

DISTRICT OF COLUMBIA
DEPARTMENT OF MOTOR VEHICLES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Motor Vehicles (DMV), 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); §§ 6 and 7(a)(1) of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; DC Official Code §§ 50-2201.03 and 50-1401.01(a)(1)); and Mayor's Order 07-168, effective July 10, 2007, hereby gives notice of the intent to amend Title 18, Sections 3 (VEHICLES AND TRAFFIC) and 9900 (DEFINITIONS) of the District of Columbia Municipal Regulations. The proposed rule to § 310 would disallow the issuance of a limited occupational license to a holder of a commercial driver's license whose commercial or regular license has been suspended or revoked or who has been disqualified from operating a commercial motor vehicle. This prohibition is mandated by 49 USC § 31311(a)(10)(B) in order for the Department to receive federal grant money. The proposed rule to § 9901 would add several provisions to the definition of commercial vehicle to conform to 18 DCMR §§403.4 and 413.13. No comments were received and no changes were made to the text of the proposed rule, as published with a notice of proposed rulemaking in the *D.C. Register* at 56 DCR 7656 on September 25, 2009. The final rule will be effective upon publication of this notice in the D.C. Register.

Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:

A. Chapter 3, CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES, Section 310, LIMITED OCCUPATIONAL LICENSES, is amended as follows:

1. By amending the first sentence of § 310.1 to read as follows:

Except as provided in § 310.7, a person whose regular driver's license, as described in § 1312.1 (a), is revoked, suspended or canceled may request, in writing, that the order be modified to allow the issuance or retention of a driver's license or privilege on a limited basis.

2. By adding new paragraphs (f) and (g) § 310.7 to read as follows:

310.7 No occupational license shall be issued to the following:

...

(f) A person who holds a commercial driver's license, or

- (g) A person who has been disqualified from operating a commercial vehicle pursuant to § 1306.

B. Chapter 99, DEFINITIONS, section 9901, is amended by adding new paragraphs (c) and (d) the definition for the term “Commercial vehicle”:

Commercial Vehicle - any vehicle with more than three (3) wheels and:

...

- (c) Described as a “commercial” vehicle on its certificate of title in accordance with 18 DCMR § 403.4; or
- (d) Considered a commercial vehicle by the Director pursuant to 18 DCMR §413.13 because it has an irremovable commercial advertisement or insignia.