

METROPOLITAN POLICE DEPARTMENT**NOTICE OF PROPOSED RULEMAKING**

The Chief of Police of the Metropolitan Police Department, pursuant to authority set forth in the District of Columbia Hazardous Materials Transportation and Motor Carrier Safety Act of 1988, effective March 16, 1989 (D.C. Law 7-190; D.C. Official Code § 8-1401 *et seq.* (2001)), as amended by the Traffic Adjudication and Motor Carrier Safety Amendment Act of 1992, effective October 1, 1992 (D.C. Law 9-173; 39 DCR 5834), and Mayor's Order 1989-169, dated July 25, 1989, hereby gives notice of intent to amend Chapter 14 of Title 18 of the District of Columbia Municipal Regulations, Vehicles and Traffic. The proposed rules would conform the fines in this chapter to the Federal Motor Carrier Safety Administration regulations.

The Chief of Police also gives notice of her intent to take final rulemaking action to adopt these rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Pursuant to the section 6 of the District of Columbia Hazardous Materials Transportation and Motor Carrier Safety Act of 1988, effective March 16, 1989 (D.C. Law 7-190; D.C. Official Code § 8-1405 (2001)), the proposed rules will be submitted to the Council for a forty-five (45) day period of review and will become effective upon the Council's approval of the rules by resolution or the expiration of this review period, whichever occurs first, and publication of a notice of final rulemaking in the *D.C. Register*.

Chapter 14 (Commercial Transportation Safety) of Title 18 DCMR, is amended as follows:**Subsection 1400.2 is amended to read as follows:**

1400.2 In accordance with this statutory directive, all vehicles identified in § 1401.1 shall be operated in compliance with title 49 of the Code of Federal Regulations, Parts 171 through 180, Part 383, Part 387, and Parts 390 through 397 currently in effect, which are herein adopted by reference.

The heading for section 1408 is amended to read as follows:

1408 FINES

Subsections 1408.2, 1408.3, and 1408.4 are amended by striking the phrase "Violation of Out-of-Service Notice \$1,000.00" from the table in each paragraph.

New subsections 1408.6, 1408.7 and 1408.8 are added to read as follows:

1408.6 A driver who is convicted of or found liable by an authorized administrative tribunal of violating an out-of-service order shall be subject to a civil penalty of not less than two thousand five hundred dollars (\$2,500) for a first conviction and not less than five thousand dollars (\$5,000) for a second or subsequent conviction, in addition to disqualification.

- 1408.7 An employer who is convicted of or found liable by an authorized administrative tribunal of knowingly allowing, requiring, permitting, or authorizing a driver to operate a commercial motor vehicle during a period in which the driver or the commercial motor vehicle is subject to an out-of-service order shall be subject to a civil penalty of not less than two thousand seven hundred and fifty dollars (\$2,750) nor more than twenty-five thousand dollars (\$25,000).
- 1408.8 An employer who is convicted of or found liable by an authorized administrative tribunal of knowingly allowing, requiring, permitting, or authorizing a driver to operate a commercial motor vehicle in violation of a federal, State, or District law or regulation pertaining to railroad-highway grade crossings shall be subject to a civil penalty of not more than ten thousand dollars (\$10,000).

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to Terrence D. Ryan, General Counsel, Metropolitan Police Department, Room 4125, 300 Indiana Avenue 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*. Copies of this proposal may be obtained, at cost, by writing to the above address.

DEPARTMENT OF MOTOR VEHICLES**NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Motor Vehicles (“Director”), pursuant to the authority set forth in section 1825 and 1826 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 and 50-905), sections 3 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 §§ 50-402 and 50-409), section 6 of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code §§ 50-2201.03), Mayor’s Order 91-161, dated October 15, 1991, and Mayor’s Order 2007-168, dated July 23, 2007, hereby gives notice of the intent to adopt the following rulemaking that will amend Chapter 13 of Title 18 of the District of Columbia Municipal Regulations (“DCMR”) (Vehicles and Traffic). The proposed rules would update the commercial driver’s license regulations as required by the Federal Motor Carrier Safety Administration to establish conformity with federal law.

The Director also gives notice of his intent to take final rulemaking action to adopt these rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Pursuant to section 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), the proposed rules will be submitted to the Council for a forty-five (45) day period of review and will become effective upon the Council’s approval of the rules by resolution or the expiration of this review period, whichever occurs first, and publication of a notice of final rulemaking in the *D.C. Register*.

I. Chapter 13 (Classification and Issuance of Commercial Driver’s Licenses) of Title 18 DCMR, is amended as follows:

Subsection 1301.1 is amended to read as follows:

- 1301.1 The application or renewal application for a commercial driver's license or commercial driver's instruction license shall include the following:
- (a) Applicant's full name, and correct mailing and residential addresses;
 - (b) Applicant's date of birth, height, weight and sex;
 - (c) Applicant's social security number;
 - (d) Applicant's certification that he or she is not subject to any disqualification, or any license suspension, revocation, or cancellation under State or District law, and that he or she does not have a driver's license from more than one State or jurisdiction;
 - (e) Applicant's consent to release driving record information and consent to authorize the District of Columbia to make information on the applicant's

traffic record available for inquiries from the Commercial Driver's License Information System, National Driver Register or similar systems;

- (f) All jurisdictions in which the applicant has previously been licensed to operate any type of motor vehicle;
- (g) Applicant's implied consent to take chemical tests to determine use of alcohol or controlled substances;
- (h) Applicant's certification that he or she either meets, or, in the case of an applicant who does not operate in interstate commerce, that he or she is exempt from the applicable requirements of title 49 of the Code of Federal Regulations, Part 391; and
- (i) Applicant's certification that the motor vehicle in which the applicant is tested is representative of the type of commercial motor vehicle that the applicant operates or expects to operate.

