer’s tag or manufacturer’s tag” in its place.
  - 5) A new section 434 and subsection 434.1 are added to read as follows:  
  
434 APPORTIONABLE VEHICLES  
  
434.1 Trip permits for apportionable vehicles, as defined in section 2 of the International Registration Plan Agreement Act of 1997, effective September 5, 1997 (D.C. Law 12-14; D.C. Official Code § 50-1507.01), shall be valid for a six (6) day period, to begin on a day determined by the Director.
- D. Chapter 6, INSPECTION OF MOTOR VEHICLES, is amended as follows:
- 1) By striking the phrases “Department of Public Works” and “Department of Public Works (DPW)” wherever they appear and replacing them with the phrase “Department of Motor Vehicles”.
  - 2) Section 604, VEHICLE INSPECTION: REJECTED VEHICLES, is amended by adding a new subsection 604.8 to read as follows:  
  
604.8 Vehicles for hire licensed under D.C. Official Code § 47-2829 shall be inspected no more than one (1) time per day.
- E. Chapter 10, PROCEDURES FOR ADMINISTRATIVE HEARINGS, section 1025, APPEARANCES, is amended as follows:
- 1) By adding three new subsections 1025.7, 1025.8 and 1025.9 to read as follows:  
  
1025.7 A respondent may be assisted by a non-attorney at the discretion of the hearing examiner.  
  
1025.8 A non-attorney designated agent may appear in place of a respondent at the discretion of the hearing examiner.  
  
1025.9 A respondent shall submit a notarized affidavit, provided by the Director, that the respondent authorized the non-attorney designated agent to appear in his or her place. The sworn affidavit shall be valid for one (1) year or for a lesser period if stated on the affidavit.

2) By adding a new section 1027 to read as follows:

1027 STANDARDS OF CONDUCT FOR REPRESENTATIVES

1027.1 No representative appearing at a hearing pursuant to § 1025 shall do any of the following:

- (a) Engage in behavior that disrupts the hearing.
- (b) Refuse to obey the instructions of a hearing examiner as to procedure.
- (c) Engage in actions or verbal conduct that show disrespect for the hearing examiner.
- (f) Encourage or induce a respondent or witness to make a statement or offer evidence, that the representative knows or reasonably should have known is false, fraudulent or misleading.

1027.2 No person who entered an appearance or was named in an affidavit required by §1025.9 within the previous one (1) year period may offer any Department employee any gift, gratuity or thing of value.

1027.3 No non-attorney representative may represent to a current or prospective client that they are an attorney at law.

1027.4 No person offering advice or representation with respect to an adjudication may solicit potential clients in a building, or on the sidewalks adjacent to such a building, in which the Department offers hearings.

1027.5 For the purposes of § 1027.4, soliciting shall include offering any information to a respondent that identifies the person's services.

1027.6 No representative shall accept payment for their services inside a building occupied by the Department.

1027.7 Any person who violates any provision of this section may be barred from representing a respondent for a period to be determined by the Chief Hearing Examiner, based upon the extent of the violation(s) and whether the person was previously barred.

- 1027.8 Prior to taking the action in § 1027.7, the Chief Hearing Examiner shall send a notice, by regular mail to the person's business address or, if none can be determined, to the person's home address.
- 1027.9 The notice in § 1027.8 shall state the grounds for the action, the proposed duration of the bar, and inform the person of his or her right to a hearing.
- 1027.10 The hearing on the proposed bar shall be conducted by the Director or his or her designee.
- 1027.11 Following the hearing, the Director or his or her designee shall issue an order, which shall be sent by regular mail to the address in § 1027.8.
- 1027.12 No decision or order of the Chief Hearing Examiner or the Director or his or her designee under this section may be appealed to the Traffic Adjudication Appeals Board.
- F. Chapter 11, MOTOR VEHICLE OFFENSES AND PENALTIES, section 1110, PENALTIES FOR VIOLATIONS, subsection 1110.1, paragraph (b) is repealed.
- G. Chapter 13, CLASSIFICATION AND ISSUANCE OF COMMERCIAL DRIVER'S LICENSES, section 1326, FEES, subsection 1326.1 is amended by adding the following phrase under the heading "Commercial Driver's License":
- |               |         |
|---------------|---------|
| Reinstatement | \$98.00 |
|---------------|---------|
- H. Chapter 22, MOVING VIOLATIONS, section 2220, RESTRICTED LANES, subsection 2220.5 is amended by striking the number "220.2" and replacing it with the number "2220.2".
- I. Chapter 30, ADJUDICATION AND ENFORCEMENT, is amended as follows:
- 1) Section 3002, ISSUANCE OF PARKING VIOLATIONS ONLY, is amended as follows:
- a) Subsection 3002.2 is repealed.
- b) Subsections 3002.3 and 3002.4 are amended to read as follows:
- 3002.3 When information is entered on the ticket manually, the original ticket, signed by the issuing officer, constitutes a complaint.
- 3002.4 A copy of the signed ticket shall be issued to the respondent in the manner provided for in § 3004.

