

COUNCIL OF THE DISTRICT OF COLUMBIA

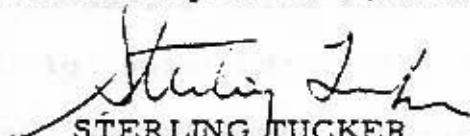
NOTICE

D. C. Law 2-104

"District of Columbia Traffic Adjudication Act  
of 1978"

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 2-195, on first and second readings June 13, 1978 and June 27, 1978, respectively. Following the signature of the Mayor on July 1, 1978, this legislation was assigned Act No. 2-215, published in the August 11, 1978, edition of the D.C. Register and transmitted to both Houses of Congress for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired and, therefore, cites the following legislation as D. C. Law 2-104, effective September 12, 1978.

  
STERLING TUCKER  
Chairman of the Council

(Vol. 25, No. 6, D. C. Register, 1275, August 11, 1978)

D.C. Law

2-104

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 12, 1978

To provide for the administrative adjudication of certain traffic offenses within the Department of Transportation, for the civilian enforcement of parking infractions, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,  
That this act may be cited as the "District of Columbia  
Traffic Adjudication Act of 1978".

TITLE I

PURPOSES; DEFINITIONS; ESTABLISHMENT;

HEARING EXAMINERS; SANCTIONS;

TIME COMPUTATIONS; REGULATIONS

Sec. 101. Statement of Purposes.

It is the intent of the Council of the District of Columbia (hereinafter referred to as the "Council") in the adoption of this act to decriminalize and to provide for the administrative adjudication of certain violations of Title 32 of the D.C. Rules and Regulations (Motor Vehicle Regulations for the District of Columbia), and certain offenses codified in Title 40 of the District of Columbia Code, in the Highways and Traffic Regulations of the

District of Columbia, and in Chapter III of Title 14 of the D.C. Rules and Regulations (relating to the operation of taxicabs), and to provide for the civilian enforcement of parking infractions, and thereby to establish a uniform and more expeditious system and continue to assure an equitable system for the disposition of traffic offenses.

Sec. 102. Definitions.

For the purpose of this act:

- (a) The term "Department" means the District of Columbia Department of Transportation.
- (b) The term "Director" means the Director of the District of Columbia Department of Transportation.
- (c) The term "District" means the District of Columbia.
- (d) The term "infraction" means any conduct subject to administrative adjudication under the provisions of this act and with respect to which the Corporation Counsel does not commence a proceeding in the Superior Court of the District of Columbia.
- (e) The term "lessor" means any owner of a vehicle engaged in the business of renting or leasing vehicles to be used or operated in the District.
- (f) The term "operator" means (1) any person, corporation, firm, agency, association, organization, federal, state or local governmental agency in the business

of renting or leasing vehicles to be used or operated in the District; (2) an owner who operates his own vehicle; or (3) a person who operates a vehicle owned by another.

(g) The term "owner" means (1) any person, corporation, firm, agency, association, organization, federal, state or local governmental agency or other authority or other entity having the property of or title to a vehicle used or operated in the District; or (2) any registrant of a vehicle used or operated in the District; or (3) any person, corporation, firm, agency, association, organization, federal, state or local government agency or authority or other entity in the business of renting or leasing vehicles to be used or operated in the District.

Sec. 103. Establishment.

There are hereby established within the Department of Transportation of the District of Columbia a Bureau of Traffic Adjudication which shall be headed by an Assistant Director of Transportation for Administrative Adjudication and a Bureau of Parking and Enforcement which shall be headed by an Assistant Director for Parking and Enforcement.

Sec. 104. Hearing Examiners.

(a) The Director shall appoint and prescribe the duties of a chief hearing examiner and such other hearing examiners as are necessary to implement the provisions of this act.

No person may be employed as a hearing examiner for more than five (5) years.

(b) The hearing examiners, in addition to the powers granted them by Chapter IX of Title 32 of the D.C. Rules and Regulations, shall have the following powers:

(1) to determine in prescribed cases whether a member of the Metropolitan Police Department or the Department of Transportation shall be called as a witness in an adjudication pursuant to titles II and III of this act;

(2) to impose sanctions for infractions under title II of this act including: (A) monetary fines and penalties; (B) the required attendance at traffic school; and (C) the suspension of operators' permits pending the payment of monetary fines and penalties or the successful completion of traffic school;

(3) to impose monetary fines and penalties for infractions under title III of this act;

(4) to permit the payment of monetary fines and penalties in excess of fifty dollars (\$50.00) in monthly installments over a period not greater than six (6) months. In the case of a moving infraction, the hearing examiner may suspend the respondent's operators' permit if the fines and penalties have not been paid upon

termination of the installment period or if the respondent defaults on two (2) consecutive installments.

Such suspension shall take effect upon service of a notice of suspension upon the respondent, by personal service, by leaving such notice at his recorded address with a person of suitable age and discretion residing therein or by certified mail sent to his recorded address and shall remain in effect until the fines and penalties are paid: PROVIDED, That refusal to accept personal service or delivery of certified mail shall be the equivalent of personal service or receipt of certified mail, if immediately upon advice of such refusal, the Director causes a copy of the notice to be sent to the respondent by regular mail with a statement that, despite such refusal, the suspension will go into effect five (5) days from the date the notice was sent by regular mail; and

(5) to suspend the imposition of traffic violation points (other than those based upon offenses listed in section 202 of this act) conditioned upon (A) good driving behavior (B) the successful completion of traffic school or other rehabilitative measures.

Sec. 105. Monetary Sanctions.

(a) The maximum monetary sanctions that may be imposed under this act shall be as follows:

(1) The civil fine for an infraction shall be an amount equal to the collateral or bond established for the offense, equivalent to such infraction, by the Board of Judges of the Superior Court of the District of Columbia on the date immediately preceding the effective date of this act. The Mayor may modify this schedule of fines thereafter by order. Such order shall become effective at the expiration of forty-five (45) days unless the Council shall, during such period, adopt a resolution disapproving or modifying such Mayor's order. If the Council adopts a resolution modifying such order, the order shall take effect as so modified.

(2) In addition to the civil fine, the following penalties may be imposed:

(A) In the case of a person receiving a Notice of Infraction who fails to answer such notice within the time specified by sections 205(d) or 305(d) of this act, a penalty equal to the amount of the civil fine;

(B) In the case of a person receiving a Notice of Infraction and fails to answer such notice by the close of business on the date set for the

hearing or who answers but fails without good cause to appear at such hearing, with respect to infractions under title II of this act, a penalty equal to twice the amount of the civil fine and, with respect to infractions under title III of this act, a penalty equal to the amount of the civil fine plus five dollars (\$5.00).

(b) A respondent may pay such fines and penalties by use of credit cards approved by the Director. The Director may pay a reasonable percentage of monies collected to private agencies for the collection of fines, penalties and fees.

Sec. 106. Time Computation.

In computing any period of time prescribed or allowed by this act, the day of the act, event or default from which the period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or legal holiday in which event the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

Sec. 107. Regulations.

The Director is authorized to promulgate regulations necessary to carry out the purposes of this act.

Sec. 108. Report to Council.

By June 30th of each year, the Mayor shall submit to the Council a report on parking and traffic enforcement for the previous calendar year. The report shall include, but not be limited to, the following:

(a) the number of persons hired as hearing examiners;

(1) the level of compensation for each hearing examiner;

(2) the length of time each hearing examiner has served in that capacity; and

(3) the qualifications for hearing examiners;

(b) the number of Notices of Infraction issued;

(1) the number of Notices of Infraction issued for moving infractions;

(2) the number of Notices of Infraction issued for parking, standing, stopping and pedestrian infractions; and

(3) the number of Notices of Infraction issued by each agency authorized to issue Notices of Infraction;

(c) the number of answers filed for moving infractions;

(1) the number of "admit" answers filed for moving infractions;

(A) the number of hearings held for respondents who admit the commission of moving infractions; and

(B) the number of suspensions and revocations of respondents who admit the commission of moving infractions;

(2) the number of "admit with explanation" answers filed for moving infractions; the number of suspensions and revocations of respondents who admit with explanation the commission of a moving infraction;

(3) the number of "deny" answers filed for moving infractions;

(A) the number of determinations of liability of respondents who deny the commission of moving infractions;

(B) the number of dismissals of respondents who deny the commission of moving infractions; and

(C) the number of suspensions and revocations of respondents who deny the commission of moving infractions;

(4) the number of suspensions for failure to answer Notices of Infraction; and

(5) the number of suspensions for failure to appear at a hearing;

(d) the number of answers filed for parking, standing, stopping and pedestrian infractions;

(1) the number of "admit" answers filed for parking, standing, stopping and pedestrian infractions;

(2) the number of "admit with explanation" answers filed for parking, standing, stopping and pedestrian infractions; and

(3) the number of "deny" answers filed for parking, standing, stopping and pedestrian infractions;

(A) the number of determinations of liability of respondents who deny the commission of parking, standing, stopping and pedestrian infractions; and

(B) the number of dismissals of respondents who deny the commission of parking, standing, stopping and pedestrian infractions;

(e) the number of Notices of Infraction for which sanctions are imposed;

(1) the number of Notices of Infraction for which a civil fine is imposed;

(2) the number of Notices of Infraction for which a penalty is imposed; and

(3) the number of Notices of Infraction for which attendance at traffic school is required;

(f) the number of Notices of Infraction issued to lessors covered under section 304 of this act;

(1) the penalties and fines imposed for infractions under section 304 of this act;

(2) the penalties and fines actually paid under section 304 of this act;

(3) the number of outstanding infractions under section 304 of this act; and

(4) the amount of fines and penalties outstanding under section 304 of this act;

(g) the number of appeals filed with the Appeals Boards;

(1) the number of decisions set aside by Appeals Boards;

(2) the number of decisions affirmed by Appeals Boards;

