

AN ACT

Codification
District of Columbia
Official Code
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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, the Driver License Compact Adoption Act of 1984 to require the Mayor to review the revocation of a driver's license if the revocation was based on a reckless driving conviction in a foreign jurisdiction.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Reckless Driving Temporary Amendment Act of 2012".

Sec. 2. The Driver License Compact Adoption Act of 1984, effective March 16, 1985 (D.C. Law 5-184; D.C. Official Code § 50-1001 *et seq.*), is amended by adding a new section 2a to read as follows:

Note,
§ 50-1001

"Sec. 2a. Reinstatement of revoked licenses.

"(a) Within 15 days of the effective date of the Reckless Driving Emergency Amendment Act of 2012, effective September 21, 2012 (D.C. Act 19-451; 59 DCR 11095), the Mayor shall complete a review of each individual whose license is currently revoked or in the process of being revoked as the result of a reckless, careless, hazardous, or aggressive driving conviction in a foreign jurisdiction.

"(b) When conducting a review under this section, the Mayor shall immediately reinstate an individual's license and reduce the points assessed for the conviction in a foreign jurisdiction from 12 to 2 unless the Mayor:

"(1) Determines that the conduct upon which the foreign conviction is based would have constituted all the elements of reckless driving under section 9 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-2201.04), if the offense had been committed in the District;

"(2) Determines that the conduct upon which the foreign conviction is based is of a substantially similar nature to a District offense or violation and, after assessing against the license the number of points for that offense or violation, the total number of points assessed against the license is 12 or greater; or

"(3) Cannot determine whether the conduct upon which the foreign conviction is based would have constituted reckless driving or another offense or violation

under District law, and after assessing against the license 2 points, the total number of points assessed against the license is 12 or greater.

“(c)(1) Within 7 days after the completion of the review required by this section, the Mayor shall notify the individual of the Mayor’s determination.

“(2) Within 10 days of receiving notice under paragraph (1) of this subsection, an individual may request a hearing to contest the determination of the Mayor.

“(3) The Mayor shall schedule a hearing within 5 days of an individual’s request for a hearing.

“(4) Within 5 days after a hearing, the Mayor shall issue a final decision.

“(5) The Mayor shall bear the burden of proof to establish by clear and convincing evidence that revocation or assessment of points is appropriate.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia