

DISTRICT OF COLUMBIA
DEPARTMENT OF MOTOR VEHICLESNOTICE OF EMERGENCY 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); Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)); and Mayor's Order 03-58, effective April 23, 2003, hereby gives notice of the adoption, on an emergency basis, of an amendment to Chapter 4 of Title 18 of the District of Columbia Municipal Regulations (DCMR) (Vehicles and Traffic). The amendment revises a previous emergency rulemaking and allows residents from jurisdictions other than Maryland and Virginia to obtain special use identification tags.

The facts that constitute emergency circumstances are as follows: On April 26, 2004, a Department of Motor Vehicles ("Department") emergency rulemaking went into effect that ended the Department's practice of providing special use identification tags to used car dealers, for issuance to customers purchasing vehicles. The rulemaking also established that the Department would issue special use identification tags to District of Columbia residents only. The Department has since learned that many District-based used car dealers sell a significant number of cars to buyers residing beyond the bordering states of Maryland and Virginia by means of the internet. As a result of the emergency rule, such buyers can no longer come to DMV to obtain temporary tags, but must return to their jurisdictions to do so. They then must come back to the District to retrieve their newly-purchased vehicle. This onerous procedure has adversely impacted the business of used car dealers. Also, the Department is concerned that a non-resident's inability to obtain a special use identification tag from DMV will drive up the demand for illegal tags.

Therefore, the Department has decided to issue special use identification tags not only to D.C. residents but also to non-residents from states other than Maryland and Virginia in order to allow them to transport D.C.-purchased vehicles to their home jurisdictions. These persons must satisfy the same requirements, such as insurance and proof of ownership, as District of Columbia residents seeking special use identification tags, but will receive tags of a more limited duration. The Director has determined that this action is necessary for the immediate preservation of the public welfare.

This emergency rule will expire on August 18, 2004, on the same date that the previous emergency rule will expire.

Title 18, DCMR, is amended as follows:

Chapter 4, MOTOR VEHICLE TITLE AND REGISTRATION, Section 426, SPECIAL USE IDENTIFICATION TAGS, subsection 426.13 is amended to read as follows:

426.13 Notwithstanding any other provision of this section, residents of any jurisdiction other than Maryland and Virginia may obtain special use identification tags from the Director.