(3) the list of attorneys available for service on Appeals Boards;

(4) the list of citizens available for service on Appeals Boards; and

(5) a list of each Appeals Board appointed by the Director;

(h) the number of appeals filed with the Superior Court of the District of Columbia;

(1) the number of decisions set aside by the Superior Court of the District of Columbia; and

(2) the number of decisions affirmed by the Superior Court of the District of Columbia;

(i) the number of appeals filed with the District of Columbia Court of Appeals;

(1) the number of decisions set aside by the District of Columbia Court of Appeals; and

(2) the number of decisions affirmed by the District of Columbia Court of Appeals;

(j) the number of vehicles towed and booted;

(1) the number of vehicles towed;

(2) the number of vehicles booted;

(3) the average cost of each tow; and

(4) the average cost of each booting;

(k) the total revenues generated by this act;

(1) the total collected in fines and penalties;

(2) the total collected in towing fees; and

(3) the total collected in booting fees.

## TITLE II

### MOVING INFRACTIONS

Sec. 201. Applicability.

Notwithstanding any other provision of law, all violations of statutes, regulations, executive orders or rules relating to the operation of any vehicle in the District, except those violations covered by title III of this act or those violations excepted by sections 202 and 203 of this title, shall be processed and adjudicated pursuant to the provisions of this title.

Sec. 202. Exceptions.

The provisions of this title shall not apply to the following violations, which shall continue to be prosecuted as criminal offenses:

- (a) any felony or any misdemeanor for which the provision prohibiting the same is not codified in:
- (1) Title 40 of the District of Columbia Code;
  - (2) Title 14 of the D.C. Rules and Regulations;
  - (3) Title 32 of the D.C. Rules and Regulations; or
  - (4) Highways and Traffic Regulations of the District of Columbia;

PROVIDED, That upon the Mayor complying with section 204 of the District of Columbia Codification Act of 1975, effective October 8, 1975 (D.C. Law 1-19; D.C. Code, sec. 1-1602), and transmitting to the Council a complete and accurate draft of a District of Columbia Municipal Code, this subsection shall stand amended upon publication of such Municipal Code to

substitute in items (2), (3) and (4) of this subsection, the appropriate titles of such Municipal Code;

(b) violation of section 9(b) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (D.C. Code, sec. 40-605 (b)) (reckless driving);

(c) violation of section 802(a) of the Act of March 3, 1901 (D.C. Code, sec. 40-606) (negligent homicide);

(d) violation of section 10(a) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (D.C. Code, sec. 40-609(a)) (fleeing the scene of an accident after colliding);

(e) violation of section 10(b) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (D.C. Code, sec. 40-609(b)) (driving while under the influence of liquor or drugs);

(f) violation of section 11 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (D.C. Code, sec. 40-610) (smoke screens);

(g) violation of section 4 of the Act of August 17, 1937 (D.C. Code, sec. 40-104) (using or permitting the use of an unregistered motor vehicle or trailer; or using a false or fictitious name or address in any application for registration or special use certificate or renewal or

duplicate thereof; or knowingly making any false statement or concealing any material fact in any such application);

(h) violation of section 7(e) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (D.C. Code, sec. 40-301(d)) (operating without a permit);

(i) violation of section 13 (d) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (D.C. Code, sec. 40-302(d)) (operating after suspension or revocation of license or privilege);

(j) violation of Commissioners' Order No. 57-1086, dated June 11, 1957 (Highway and Traffic Regulations, sec. 22(d)) (driving at a speed greater than thirty (30) miles per hour in excess of the legal speed limit);

(k) violation of section 2.401(l) of Title 32 of the D.C. Rules and Regulations (failure or refusal to surrender an operator's license which has been suspended, revoked or cancelled);

(l) commission of any offense contained in Chapters VII or VIII of Title 32 of the D.C. Rules and Regulations;

(m) violation of section 11.701(a) of Title 32 of the D.C. Rules and Regulations (tampering with a locked or secured bicycle);

- (n) violation of section 2.501 of Title 32 of the D.C. Rules and Regulations (acting as a driving school instructor without a license);
- (o) violation of section 2.801 of Title 32 of the D.C. Rules and Regulations (operating a school bus without a permit);
- (p) violation of section 5.201 of Title 32 of the D.C. Rules and Regulations (carrying on or conducting the business of a dealer without a registration); and
- (q) violation of subsection (d) of Commissioners' Order No. 66-535, dated April 21, 1966 (Highways and Traffic Regulations, sec. 87(d)) (unauthorized use of emergency parking permits).

Sec. 203. Exception for Serious Offenders.

- (a) Except as provided in subsection (b) of this section, the provisions of this title shall not apply to a person alleged to have committed an infraction who, during the eighteen (18) month period immediately preceding the date of the infraction, has been assessed twelve (12) or more traffic points pursuant to section 2.305 of Title 32 of the D.C. Rules and Regulations. Such person shall be subject to criminal prosecution by the Corporation Counsel for such offense in the Superior Court of the District of Columbia and, upon conviction, shall be punished by a fine

not to exceed three hundred dollars (\$300) or imprisonment of up to ten (10) days, or both, in addition to any penalties imposed for driving after suspension or revocation.

