

COUNCIL OF THE DISTRICT OF COLUMBIA
D.C. Law 20-127, effective July 23, 2014
(Delayed Applicability)

20 DCSTAT 3595

AN ACT

Bill 20-324
Act 20-344
effective
May 30, 2014

Codification
District of
Columbia
Official Code
2001 Edition

To amend the Department of Motor Vehicles Establishment Act of 1998 to establish the position of ombudsman for ticket adjudication; to amend the District of Columbia Traffic Adjudication Act of 1978 to require the Department of Motor Vehicles (“DMV”) to confirm basic information about a vehicle and its owner or lessee before sending a notice of an outstanding notice of infraction, to expand the time limit to file a motion to vacate a judgment for certain infractions, to eliminate the ability to request an issuing officer to appear at a hearing for a parking infraction, to require hearing examiners to take judicial notice of facts contained in sources under the control of the DMV, to require the DMV to provide an explanation as to why it deemed evidence submitted in an adjudication to be deficient, to require the DMV to, upon request, reconsider a finding of liability issued for a parking, automated enforcement, and moving violation, and to decide such cases within 180 days; and to amend Title 18 of the District of Columbia Municipal Regulation to make technical and conforming changes.

Traffic
Adjudication
Amendment
Act of 2014

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Traffic Adjudication Amendment Act of 2014”.

Sec. 2. The Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 50-901 *et seq.*), is amended by adding a new section 1827a to read as follows:

“Sec. 1827a. Ticket adjudication ombudsman.

New
§ 50-907

“(a) There is established within the Department an ombudsman for ticket adjudication, who shall report to the Director.

“(b) The Mayor shall establish the qualifications of the ombudsman, which shall include a demonstrated ability through education or experience to analyze issues and matters of law, administration, and policy.

“(c) The Mayor shall establish the duties of the ombudsman, including that the ombudsman shall:

“(1) Receive complaints and concerns on the law, rules, policies, and procedures regarding the adjudication of moving violations, automated traffic enforcement violations, and parking, standing, stopping, and pedestrian violations;

“(2) Respond to complaints and concerns in a timely fashion with accurate and helpful information;

“(3) Determine the validity of a complaint quickly and professionally;

“(4) Generate options for a response, and offer a recommendation among the options;

“(5) Make a referral to appropriate Department staff, when appropriate;

COUNCIL OF THE DISTRICT OF COLUMBIA
D.C. Law 20-127, effective July 23, 2014
(Delayed Applicability)

20 DCSTAT 3596

“(6) Identify systemic concerns, including those raised by citizens, related to traffic adjudication;

“(7) Recommend policy changes, staff training, and strategies to improve traffic adjudication; and

“(8) Offer technical and procedural guidance; provided, that the ombudsman shall not render legal advice.

“(d) The Ombudsman shall have access to the records and files of the Department as necessary to carry out the ombudsman’s duties and as allowed by federal and local law.

“(e) The Ombudsman shall not be held personally liable or be subject to retaliatory action for the good-faith performance of duties, except that no immunity shall extend to criminal acts, or other acts that violate District or federal law.”.

Sec. 3. The District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*), is amended as follows:

(a) Section 104(b)(4) (D.C. Official Code § 50-2301.04(b)(4)) is repealed.

**Amend
§ 50-2301.04**

(b) Section 105 (D.C. Official Code § 50-2301.05) is amended as follows:

**Amend
§ 50-2301.05**

(1) The heading is amended to read as follows:

“Sec. 105. Monetary sanctions and fees.”.

(2) Subsection (c) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(d) The Director may collect a fee for the filing of an appeal pursuant to section 402.”.

(c) Section 108 (D.C. Official Code § 50-2301.08) is amended as follows:

**Amend
§ 50-2301.08**

(1) Paragraph (10)(D) is amended by striking the word “and”.

(2) Paragraph (11)(C) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (12) is added to read as follows:

“(12) The number of requests for reconsideration filed after an initial finding of liability:

“(A) The number of violations dismissed after reconsideration; and

“(B) The number of violations affirmed after reconsideration.”.

