

A RESOLUTION

**Proposed
Resolution
20-36**

**See
Emergency
Bill
D.C. Bill 20-4
Tabled**

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend section 9 of the District of Columbia Traffic Act, 1925, section 202 of 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.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Reckless Driving Congressional Review Emergency Declaration Resolution of 2013”.

**Reckless
Driving
Congressional
Review
Emergency
Declaration
Resolution of
2013**

Sec. 2. (a) In 1984, the District entered into the Driver License Compact (“Compact”), an interstate agreement among 45 states and the District that requires a driver’s home state to treat motor vehicle offenses occurring in other participating states as if they had occurred in the home state “for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle.” *See* the Driver License Compact Adoption Act of 1984, effective March 16, 1985 (D.C. Law 5-184; D.C. Official Code § 50-1001).

(b) Article IV(c) of the Compact states that if the traffic offense for which the driver was convicted in another state does not exist in the driver’s home state, the home state should impose the penalties for the offense in the home state that is most similar to the offense for which the driver was convicted in the other state. *See id.* at Art. IV(c).

(c) In Virginia, a driver can be cited for reckless driving if he or she drives 80 miles per hour on a highway. Virginia assesses 6 points on the driver’s license for this offense; however, the District assesses 12 points for reckless driving. Moreover, the District automatically revokes a license for this offense, requiring the driver to wait 6 months, have a reinstatement hearing, retake the knowledge test, obtain a learner’s permit, and take a road test to obtain a driver’s license again.

(d) Therefore, a District driver can lose his or her license simply by driving 11 miles per hour above the speed limit (driving 81 miles per hour in a 70 miles per hour zone) in Virginia. This penalty is unduly harsh and is out-of-line with the penalties imposed by all neighboring jurisdictions. Consequently, this penalty has negatively affected many residents who have lost their ability to drive to work, pick up their children from school, and visit elderly relatives solely because they drove as few as 11 miles per hour above the speed limit.

(e) However, the most egregious offenses in the District must still be punished appropriately through the creation of an “aggravated reckless driving” category. Licensees also need the

protection of a presumption that an out-of-state conviction will be considered the lesser offense of “reckless driving,” which would not result in a license suspension or revocation. Additionally, licensees need the ability to demonstrate through official documentation that the traffic offense committed in another jurisdiction should be considered a different offense if committed in the District. Finally, the procedures for the awarding of safe driving points have proved to be unclear and must be clarified.

(f) This emergency Congressional review legislation is necessary to ensure that there is no gap between when the emergency version of this legislation expires and when the temporary version of this legislation takes effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Reckless Driving Congressional Review Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.