(b) The Director shall promptly inform the Corporation Counsel of an infraction by any person who has accumulated twelve (12) or more traffic points pursuant to subsection (a) of this section. If the Corporation Counsel asserts jurisdiction over such person, he may be prosecuted without respect to the provisions of this act: PROVIDED, That if the Corporation Counsel affirmatively declines to take jurisdiction or does not assert jurisdiction over such offender within fifteen (15) calendar days of his receipt of notification by the Director of a violation by such person, such violation shall be adjudicated in the manner of civil infractions pursuant to this title.

(c) A person, over whom the Corporation Counsel asserts jurisdiction pursuant to this section, shall be notified that his infraction shall be subject to criminal prosecution. Such notification shall be sent by the Corporation Counsel by certified mail directed to the recorded address of such person. No actions or statements of the respondent made in compliance or attempted compliance with this act before the receipt of such notice, including

but not limited to admissions or admissions with explanation, shall be admissible in any such criminal proceeding.

Sec. 204. Notice of Infraction.

(a) The Notice of Infraction shall be the summons and complaint for the purposes of this title. The Director shall prescribe the form of the Notice of Infraction and shall establish procedures for the proper administrative controls over the dispersal thereof. The Notice of Infraction may be the same as the uniform traffic violation notice.

(b) The Notice of Infraction shall contain information advising the person to whom it is issued of the manner in which and the time within which he may answer the infraction alleged in the notice.

(c) The Notice of Infraction shall advise the person to whom it is issued that his failure to answer the Notice of Infraction within fifteen (15) calendar days from the date of issuance or greater period established by the Director by regulation shall by operation of law result in a suspension of his District operators' permit or, in the case of a person who is not a resident of the District, his privilege to drive within the District, pending his compliance with section 205 of this title.

(d) If a hearing examiner determines that a Notice of Infraction is defective on its face, he shall enter an order dismissing the Notice of Infraction and promptly notify the person to whom it was issued.

Sec. 205. Answer.

(a) In answer to a Notice of Infraction, a person to whom such notice was issued may:

- (1) admit his commission of the infraction;
- (2) admit his commission of the infraction with an explanation which the hearing examiner may take into account in the imposition of a sanction for the infraction; or
- (3) deny his commission of the infraction.

No other response shall constitute an answer for purposes of this title: EXCEPT, That a person who appears before a hearing examiner and refuses to enter an answer admitting, admitting with explanation or denying the commission of the infraction shall be deemed to have denied the infraction.

(b) Except as provided in subsections (c) and (d) of this section, a person to whom a Notice of Infraction has been issued may answer by personal appearance or by mail. Answers by telephone may be permitted by regulation.

(c) A person admitting that an infraction occurred shall, at the same time he submits his answer, pay the civil

fine and any additional penalties established pursuant to section 105 of this act, as may be due for failure to answer within the time required by subsection (d) of this section. In such case, such person need not appear at the hearing, unless the commission of such infraction would subject him to the suspension or revocation of his license or privilege to drive pursuant to Chapter II of Title 32 of the D.C. Rules and Regulations in which case he shall answer in person.

(d)(1) A person to whom a Notice of Infraction has been issued must answer within fifteen (15) calendar days of the date the notice was issued or within a greater period of time as prescribed by the Director by regulation. If a person fails to answer such notice within this period, such person's operators' permit, in the case of a resident of the District or other person with a District operators' permit, or such person's privilege to drive within the District, in the case of a nonresident or resident licensed in another jurisdiction, shall by operation of law be suspended until such person answers the notice.

(2) A notice of such suspension shall be personally served upon the respondent or left at his recorded address with a person of suitable age and discretion residing therein or shall be mailed by certified mail to him at his

recorded address. Such suspension shall take effect five (5) days after the personal service or the receipt of certified mail: PROVIDED, That refusal to accept personal service or delivery of certified mail shall be the equivalent of personal service or receipt of certified mail, if, immediately upon advice of such refusal, the Director causes a copy of the notice to be sent to the respondent by regular mail with a statement that, despite such refusal, the suspension will go into effect five (5) days from the date the notice was sent by regular mail.

(3) A person who fails to answer within the prescribed period referred to in section 205(a)(1) shall answer by personal appearance unless permitted by regulation by the Director to answer by other means.

Sec. 206. Hearing.

(a) Each hearing for the adjudication of a traffic infraction pursuant to this title shall be held before a hearing examiner in accordance with Chapter IX of Title 32 of the D.C. Rules and Regulations except as provided by this act. The burden of proof shall be on the District and no infraction shall be established except by clear and convincing evidence.

(b) If a person to whom a Notice of Infraction has been issued fails to appear at a hearing where he is required to

do so, the hearing examiner may suspend that person's license or privilege to drive until such person appears at a hearing or pays a civil fine pursuant to section 205(c) of this act. Such suspension shall take effect and notice shall be given in accordance with section 205(d) of this act.