(d) A new section 109 is added to read as follows:

**New
§ 50-2301.09**

“Sec. 109. Department review of records.

“(a) When requesting information to send notice of an outstanding notice of infraction as required under sections 205(f) and 305(d)(2), the Department shall retrieve from its records the registered owner or lessee’s full name, address, vehicle make and model, and status as to whether the motor vehicle tag is active or inactive. For notices sent regarding motor vehicles registered in an out-of-state jurisdiction, the Department shall request the information from the relevant state motor vehicle agency.

“(b) Before sending a notice required under sections 205(f) and 305(d)(2) , the Department shall review the information described in subsection (a) of this section to determine

COUNCIL OF THE DISTRICT OF COLUMBIA
D.C. Law 20-127, effective July 23, 2014
(Delayed Applicability)

20 DCSTAT 3597

whether the notice of infraction was properly issued. The Department shall dismiss an infraction if the information materially conflicts with identifying information about a vehicle or tag provided in the notice of infraction.”.

(e) Section 204(d) (D.C. Official Code § 50-2302.04(d)) is amended by striking the phrase “for reasons other than compliance with subsection (c) of this section,”.

Amend
§ 50-2302.04

(f) Section 205 (D.C. Official Code § 50-2302.05) is amended as follows:

Amend
§ 50-2302.05

(1) Subsection (a) is amended as follows:

(A) Paragraph (1) is amended by striking the word “or”.

(B) A new paragraph (1A) is added to read as follows:

“(1A) Admit with an explanation; or”.

(2) Subsection (b)(1) is amended to read as follows:

“(1) A person charged with a moving violation may contest the charge by mail, through the Department’s website, or through a personal appearance scheduled by appointment; provided, that a person charged with a violation that was detected by an automated traffic enforcement system pursuant to section 901 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01), may contest the charge by mail, through the Department’s website, or by appearing on a walk-in basis during regular business hours at a location designated by the Department.”.

(3) Subsection (c) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(1) A person admitting an infraction shall, at the same time the person submits an answer, pay the civil fine and any additional penalties established pursuant to section 105 as may be due for failure to answer within the time required by subsection (d) of this section. Payment of the fine for the infraction shall be deemed a finding of liability.”.

(B) Paragraph (2) is amended to read as follows:

“(2) A person admitting an infraction with an explanation shall submit payment of the civil fine and any additional penalties established pursuant to section 105 with the explanation as to why the fine or penalty should be reduced or points should not be assessed. A hearing examiner may, upon consideration of the explanation, order the reduction of the fine or penalty or waiver of applicable points, or authorize the deletion of the assessed points upon the satisfactory completion of driving school.”.

(4) Subsection (h) is amended by repealing paragraphs (2) and (3).

(5) New subsections (i) and (j) are added to read as follows:

“(i)(1) Except as provided in paragraphs (2), (3), and (4) of this subsection, a deemed admission pursuant to subsection (e) of this section may be vacated if the Department receives a written application by mail or through the Department’s website within 60 calendar days of the date of the deemed admission that sets forth:

“(A) A sufficient defense to the charge; and

“(B) Excusable neglect for failing to answer within the time period provided for in subsection (e) of this section.

COUNCIL OF THE DISTRICT OF COLUMBIA
D.C. Law 20-127, effective July 23, 2014
(Delayed Applicability)

20 DCSTAT 3598

“(2) If the infraction underlying a deemed admission pursuant to subsection (e) of this section involves a violation of section 15(a)(3) of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2413(a)(3)), the deemed admission may be vacated if the Department receives a written application by mail or through the Department’s website within one year of the date of the admission and the application need state only a sufficient defense to the charge as set forth in subsection (b)(2) of this section.

“(3) If the infraction underlying a deemed admission pursuant to subsection (e) of this section involves a violation detected by an automated traffic enforcement system pursuant to section 901 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01), the deemed admission may be vacated if the Department receives a written application by mail or through the Department’s website within one year of the date of the admission and the application need state only a sufficient defense to the charge as set forth in section 902(a) of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.02(a)), that the respondent was not the owner or lessee of the cited vehicle at the time of the infraction, or the registration plates were stolen from the cited vehicle at the time of the infraction.