Subsection 1306.10 is amended by striking the phrase “§ 1306.9” and inserting the phrase “this section” in its place.

New subsections 1306.14 and 1306.15 are added to read as follows:

- 1306.14 A disqualification may be imposed under this section based on evidence from any of the following:
- (a) An order or other judgment of a court of competent jurisdiction in the District or any other jurisdiction.
 - (b) An administrative order of an agency of the District or any other jurisdiction, if the agency has statutory or regulatory authority over commercial drivers.
 - (c) A computer record obtained from or through the Commercial Driver's License Information System; or
 - (d) A computer record obtained from or through an agency of the District or any other jurisdiction, if the agency has statutory or regulatory authority over commercial drivers or the records of commercial drivers
- 1306.15 The Department shall act expeditiously in imposing a disqualification under this section and posting the disqualification to the driver's record.

New subsections 1309.3 and 1309.4 are added to read as follows:

- 1309.3 An employer shall not knowingly allow, require, permit or authorize a driver to operate a commercial motor vehicle during a period in which the driver, or the

commercial motor vehicle he or she is driving, or the motor carrier operation, is subject to an out-of-service order.

- 1309.4 An employer shall not knowingly allow, require, permit, or authorize a driver to operate a commercial motor vehicle in the District of Columbia in violation of a Federal or District of Columbia law or regulation pertaining to railroad-highway grade crossings.

Subsections 1314.1 through 1314.6 are amended to read as follows:

- 1314.1 Before issuing an initial or renewal commercial driver's license or reissuing a commercial driver's license with a change of classification, endorsement, or restriction, the Department shall check the driving record of the applicant for the last ten (10) years as maintained by the Department or by any other jurisdiction which has issued an operator's license to the applicant.
- (a) Within twenty-four (24) hours before issuing or reissuing the license, if the applicant does not currently possess a valid commercial driver's license issued by the District of Columbia; or
- (b) Within ten (10) days before issuing or reissuing the license, for all other applicants.
- 1314.2 No person shall be issued a renewed commercial driver's license until his or her driving record has been checked through the operator of the Commercial Driver's License Information System in the time period set forth in section 1314.1 to determine the status of his or her commercial driving privileges in any other jurisdiction.
- 1314.3 No person shall be issued a commercial driver's license until his or her driving record, as maintained by the current jurisdiction of issuance, has been checked through the operator of the National Driver Register, and other information systems, in the time period set forth in subsection 1314.1, to check the status of his or her non-commercial driving privileges in any other jurisdiction. The information shall be considered in determining whether to issue a commercial driver's license.
- 1314.4 Within thirty (30) days after receiving a request from the operator of the Commercial Driver License Information System (CDLIS) or a driver licensing agency of another jurisdiction for records or other information related to an applicant or driver, the Department shall provide to CDLIS or the driver licensing agency of the other jurisdiction all requested records and information maintained by the Department that are related to the applicant or driver.
- 1314.5 No later than ten (10) days after disqualifying a commercial driver's license holder licensed by another jurisdiction, or revoking, suspending, or canceling the privilege of a commercial driver's license holder licensed by another jurisdiction to operate a

commercial motor vehicle in the District of Columbia, the Department shall notify the operator of the Commercial Driver's License Information System and the jurisdiction that issued the license of the disqualification, revocation, suspension, or cancellation and the underlying violation that led to the disqualification, revocation, suspension, or cancellation.

- 1314.6 If a person who holds a commercial driver's license issued by another jurisdiction is convicted of a violation of a federal or District law or regulation relating to motor vehicle traffic control (other than a parking violation), in any type of vehicle, the Department shall notify the licensing entity in the jurisdiction where the driver is licensed of the conviction within ten (10) days after the conviction.

Subsection 1315.4 is repealed.

A new subsection 1316.7 is added to read as follows:

- 1316.7 An applicant for a commercial driver's license who does not successfully complete the air-brake component of the driving-skill test in a vehicle or combination of vehicles equipped with air brakes, shall, if otherwise qualified, receive a commercial driver's license that restricts the license holder from operating a commercial motor vehicle equipped with air brakes as provided in subsection 1313.3(b).

Subsection 1328.1 is amended to read as follows:

- 1328.1 All drivers renewing or applying for a hazardous material endorsement shall pass a security threat assessment conducted by the Transportation Security Administration of the Federal Department of Homeland Security, and meet all other requirements in 49 CFR Part 1572.

Subsection 1328.2 is repealed.

New subsections 1328.4, 1328.5, and 1328.6 are added to read as follows:

- 1328.4 At least sixty (60) days before the expiration date of the CDL or a hazardous materials endorsement, the Department of Motor Vehicles shall notify the holder of a hazardous materials endorsement that the holder must pass a Transportation Security Administration security threat assessment process as part of his or her application for renewal of the hazardous materials endorsement.
- 1328.5 The notice shall advise the driver that, in order to expedite the security screening process, he or she should file a renewal application as soon as possible, but no later than thirty (30) days before the expiration date of the hazardous materials endorsement.

1328.6 An individual who does not successfully complete the Transportation Security Administration security threat assessment process referenced in this subsection shall not be issued a hazardous materials endorsement.

Subsection 1399.1 is amended as follows:

The following new definition is added in alphabetical order within the existing list of definitions:

Department - the Department of Motor Vehicles.

~~DUH~~

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to David Glasser, General Counsel, D.C. Department of Motor Vehicles, 95 M Street, S.W., Suite 300, 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.