(c) The police officer issuing the Notice of Infraction shall appear at the hearing of a case wherein the respondent has denied the commission of the infraction. The police officer issuing the Notice of Infraction shall not be required to attend the hearing of a case wherein the respondent has admitted or has admitted with explanation the commission of the infraction unless (1) the respondent requests the presence of the officer at the same time that he answers to the infraction and the hearing examiner determines that the testimony of such officer would assist his determination of the appropriate sanction to impose; or (2) the hearing examiner decides to require such presence.

(d) After due consideration of the evidence and arguments presented, the hearing examiner shall determine whether the infraction has been established. Where the infraction is not established, an order dismissing the charge shall be entered. Where a determination is made that an infraction has been established or where an answer

admitting the commission of the infraction or admitting the commission of the infraction with explanation has been received, an appropriate order shall be entered in the Department's records.

(e) An order, entered pursuant to a determination that an infraction has been established or pursuant to the receipt of an answer admitting the infraction or admitting the infraction with explanation, shall be civil in nature but shall be treated as an adjudication that an infraction has been committed for the purposes of this act and for the purposes of the assessment of traffic points pursuant to Chapter II of Title 32 of the D.C. Rules and Regulations.

(f) The hearing examiner may impose as sanctions for such infraction:

- (1) a civil fine and applicable penalties as prescribed pursuant to section 105 of this act;
- (2) the required completion of traffic school; or
- (3) both of the preceding sanctions.

(g) In making the determination whether an infraction is established, the hearing examiner shall not consider the traffic record of the respondent, unless so requested by the respondent. However, the hearing examiner shall consider the respondent's traffic record in determining the appropriate sanction to impose.

(h) The hearing examiner may stay the imposition of any sanction imposed pending administrative review pursuant to Part F of Chapter IX of Title 32 of the D.C. Rules and Regulations and title IV of this act: PROVIDED, That the respondent posts a security in the amount of the civil fine and any penalties and, in the case where the sanction includes the suspension or revocation of his license to drive, surrenders his operators' permit to the Bureau of Traffic Adjudication. If a respondent surrenders his operators' permit, a temporary permit shall be issued pursuant to the standards set forth in section 9.202(b)(2) of Title 32 of the D.C. Rules and Regulations.

(i) All civil fines and other monies collected pursuant to the provisions of this title shall be paid into the general fund of the District.

### TITLE III

#### PARKING, STANDING, STOPPING AND PEDESTRIAN INFRACTIONS

##### Sec. 301. Applicability.

Notwithstanding any other provision of law, all violations of statutes, regulations, executive orders or rules relating to parking, standing, stopping or pedestrian offenses within the District shall be processed and

adjudicated pursuant to the provisions of this title, except as provided in section 302 of this title.

Sec. 302. Exceptions for Serious Offenders.

(a) Except as provided in subsection (b) of this section, the provisions of this title shall not apply to a person alleged to have committed a parking, standing, or stopping infraction who during the eighteen (18) months immediately preceding the date of the infraction has been assessed in excess of seven hundred and fifty dollars (\$750) in fines, including any penalties imposed by law for failure to timely pay such fines. Such person shall be subject to criminal prosecution by the Corporation Counsel for such offense in the Superior Court of the District of Columbia and, upon conviction, shall be punished by a fine not to exceed three hundred dollars (\$300) or imprisonment of up to ten (10) days, or both, for each infraction.

(b) The Director shall promptly inform the Corporation Counsel of an infraction by any person who has accumulated in excess of seven hundred and fifty dollars (\$750) in fines pursuant to subsection (a) of this section. If the Corporation Counsel asserts jurisdiction over such person, he may be prosecuted without respect to the provisions of this act: PROVIDED, That if the Corporation Counsel affirmatively declines to take jurisdiction or does not

assert jurisdiction over such offender within fifteen (15) calendar days of his receipt of notification by the Director of a violation by such person, such violation shall be adjudicated as a civil infraction pursuant to this title.

(c) A person over whom the Corporation Counsel asserts jurisdiction pursuant to this section shall be notified that his infraction shall be treated as a criminal matter. Such notification shall be sent by the Corporation Counsel by certified mail directed to the recorded address of such person. No actions or statements of the respondent made in compliance or attempted compliance with this act before the receipt of such notice, including but not limited to admissions or admissions with explanation, shall be admissible in any such criminal proceeding.

Sec. 303. Notice of Infraction.

(a) The Notice of Infraction shall be the summons and complaint for the purposes of this title. The Director shall prescribe the form of the Notice of Infraction and shall establish procedures for the proper administrative controls over the dispersal thereof. The Notice of Infraction may be the same as the uniform traffic violation notice.