“(4) If the infraction underlying a deemed admission pursuant to subsection (e) of this section involves a violation of sections 3, 4, and 5 of the Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law 15-124; D.C. Official Code §§ 50-1731.03, 50-1731.04, 50-1731.05), the deemed admission may be vacated if the Department receives a written application by mail or through the Department’s website within one year of the date of the admission and the application need state only a sufficient defense to the charge of the admission as set forth in section 6(a) of the Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law 15-124; D.C. Official Code § 50-1731.06(a)).

“(j) The filing of an application under subsection (i) of this section shall not stay any charges, fines, penalties, points, or suspension of a person’s license or privilege to drive in the District; provided, that if the infraction underlying the deemed admission is dismissed, any charges, fines, or penalties paid shall be reimbursed and points assessed or the suspension of a person’s license or privilege to drive may be vacated.”.

(g) Section 206 (D.C. Official Code § 50-2302.06) is amended as follows:

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

“(b)(1) If a person to whom a notice of infraction has been issued fails to appear at a scheduled hearing to contest a charge for which the person received notice by postal mail sent to the person’s address of record, through electronic mail, or in person, the hearing examiner may enter a default judgment sustaining the charges, fix the appropriate fine, assess appropriate penalties, if any, and suspend the person’s license or privilege to drive in the District until the fines and penalties are paid, if the commission of the infraction is established by clear and convincing evidence. The judgment and suspension shall take effect and notice shall be provided in accordance with section 205(f). Except as provided in paragraphs (2) and (3) of this subsection, the notice shall further state that the default judgment may be vacated if the

Amend
§ 50-2302.06

COUNCIL OF THE DISTRICT OF COLUMBIA
D.C. Law 20-127, effective July 23, 2014
(Delayed Applicability)

20 DCSTAT 3599

Department receives by mail or through the Department's website, within 60 calendar days of the effective date of the judgment, a written application to vacate the default judgment that sets forth:

“(A) A sufficient defense to the charge; and

“(B) Excusable neglect as to the respondent's failure to attend the hearing.

“(2) If the infraction underlying the default judgment involves a violation of section 15(a)(3) of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2413(a)(3)), the notice provided shall state that the default judgment may be vacated if the Department receives by mail or through the Department's website, within one calendar year of the date of the judgment, a written application to vacate the default judgment that sets forth:

“(A) A sufficient defense to the charge as described in section 205(b)(2);

or

“(B) Excusable neglect as to the respondent's failure to attend the hearing.

“(3) If the infraction underlying the default judgment involves a violation of the Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law 15-124; D.C. Official Code § 50-1731.01 *et seq.*), the notice provided shall state that the default judgment may be vacated if the Department receives by mail or through the Department's website, within one year of the date of the judgment, a written application to vacate the default judgment that sets forth:

“(A) A sufficient defense to the charge as described in section 6(a) of the Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law Section 15-124; D.C. Official Code § 50-1731.06(a)); or

“(B) Excusable neglect as to the respondent's failure to attend the hearing.”

(2) Subsection (d) is amended by striking the phrase “records.” and inserting the phrase “records. Where a determination has been made that the infraction has been established, the Department shall provide written notice of the decision to the respondent, including an accompanying explanation of why any evidence provided was insufficient.” in its place.

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

“(d-1)(1) The following facts shall be judicially noticed in a proceeding governed by the provisions of this title:

“(A) Facts that the courts of the District of Columbia find judicially cognizable;

“(B) Generally recognized technical or specialized facts within the knowledge and experience of the hearing examiners of the Department;

“(C) Facts contained in the records and files of the Department; and

“(D) Any other matter or document that a hearing examiner finds is properly the subject of judicial notice.

COUNCIL OF THE DISTRICT OF COLUMBIA
D.C. Law 20-127, effective July 23, 2014
(Delayed Applicability)

20 DCSTAT 3600

“(2) A fact contained in a document belonging to a category enumerated in paragraph (1) of this subsection shall be considered to have been physically incorporated into and made part of the record in a proceeding.”.

(4) Subsection (i) is amended by striking the phrase “15 calendar days” and inserting the phrase “30 calendar days” in its place.

