

AN ACT

Bill 20-274

**Emergency
Declaration
Res. 20-124
20 DCStat 1537**

**Codification
District of
Columbia
Official Code
2001 Edition**

To amend, on an emergency basis, the District of Columbia Traffic Act, 1925, the District of Columbia Traffic Adjudication Act of 1978, and section 23-581 of the District of Columbia Official Code to revise the definition of and penalties for reckless driving and create a new offense of and penalties for aggravated reckless driving; to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, the Anti-Drunk Driving Act of 1982, and sections 301 and 302 of Title 18 of the District of Columbia Municipal Regulations to remove mandatory suspension or revocation requirements for reckless driving and establish these requirements for aggravated reckless driving, and to amend section 303 of Title 18 of the District of Columbia Municipal Regulations to align the number of points assigned for reckless driving to the number assigned by other jurisdictions, to clarify safe driving points assessment, and to clarify the procedures for challenging the assessment of points for an offense committed in another jurisdiction.

**Reckless
Driving
Emergency
Amendment
Act of 2013**

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Reckless Driving Emergency Amendment Act of 2013”.

**Note,
§ 50-2201.04**

Sec. 2. Section 9 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-2201.04), is amended as follows:

(a) Subsection (b) is amended to read as follows:

"(b) A person shall be guilty of reckless driving if the person drives a vehicle upon a highway carelessly and heedlessly in willful or wanton disregard for the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger a person or property."

(b) A new subsection (b-1) is added to read as follows:

"(b-1) A person shall be guilty of aggravated reckless driving if the person violates subsection (b) of this section and the person does one or more of the following:

"(1) Operates the vehicle at a rate or speed at or greater than 30 miles per hour over the stated speed limit;

"(2) Causes bodily harm or permanent disability or disfigurement to another; or

"(3) Causes property damage in excess of \$1,000."

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

"(c)(1) A person violating subsection (b) of this section shall, upon conviction for the first offense, be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Emergency Amendment Act of 2013, effective April 1, 2013 (D.C. Act 20-45; 60 DCR 5400), or incarcerated for no more than 90 days, or both.

"(2) A person violating subsection (b) of this section when the person has been convicted of a prior offense under subsection (b) of this section within a 2-year period and is

being sentenced on the current offense shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Emergency Amendment Act of 2013, effective April 1, 2013 (D.C. Act 20-45; 60 DCR 5400), or incarcerated for no more than 180 days.

"(3) A person violating subsection (b) of this section when the person has 2 or more prior convictions for offenses under subsection (b) of this section within a 2-year period and is being sentenced on the current offense shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Emergency Amendment Act of 2013, effective April 1, 2013 (D.C. Act 20-45; 60 DCR 5400), or incarcerated for no more than one year."

(c) A new subsection (c-1) is added to read as follows:

"(c-1)(1) A person violating subsection (b-1) of this section shall, upon conviction for the first offense, be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Emergency Amendment Act of 2013, effective April 1, 2013 (D.C. Act 20-45; 60 DCR 5400), or incarcerated for no more than 180 days, or both.

"(2) A person violating subsection (b-1) of this section when the person has one or more prior convictions for offenses under subsection (b-1) within a 2-year period and is being sentenced on the current offense shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Emergency Amendment Act of 2013, effective April 1, 2013 (D.C. Act 20-45; 60 DCR 5400), or incarcerated for no more than one year."

(d) Subsection (d) is amended by striking the phrase "reckless driving" and inserting the phrase "aggravated reckless driving" in its place.

(e) A new subsection (e) is added to read as follows:

"(e) A presumption shall exist that a reckless, careless, hazardous, or aggressive driving conviction that occurred in a foreign jurisdiction constitutes reckless driving as provided in subsection (b) of this section, unless the District can show evidence that the person met the requirements for aggravated reckless driving in subsection (b-1) of this section."

Sec. 3. Section 202 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2302.02), is amended as follows:

Note,
§ 50-2302.02

(a) Paragraph (2) is repealed.

(b) A new paragraph (2A) is added to read as follows:

"(2A) Violation of section 9(b-1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-2201.04(b-1))."

Sec. 4. Section 37(a) of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 130; D.C. Official Code § 50-1301.37(a)), is amended by striking the phrase "reckless driving involving personal injury" and inserting the phrase "aggravated reckless driving" in its place.

Note,
§ 50-1301.37

Sec. 5. Section 23-581(a)(3) of the District of Columbia Official Code is amended by striking the phrase "Reckless drivingsection 9(b) of the District of Columbia Traffic

Note,
§ 23-581

COUNCIL OF THE DISTRICT OF COLUMBIA
D.C. Act 20-75, effective May 23, 2013 (Expiration date August 21, 2013)

20 DCSTAT 1430

Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-2201.04(b))", and inserting the phrase "Aggravated reckless driving section 9(b-1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-2201.04(b-1))" in its place.

Sec. 6. Section 3t(a)(4) of Subtitle D of Title I of the Anti-Drunk Driving Act of 1982, signed by the Mayor on October 24, 2012 (D.C. Act. 19-489; 59 DCR 12957), is amended by striking the phrase "Reckless driving" and inserting the phrase "Aggravated reckless driving" in its place.

Note,
§ 50-2206.55

Sec. 7. Chapter 3 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 300 *et seq.*), is amended as follows:

DCMR

(a) Section 301.1(d) (18 DCMR § 301.1(d)) is amended by striking the phrase "Reckless driving" and inserting the phrase "Aggravated reckless driving" in its place.

(b) Section 302.14 (18 DCMR § 302.14) is amended by striking the phrase "Reckless Driving" and inserting the phrase "Aggravated Reckless Driving" in its place.

(c) Section 303 (18 DCMR § 303) is amended as follows:

(1) Subsection 303.2 is amended as follows:

(A) Subsection 303.2(j) (18 DCMR § 303.2(j)) is amended to read as follows:

“(j) Reckless driving six points”.

(B) A new subsection 303.2(j-1) (18 DCMR § 303.2(j-1)) is added to read as follows

"(j-1) Aggravated reckless driving twelve points."

(2) Subsection 303.9 (18 DCMR § 303.9) is amended to read as follows:

“303.9 The Director shall assign one (1) safe driving point annually at the beginning of the calendar year to the driving record of a licensee who was not assessed points during the preceding twelve (12) months, up to a maximum accumulation of five (5) points.”.

(3) Subsection 303.10 (18 DCMR § 303.10) is amended by adding the phrase “Safe driving points shall not be used to offset points assessed for a mandatory revocation or suspension.” at the end.

(4) Subsection 303.13 (18 DCMR § 303.13) is amended to read as follows:

"303.13 The Director shall redesignate an offense assigned to a driving record pursuant to section 303.12, if the licensee demonstrates by submission of official documentation (e.g., an indication of the number of miles travelled over the speed limit in the location where cited) that the traffic offense committed in another jurisdiction on its facts would have been considered a different offense if committed in the District.”.

Sec. 8. Applicability.

This act shall apply as of June 1, 2013.

Applicable as
of June 1,
2013

Sec. 9. 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. 10. Effective date.

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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).