(b) The Notice of Infraction shall contain information advising the person to whom it is issued of the manner in

which and the time within which he may answer to the infraction alleged in the notice. Such notice shall also contain a warning to advise the person cited that failure to answer in the manner and time provided shall result in additional monetary penalties and that failure to appear at the hearing shall be deemed an admission of liability and that a default judgment may be entered thereon. A duplicate of each Notice of Infraction shall be served on the person to whom it is issued as provided in subsection (c) of this section. The original or a facsimile thereof shall be filed with the Department and retained by the Department and shall be deemed a record kept in the ordinary course of business and shall be prima facie evidence of the facts contained therein.

(c) A Notice of Infraction shall be served personally upon the operator of a vehicle who is present at the time of service and his name, together with the plate designation and the plate type as shown by the registration plates of said vehicle and the make or model of such vehicle, shall be inserted therein. If the operator is not present, the Notice of Infraction shall be served upon the owner of the vehicle by affixing such notice to such vehicle in a conspicuous place, by inserting the word "owner" in the space provided for identification of such person and by

noting the plate designation and plate type as shown by the registration plates of such vehicle together with the make or model of such vehicle. Service of the Notice of Infraction or a duplicate thereof by affixation, as herein provided, 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.

(d) For purposes of this section, an operator of a vehicle who is not the owner thereof but who uses or operates such vehicle with the permission of the owner, express or implied, shall be deemed to be the agent of such owner to receive Notices of Infraction, whether personally served on such operator or served by affixation, and service made in either manner shall also be deemed to be lawful service upon such owner.

(e) If a hearing examiner determines that a Notice of Infraction is defective on its face, he shall enter an order dismissing the Notice of Infraction and promptly notify the person to whom it was issued.

#### Sec. 304. Civil Liability.

(a) The operator of a vehicle shall be primarily liable for the civil penalties imposed pursuant to this title. Subject to the provisions of subsections (b) and (c) of this

section, the owner of the vehicle, even if not the operator thereof, shall also be liable therefor, unless he can show that such vehicle was used without his permission, express or implied. An owner who pays any civil fine or penalties pursuant to this title shall have the right to recover same from the operator and shall have a cause of action against the operator of the vehicle for such amount paid.

(b) The lessor of a vehicle shall not be liable for fines or penalties imposed for an infraction pursuant to this title if:

- (1) prior to the infraction, the lessor has filed with the Bureau the license plate number and state or registration of the vehicle to which the Notice of Infraction was issued; and
- (2) within thirty (30) days after receiving notice from the Bureau of the date and time of an infraction, as well as, other information contained in the original Notice of Infraction, the lessor submits to the Bureau the correct name and address of the person to whom the vehicle identified in the Notice of Infraction was rented or leased at the time of the infraction and the lessor notifies such person by mail of the Notice of Infraction.

(c) Where the lessor has paid any fine or penalty for which he is liable and the Bureau thereafter collects from the person to whom the vehicle was rented or leased the amount of the scheduled fine and penalties owed by such person, or any portion thereof, the lessor shall be entitled to reimbursement from the Bureau of the amount of the fines and penalties paid by the lessor, less the Bureau's cost of collection.

(d) Where the lessor is liable for an infraction, he shall not be liable for penalties in excess of the standard civil fine unless the lessor fails to answer within fifteen (15) calendar days of his actual receipt of the Notice of Infraction.

Sec. 305. Answer.

(a) In answer to a Notice of Infraction, a person to whom such notice was issued may:

(1) admit, by the payment of the appropriate civil fine, the commission of the infraction;

(2) admit the commission of the infraction with an explanation which the hearing examiner may take into account in the imposition of a civil fine for the infraction; or

(3) deny liability for the infraction.

No other response shall constitute an answer for purposes of this title: EXCEPT, That a person who appears before a hearing examiner and refuses to enter an answer admitting, admitting with explanation or denying the commission of the infraction shall be deemed to have denied the infraction.

(b) A person to whom a Notice of Infraction has been issued may answer by personal appearance or by mail. Answers by telephone may be permitted by regulation.

(c) A person admitting the commission of an infraction shall, at the same time he submits his answer, pay the civil fine and any additional penalties, established pursuant to section 105 of this act, as may be due for failure to answer within the time required by subsection (d) of this section without appearing at the hearing.

(d) A person to whom a Notice of Infraction has been issued shall answer within fifteen (15) calendar days of the date the notice was issued. Failure to answer within the prescribed period may result in imposition of monetary penalties established by section 105 of this act, in addition to the potential civil fine for the infraction.

(e) Any person who desires the presence at the hearing of the police officer or the Department of Transportation employee who served the Notice of Infraction on such person

must so demand at the same time such person answers to the infraction.

Sec. 306. Hearing.

(a) Each hearing for the adjudication of a traffic infraction pursuant to this title shall be held before a hearing examiner in accordance with Chapter IX of Title 32 of the D.C. Rules and Regulations except as provided in this act.

(b) The burden of proof shall be upon the District, and no infraction may be established except upon proof by a preponderance of the evidence.