(h) Section 305 (D.C. Official Code § 50-2303.05) is amended as follows:

Amend
§ 50-2303.05

(1) Subsection (a) is amended as follows:

(A) Paragraph (1) is amended as follows:

(i) Subparagraph (A) is amended by striking the word “or”.

(ii) A new subparagraph (A-i) is added to read as follows:

“(A-i) Admit with explanation; or”.

(B) Paragraph (2) is amended by striking the phrase “by mail or at an administrative hearing” and inserting the phrase “by mail, through the Department’s website, or through a personal appearance at a hearing” in its place.

(2) Subsection (b) is amended by striking the phrase “or by mail. Answers by telephone, email, or through the Department’s website may be permitted by regulation.” and inserting the phrase “, by mail, or through the Department’s website.” in its place.

(3) Subsection (c) is amended by striking the phrase “he submits his answer” and inserting the phrase “the person submits an answer” in its place.

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

“(c-1) A person admitting the commission of an infraction with an explanation may include in the answer an explanation as to why the fine or penalty should be reduced. A hearing examiner may, upon consideration of the explanation, order the reduction of the fine or penalty.”.

(5) Subsection (e) is repealed.

(6) Subsection (f) is amended to read as follows:

“(f) Except as set forth in subsection (g) of this section, a deemed admission pursuant to subsection (d)(2) of this section by a person not participating in the fleet reconciliation program may be vacated if the Department receives by mail or through the Department’s website, within 60 calendar days of the date of the admission, a written application to vacate; provided, that if the individual’s motor vehicle has been immobilized or impounded pursuant to section 6(k) of the District of Columbia Traffic Act, 1925, effective March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(k)), or the individual is unable to obtain a license or permit pursuant to D.C. Official Code § 47-2862(a)(1)(C) or (F) or (a)(6), an application may be submitted by mail, through the Department’s website, or in person and shall include:

“(1) A sufficient defense to the charge as set forth in subsection (a)(2) of this section; and

“(2) Excusable neglect for failing to answer within the time period provided for in subsection (d) of this section.”.

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

“(g) A deemed admission pursuant to subsection (d)(2) of this section by a person not participating in the fleet reconciliation program may be vacated if the Department receives by

COUNCIL OF THE DISTRICT OF COLUMBIA
D.C. Law 20-127, effective July 23, 2014
(Delayed Applicability)

20 DCSTAT 3601

mail or through its website within one year of the date of the admission, a written application to vacate that sets forth a sufficient defense to the charge as described in subsection (a)(2)(A) or (B) of this section; provided, that if the individual's motor vehicle has been immobilized or impounded pursuant to section 6(k) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(k)), or the individual is unable to obtain a license or permit pursuant to D.C. Official Code § 47-2862(a)(1)(C) or (F) or (a)(6), an application may be submitted by mail, through the Department's website, or in person.”.

(i) Section 306 (D.C. Official Code § 50-2303.06) is amended as follows:

Amend
§ 50-2303.06

(1) Subsections (c), (d), and (e) are repealed.

(2) Subsection (f) is amended by striking the phrase “records.” and inserting the phrase “records. Where a determination has been made that the infraction has been established, the Department shall provide written notice of the decision to the respondent, including an accompanying explanation of why any evidence provided was insufficient.” in its place.

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

“(f-1)(1) The following facts shall be judicially noticed in all proceedings governed by the provisions of this title:

“(A) Facts that the courts of the District of Columbia find judicially cognizable;

“(B) Generally recognized technical or specialized facts within the knowledge and experience of the hearing examiners of the Department;

“(C) Facts contained in the records and files of the Department; and

“(D) Any other matter or document that a hearing examiner finds is properly the subject of judicial notice.

“(2) A fact contained in a document belonging to a category enumerated in paragraph (1) of this subsection shall be considered to have been physically incorporated into and made part of the record in a proceeding.”.

(j) A new Title III-A is added to read as follows:

“TITLE III-A

“RECONSIDERATION

“Sec. 311. Reconsideration.