- c) Subsection 3002.5 is amended by striking the phrase "Copy B" and inserting the phrase "the copy" in its place.
  - d) Two new subsections 3002.9 and 3002.10 are added to read as follows:
    - 3002.9 Except for tickets issued through the use of a hand-held electronic device, the original ticket shall be submitted to the Department of Motor Vehicles within fifteen (15) calendar days of issuance.
    - 3002.10 The ticket information for tickets issued through the use of a hand-held electronic device shall be submitted within one (1) business day.
- 2) Section 3003, ISSUANCE OF MOVING AND NON-MOVING VIOLATIONS, is amended as follows:
- a) Subsections 3003.3 through 3003.5 are amended to read as follows:
    - 3003.3 Except for tickets issued for violations detected by an automated traffic enforcement device, the original ticket, signed by the issuing officer, constitutes a complaint for moving violations and shall be delivered to the Department of Motor Vehicles within fifteen (15) days of issuance.
    - 3003.4 A copy of the signed ticket shall be issued to the respondent in the manner provided for in § 3004.
    - 3003.5 Within fifteen (15) days of the date a violation was detected by an automated traffic enforcement device, any resulting ticket shall be mailed to the owner and the relevant information transmitted to the Department of Motor Vehicles.
  - b) Subsections 3003.2, 3003.6 and 3003.7 are repealed.
- 3) Section 3005, RETURN ON NOTICE OF SERVICE, subsections 3005.1, 3005.2, and 3005.3 are repealed.
- 4) Section 3010, LEGAL REPRESENTATION AT HEARINGS, 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, 95 M Street, S.W., Room 5D, Washington, D.C. 20024. 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 DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED RULEMAKING

DOCKET NUMBER 05-71-TS

The Director of the Department of Transportation, pursuant to the authority in sections 3, 5(3), and 6 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02, 50-921.04(3) and 50-921.05), and sections 6(a)(1), 6(a)(6) and 6(b) of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(a)(1), (a)(6) and (b)), hereby gives notice of the intent to amend Chapter 40 of the Vehicle and Traffic Regulations (18 DCMR). 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:

Title 18 DCMR, Section 4004, ONE-WAY STREETS, Subsection 4004.1, (a) Northwest Section, is amended by adding the following to the list of locations where traffic is restricted to one direction of travel:

“On Hamilton Street, N.W., between North Capitol Street and New Hampshire Avenue, for eastbound traffic only”.

Title 18 DCMR, Section 4015, “NO LEFT TURN” RESTRICTIONS, Subsection 4015.4, (a) Northwest Section, is amended by deleting the following from the list of locations where traffic is restricted from turning left during the hours from 4:00 p.m. through 6:30 p.m.:

“On southbound New Hampshire Avenue, N.W., onto eastbound Hamilton Street”.

Title 18 DCMR, Section 4017, “RIGHT TURN ONLY” REQUIREMENTS, is amended by adding a new Subsection to read as follows:

4017.6 At the locations listed in this subsection, all vehicles shall make a right turn only, Monday through Fridays, except Holidays, during the hours from 7:00 a.m. through 9:30 a.m. and 4:00 p.m. through 6:30 p.m.