(c) The police officer or Department employee issuing the Notice of Infraction shall appear at the hearing of a case wherein the respondent has denied that the infraction occurred by his commission: PROVIDED, That demand therefor has been made pursuant to section 305(e) of this act. The police officer or Department employee issuing the Notice of Infraction shall not be required to attend the hearing of a case wherein the respondent has admitted or admitted with explanation that the infraction occurred by his commission (1) unless the respondent requests the presence of the officer or employee, as the case may be, at the same time he answers to the infraction and the hearing examiner determines that the testimony of such officer would assist

his determination of the appropriate sanction to impose or  
(2) unless the hearing examiner decides to require such presence.

(d) If a person to whom a Notice of Infraction has been issued fails to appear at a hearing where he is required to do so, the hearing examiner may enter a judgment by default sustaining the charges, fix the appropriate fine and assess appropriate penalties, if any, if the infraction is established by a preponderance of the evidence. Before such a default judgment is entered, the Department shall notify the respondent by regular mail that an infraction is outstanding, that a default judgment is pending and that such judgment may be avoided by entering an answer or making an appearance within thirty (30) days of such notice. Such notice shall be mailed to the respondent's recorded address.

(e) A judgment by default may be vacated by the hearing examiner within one (1) year of its entry only upon written application setting forth (1) a sufficient defense to the charge and (2) excusable neglect as to the respondent's failure to attend the hearing.

(f) After due consideration of the evidence and arguments, the hearing examiner shall determine whether the infraction has been established. Where the infraction is not established, an order dismissing the charges shall be

entered. Where a determination is made that an infraction has been established or where an answer admitting the commission of the infraction or admitting the commission of the infraction with explanation has been received, an appropriate order shall be entered in the Department's records.

(g) The hearing examiner may impose a civil fine for violation of infractions to which this title is applicable up to and including an amount prescribed by section 105 of this act exclusive of fees and charges imposed for the towing or booting of a vehicle or additional penalties imposed for failure to answer to such infraction in a timely manner.

(h) All civil fines and other monies collected pursuant to the provisions of this title shall be paid into the general fund of the District.

TITLE IV  
ADMINISTRATIVE REVIEW

Sec. 401. Appeals Board.

The Director shall establish Appeals Boards to consider and determine appeals brought by persons aggrieved by decisions of hearing examiners. The Director shall appoint to each Appeals Board one (1) employee of the Department of Transportation, one (1) attorney from a list of practicing

and willing attorneys submitted by the District of Columbia Bar or, if no such list is submitted, from a list compiled by the Director and one (1) citizen from a list of willing citizens compiled and kept by the Director. In compiling and keeping such list of citizens, the Director shall consult with the various Advisory Neighborhood Commissions. The Director shall appoint a chairperson for each Appeals Board. Members of Appeals Boards who are not employees of the District government shall receive compensation equivalent to the rate established for a GS-14 employee in the Civil Service prorated according to the number of hours actually served. Employees of the District government may not receive additional compensation but shall receive administrative leave during their actual service on an Appeals Board. All members of Appeals Boards shall receive reimbursement for actual expenses incurred. The Director shall designate employees of the Department to assist the Appeals Boards and shall provide such facilities and supplies as are necessary to enable the Appeals Boards to carry out their functions.

Sec. 402. Right of Appeal.

Any person who is aggrieved by a determination of a hearing examiner, either as to the existence of liability or the sanction imposed therefor, or both, may appeal such

determination pursuant to this title. The Director shall appoint an Appeals Board pursuant to section 401 of this act, to consider and determine the appeal.

Sec. 403. Scope of Review.

Each Appeals Board shall review each case before it on the record and shall hold unlawful and set aside any action or findings and conclusions found to be (a) arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law; (b) contrary to constitutional right, power, privilege or immunity; (c) in excess of statutory jurisdiction, authority or limitations or short of statutory rights; (d) without observance of procedure required by law, including any applicable procedure provided by this act; or (e) unsupported by substantial evidence in the record of the proceedings before the Appeals Board.

Sec. 404. Time Limitation.

(a) No appeal shall be reviewed if it is filed more than fifteen (15) calendar days after service of notice of the determination appealed from.

(b) Service of notice under this section shall be complete when the respondent is orally informed of the determination at the hearing or, if the respondent is not orally informed at the hearing, service of notice shall be

complete three (3) calendar days after the Department mails notice of the determination to the respondent.

(c) An appeal filed by mail shall be timely if postmarked within the fifteen (15) day period.

Sec. 405. Judicial Review.

Appeals from decisions of the Appeals Board shall be by application for the allowance of an appeal filed in the Superior Court of the District of Columbia within thirty (30) days of the decision of the Appeals Board: PROVIDED, That appeals from the suspension or revocation of one's license or privilege to drive shall continue to be governed by section 11 of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1510). Except to the extent that this act provides otherwise, the manner of and standards for appeals to the Superior Court of the District of Columbia shall be as set forth in section 11 of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1510).