New
§ 50-2303.11

“(a) A person found liable at a hearing conducted pursuant to Titles II and III, including a hearing involving the suspension or revocation of a license or privilege to drive, shall be entitled to reconsideration of the matter if a written application is received by the Department or is postmarked within 30 calendar days of the date of a finding of liability.

“(b) The application for reconsideration shall set forth one or more of the following grounds:

“(1) Newly discovered or newly available relevant evidence;

“(2) Need for additional evidence to establish a defense;

“(3) Probable error committed by the hearing examiner in the proceeding, including failure to judicially notice a fact on which the decision of the hearing examiner rests or

COUNCIL OF THE DISTRICT OF COLUMBIA
D.C. Law 20-127, effective July 23, 2014
(Delayed Applicability)

20 DCSTAT 3602

failure to inform the respondent of a judicially noticed fact on which the decision of the hearing examiner rests; and

“(4) Need for further consideration of the issues.

“(c) An application for reconsideration shall contain all documents or evidence in support of reconsideration.

“(d) On reconsideration, the matter may be reviewed by the hearing examiner who reviewed the matter initially or may be referred to another hearing examiner, should the Chief Examiner make this determination.

“(e) If an application for reconsideration is timely submitted, the 30-day time period for filing an appeal to the appeals board shall begin on the date that the reconsideration decision is served in accordance with section 404.

“(f) A person shall not have an opportunity to appeal a finding of liability by a hearing examiner to the appeals board unless the person’s liability is affirmed upon reconsideration; provided, that a denial by a hearing examiner of a motion to vacate a finding of liability based on a failure to appear at a scheduled hearing under section 206(b) or a deemed admission under sections 205(e) or 305(d)(2) shall be appealed directly to the appeals board.

“(g) Failure by a hearing examiner to issue a decision within 180 calendar days after receipt of an application for reconsideration shall be deemed a decision in favor of the applicant.”.

(k) Section 402 (D.C. Official Code § 50-2304.02) is amended as follows:

**Amend
§ 50-2304.02**

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

“(a) A person found liable by a hearing examiner after a reconsideration conducted pursuant to section 311 may appeal the matter to the appeals board pursuant to the provisions of this title; provided, that a denial by a hearing examiner of a motion to vacate a finding of liability based on a failure to appear at a scheduled hearing under section 206(b) or a deemed admission under sections 205(e) or 305(d)(2) shall be appealed directly to the appeals board. The Director shall appoint an appeals board, pursuant to section 401, to consider and determine appeals.”.

(2) Subsection (b) is amended by striking the phrase “An aggrieved person” and inserting the phrase “A person” in its place.

(l) Section 404 (D.C. Official Code § 50-2304.04) is amended as follows:

**Amend
§ 50-2304.04**

(1) Subsection (a) is amended by striking the phrase “15 calendar days” and inserting the phrase “30 calendar days” in its place.

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

“(b) Service of notice under this section shall be complete 3 calendar days after the Department sends the reconsideration determination to the person.”.

(3) Subsection (c) is amended by striking the phrase “15-day period” and inserting the phrase “30-day period” in its place.

Sec. 4. Title 18 of the District of Columbia Municipal Regulations (18 DCMR) is amended as follows:

DCMR

(a) Chapter 10 (18 DCMR § 1000 *et seq.*) is amended as follows:

COUNCIL OF THE DISTRICT OF COLUMBIA
D.C. Law 20-127, effective July 23, 2014
(Delayed Applicability)

20 DCSTAT 3603

(1) Section 1036 (18 DCMR § 1036.1 *et seq.*) is repealed.

(2) Section 1040 (18 DCMR § 1040.1 *et seq.*) is repealed.

(3) Section 1041 (18 DCMR § 1041) is amended as follows:

(A) Subsection 1041.5 is amended by striking the phrase “(other than official notice of a material fact not appearing in the evidence in the record but taken cognizance of in accordance with § 1036)” and inserting the phrase “(other than a material fact not appearing in the evidence in the record but judicially noticed in accordance with D.C. Official Code § 50-2302.06(d-1) and D.C. Official Code § 50-2303.06(f-1))” in its place.

(B) Subsection 1041.6(c) is amended by striking the word “officially” and inserting the word “judicially” in its place.