Title 18 DCMR, Section 4017, “RIGHT TURN ONLY” RESTRICTIONS, Subsection 4017.6, (a) Northwest Section, is amended by adding the following to the list of locations where traffic is restricted to right turns only during the hours from 7:00 a.m. through 9:30 a.m. and 4:00 p.m. through 6:30 p.m., Monday through Fridays, except Holidays:

“Eastbound Hamilton Street, N.W., onto southbound North Capitol Street”.

All persons interested in commenting on the subject matter in this proposed rulemaking action may file comments in writing, not later than thirty (30) days after the publication of this notice in the D.C. Register, with the Department of Transportation, Traffic Services Administration, 2000 14<sup>th</sup> Street, N.W., 7<sup>th</sup> Floor, Washington, D.C. 20009 (Attention: Docket No. 05-71-TS). Copies of this proposal are available, at cost, by writing to the above address.

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

Case No. ZC 03-09

**(Text Amendment – District Government Agency Uses  
in Public School Buildings - 11 DCMR)**

The Zoning Commission for the District of Columbia, pursuant to the authority set forth in § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01), hereby gives notice of the intent to adopt an amendment to Chapter 2 of the Zoning Regulations (11 DCMR). The proposed rule would add a new § 222 to authorize the Board of Zoning Adjustment to permit the use of an existing or former public school building, and the land on which it is located, by a District government agency as a special exception. 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*.

Title 11 DCMR (Zoning), Chapter 2, R-1 RESIDENCE DISTRICT USE REGULATIONS, is amended by adding a new § 222 to read as follows

222 DISTRICT GOVERNMENT AGENCY (R-1)

222.1 The use of an existing or former public school building, and the land on which it is located, by a District government agency shall be permitted as a special exception in an R-1 District in the following instances if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

222.2 The school building must either be:

- (a) Listed in the District of Columbia's Inventory of Historic Sites contained in the comprehensive statewide historic preservation survey and plan prepared pursuant to § 101 of the National Historic Preservation Act, approved October 15, 1966 (80 Stat. 915, as amended; 16 U.S.C. § 470a, or
- (b) Located within a district, site, area, or place listed on the District of Columbia's Inventory of Historic Sites

222.3 The use of the property shall not tend to adversely affect the character or use of the neighboring properties as a result of noise, traffic, or other objectionable conditions.

222.4 The use of the property shall not intrude upon the privacy of the residents of the neighborhood.

222.5 The Board may limit the hours of operation of the use so as to assure compliance with §§ 222.3 and 222.4.

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- 222.6 The property may house more than one District agency and more than one principal use, provided each principal use shall be found consistent with the provisions of this section.
- 222.7 The principal use of the property shall not be interior or exterior storage or vehicle parking;
- 222.8 The use shall not extend outside the building unless accessory and incidental to the principal interior uses.
- 222.9 Any storage shall be fully enclosed.
- 222.10 The following uses shall not be permitted:
- (a) Vehicle storage, vehicle maintenance, storage of impounded vehicles, or storage of seasonal vehicles or equipment; or
  - (b) Any use first permitted in the CM zone district
- 222.11 The amount and arrangement of parking spaces and loading spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood.
- 222.12 Any additions to the building or any major modifications to the exterior of the building or to the site shall require the approval of the Board. The Board shall refer any proposed addition or modification to the Historic Preservation Office, for a report identifying possible detrimental consequences that the proposed addition or modification may have on the architectural or historical significance of the building or site or district in which the building is located.
- 222.13 Any special exception application made pursuant to this section may be heard and decided together with any other special exception or variance relief required. The Applicant shall have the burden of proving compliance with all applicable special exception requirements, whether stated in this section or elsewhere in this title. In the event of any inconsistency between the requirements, the most restrictive criteria shall apply.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to Sharon Schellin, Acting Secretary to the Zoning Commission, Office of Zoning, 441 4<sup>th</sup> Street, N.W., Washington D.C. 20001. Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. A copy of this proposal may be obtained, at cost, by writing to the above address.