

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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Official Code*

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To amend, on a temporary basis, the District of Columbia Traffic Adjudication Act of 1978 to authorize use of an automated parking enforcement system, to allow recorded images of parking violations to be submitted without authentication, to allow notices of infractions generated by an automated parking enforcement system to be served by mail, and to include violations detected by the automated parking enforcement system in the fleet adjudication program; and to make conforming amendments to Chapter 30 of Title 18 of the District of Columbia Municipal Regulations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Street Sweeping Improvement Enforcement Temporary Amendment Act of 2008”.

Sec. 2. The District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2303.01 *et seq.*), is amended to read as follows:

(a) A new section 302a is added to read as follows:

“Sec. 302a. Automated parking enforcement system.

“(a) For the purposes of this act, the term “automated parking enforcement system” means equipment that takes a film or digital camera-based photograph which is linked with a violation detection system that synchronizes the taking of a photograph with the occurrence of a parking infraction. Recorded images taken by an automated parking enforcement system are prima facie evidence of an infraction and may be submitted without authentication.

“(b) The Mayor is authorized to use an automated parking enforcement system to detect parking infractions. Violations detected by an automated parking enforcement system shall constitute parking violations. Proof of an infraction may be evidenced by information obtained through the use of an automated parking enforcement system.

“(c) Notwithstanding other provisions of law or regulation, citations resulting from an automated parking enforcement system shall be limited to warning citations during the first 45 days that automated parking enforcement is used on any given street sweeper route. The

automated parking enforcement system program shall not be implemented until a warning citation is developed and a warning citation process is put in place.”.

(b) Section 303 (D.C. Official Code § 50-2303.03) is amended as follows:

Note,
§ 50-2303.03

(1) Subsection (c) is amended to read as follows:

“(c) Except as provided in subsection (c-1) of this section, a notice of infraction shall be served personally upon the operator of a vehicle who is present at the time of service or by affixing the notice to the vehicle in a conspicuous place and by noting the plate designation and plate type as shown by the registration plates of the vehicle together with the make or model of the vehicle.”.

(2) New subsections (c-1) and (c-2) are added to read as follows:

“(c-1) When a violation is detected by an automated parking enforcement system, the Mayor shall mail a notice of infraction to the name and address of the registered owner of the vehicle on file with the Department of Motor Vehicles or the appropriate state motor vehicle agency. The notice shall include:

“(1) The date, time, and location of the violation;

“(2) The type of violation detected;

“(3) The license plate number and state of license plate issuance of the vehicle detected; and

“(4) A copy of the photo or digitized image of the violation.

“(c-2) Service of the notice of infraction, or a duplicate, by affixation or by mail shall have the same force and effect and shall be subject to the same penalties for the disregard thereof as though the notice of infraction was personally served on the owner and operator of the vehicle.”.

(c) Section 304a(b) (D.C. Official Code § 50-2303.04a(b)) is amended by adding the phrase “or an automated parking enforcement system” after the phrase “automated traffic enforcement system.”.

Note,
§ 50-2303.04a

Sec. 3. Chapter 30 of Title 18 of the District of Columbia Municipal Regulations is amended as follows:

DCMR

(a) Section 3000.7 (18 DCMR § 3000.7) is amended to read as follows:

“3000.7 When a Notice of Infraction for a parking violation is issued from a hand-held electronic device or an automated parking enforcement system, no signature of an issuing officer shall be required as evidence of the validity of the issuance and the truth of the facts stated on the Notice of Infraction; provided, that the officer's printed name, department, and badge number appear legibly on the face of the Notice of Infraction to be affixed to the vehicle, presented to the vehicle operator or owner, or mailed to the registered owner of the vehicle.”.

(b) Section 3004 (18 DCMR § 3004) is amended as follows:

(1) Subsection 3004.2 is amended to read as follows:

“3004.2 Personal service shall be used for moving violations and parking violations, except as otherwise provided in this section.”.

(2) Subsection 3004.3 is amended to read as follows:

“3004.3 In cases of parking violations:

“(a) Where the owner or operator is not present, the appropriate copy of the notice shall be served by affixing it to the vehicle in a conspicuous and secure manner.

“(b) Where the notice of infraction is issued by an automated parking enforcement system, the appropriate copy of the notice shall be mailed to the registered owner of the vehicle.”.

(3) Subsection 3004.4 is amended to read as follows:

“3004.4 Service of notice by affixation to the vehicle, or by mail for notices issued by an automated parking enforcement system, shall have the same force and effect as personal service.”.

(4) Subsection 3004.6 is amended by adding the phrase “or automated parking enforcement system” after the phrase “hand-held electronic device”.

Sec. 4. 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. 5. 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