(4) Section 1042 (18 DCMR § 1042.1 *et seq.*) is repealed.

(5) Section 1043 (18 DCMR § 1043.1) is amended as follows:

(A) Subsection 1043.1 (18 DCMR § 1043.1) is amended to read as follows:

“1043.1 A person found liable by a hearing examiner upon reconsideration conducted pursuant to D.C. Official Code § 50-2303.11 may petition for a review by the appeals board within 30 days after notice of the hearing examiner’s reconsideration ruling; provided, that a denial by a hearing examiner of a motion to vacate a finding of liability based on a failure to appear at a scheduled hearing pursuant to D.C. Official Code § 50-2302.06(b) or a deemed admission pursuant to D.C. Official Code §§ 50-2302.05(e) or 50-2303.05(d)(2) shall be appealed directly to the appeals board.”.

(B) Subsection 1043.4 is repealed.

(b) Chapter 3000 (18 DCMR § 3000) is amended as follows:

(1) Section 3006 (18 DCMR § 3006) is amended as follows:

(A) Subsection 3006.2 is repealed.

(B) Subsection 3006.3 is repealed.

(C) Subsection 3006.5 is repealed.

(D) Subsection 3006.6 is repealed.

(2) Section 3008 (18 DCMR § 3008) is amended as follows:

(A) Subsection 3008.1 is amended to read as follows:

“3008.1 A person may request an in-person hearing to adjudicate a parking, moving, or automated traffic enforcement violation in accordance with provisions of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*)”.

(B) Subsection 3008.2 is repealed

(C) Subsection 3008.3 is amended to read as follows:

“3008.3 For moving violations, other than an automated traffic enforcement violation, the officer who issued the Notice of Infraction shall be summoned by Adjudication Services only in cases where the person denies liability.”.

(3) Section 3011.8 (18 DCMR § 3011.8) is amended to read as follows:

COUNCIL OF THE DISTRICT OF COLUMBIA
D.C. Law 20-127, effective July 23, 2014
(Delayed Applicability)

20 DCSTAT 3604

“3011.8 Administrative adjudications conducted by the Department of Motor Vehicles shall comply with the provisions of this chapter, Chapter 10 of this title, and the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*).”.

(4) Section 3014 (18 DCMR § 3014) is amended as follows:

(A) Subsection 3014.1 is amended to read as follows:

“3014.1 Appeals shall be from final determinations issued after reconsideration under Title III-A of the District of Columbia Traffic Adjudication Act of 1978; provided, that a denial by a hearing examiner of a motion to vacate a finding of liability based on a failure to appear at a scheduled hearing pursuant to D.C. Official Code § 50-2302.06(b) or a deemed admission pursuant to D.C. Official Code §§ 50-2302.05(e) or 50-2303.05(d)(2) shall be appealed directly to the appeals board.”.

(B) Subsection 3014.9 (18 DCMR § 3014.9) is amended by striking the phrase “fifteen (15)” and inserting the phrase “thirty (30)” in its place.

(C) Subsection 3014.11 (18 DCMR § 3014.11) is amended by striking the phrase “fifteen (15)” and inserting the phrase “thirty (30)” in its place.

(5) Section 3021 (18 DCMR § 3021.1) is amended as follows:

(A) The heading is amended to read as follows:

“18-3021. Proceedings.”.

(B) Subsection 3021.1 is amended by striking the phrase “by mail.” and inserting the phrase “by mail, through the Department’s website, or by appearing on a walk-in basis during regular business hours at a location designated by the Department.” in its place.

(C) Subsection 3021.2 is amended by striking the phrase “by mail.” and inserting the phrase “by mail, through the Department’s website, or on a walk-in basis.” in its place.

Sec. 5. Applicability.

This act shall apply as of October 1, 2014; provided, that the inclusion of its fiscal effect in an approved budget and financial plan has been certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

**Delayed
Applicability**

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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. 7. 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), a 30-day period of Congressional review as

COUNCIL OF THE DISTRICT OF COLUMBIA
D.C. Law 20-127, effective July 23, 2014
(Delayed Applicability)

20 DCSTAT 3605

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.