TITLE V

CIVILIAN ENFORCEMENT OF PARKING INFRACTIONS

Sec. 501. Subsection (k) of section 6 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Code, sec. 40-603(k)), is amended to read as follows:

"(k)(1) Any unattended motor vehicle found parked at any time upon any public highway of the District of Columbia against which there are two (2) or more outstanding or otherwise unsettled traffic violation notices or notices of infraction or against which there have been issued two (2) or more warrants, may, by or under the direction of an officer or member of the Metropolitan Police force or the United States Park Police force or an employee of the District of Columbia Department of Transportation, either by towing or otherwise, be removed or conveyed to and impounded in any place designated by the Mayor or immobilized in such manner as to prevent its operation: EXCEPT, That no such vehicle shall be immobilized by any means other than by the use of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place.

"(2) It shall be the duty of the officer or member of the police force or employee of the District of Columbia Department of Transportation, removing or immobilizing such motor vehicle, or under whose direction such vehicle is removed or immobilized, to inform as soon as practicable the owner of an impounded or immobilized vehicle of the nature and circumstances

of the prior unsettled traffic violation notices, notices of infractions or warrants, for which or on account of which, such vehicle was impounded or immobilized. In any case involving immobilization of a vehicle pursuant to this subsection, such member or officer or employee shall cause to be placed on such vehicle, in a conspicuous manner, notice sufficient to warn any individual to the effect that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle.

"(3) The owner of such impounded or immobilized vehicle, or other duly authorized person, shall be permitted to reposess or to secure the release of the vehicle upon:

"(A)(i) the depositing of the collateral required for his appearance in the Superior Court of the District of Columbia to answer for each violation; or

"(ii) depositing the amount of the potential fine and penalty for each infraction, for which there is an outstanding or otherwise unsettled traffic violation notice, notice of infraction or warrant; and

"(B) upon the payment of the fees required by paragraph (4) of this section.

"(4) The owner of an immobilized vehicle shall be subject to a booting fee of twenty-five dollars (\$25) for such immobilization. The owner of an impounded motor vehicle shall be subject to a towing fee of fifty dollars (\$50) plus a fee for storage. The owner of an immobilized vehicle which was impounded shall be subject to a total fee of fifty dollars (\$50) plus a fee for storage.".

Sec. 502. Commissioners' Order No. 302-741/4, dated June 20, 1950 (Police Regulations of the District of Columbia, Art. 25, sec. 15) is amended by inserting after the words "police and fire departments" the words "and the District of Columbia Department of Transportation.".

Sec. 503. Commissioners' Order No. 57-1086, dated June 11, 1957 (D.C. Highways and Traffic Regulations, sec. 91) is amended as follows:

(a) by inserting after the words "Metropolitan Police force" the words "or employees of the Department of Transportation";

(b) by inserting after the words "police department" the words "or the Department of Transportation"; and

(c) by amending the last sentence thereof to read as follows: "The owner of such impounded vehicle, or other duly authorized person, shall be permitted to repossess the same

upon the payment of a fifty dollars (\$50) towing fee, plus a fee for storage, to the Bureau of Traffic Adjudication.".

Sec. 504. Section 1 of An Act to prohibit parking of vehicles upon public or private property in the District of Columbia without the consent of the owner of such property, approved January 15, 1942 (56 Stat. 5; D.C. Code, sec. 40-810), is amended to read as follows:

"It shall constitute an infraction within the meaning of the District of Columbia Traffic Adjudication Act to park, store, or leave any vehicle of any kind, whether attended or not, or for the owner of any vehicle of any kind to allow, permit, or suffer the same to be parked, stored, or left, whether attended or not, upon any public or private property in the District of Columbia, other than public highways, without the consent of the owner of such public or private property and the Mayor of the District of Columbia, and his designated agent or agents, are authorized to remove and impound any vehicle parked, stored, or left in violation of this act and to keep the same impounded until the owner thereof, or other duly authorized person, shall pay the Bureau of Traffic Adjudication, Department of Transportation, a towing fee of \$50 plus a fee for storage. The owner of such impounded vehicle, or duly

authorized person, shall be permitted to repossess the same upon depositing the collateral required for his appearance in the Superior Court of the District of Columbia to answer for each outstanding violation, or depositing the amount of the potential fine and penalty for each infraction, for which there is an outstanding or otherwise unsettled traffic violation notice, notice of infraction, or warrant. Whoever violates the provisions of section 2 of this Act shall be punished by a fine of not more than \$25. In any administrative adjudication under this section or prosecution under section 2 of this act, proof that a vehicle was parked, stored, or left on public or private property shall be prima facie evidence that the vehicle was so parked, stored, or left without the consent of the owner of such public or private property."

Sec. 505. The Mayor of the District of Columbia is authorized to establish from time to time a reasonable fee to be charged for the cost of storing impounded vehicles. Such storage fee shall not be charged for the first twenty-four (24) hour period in which a vehicle is impounded.

TITLE VI

MISCELLANEOUS AMENDMENTS TO OTHER LAWS

Sec. 601. Amendment to the District of Columbia Traffic Act, 1925.

(a) Subsection (e) of section 6 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Code, sec. 40-603(i)), is amended by striking out the period at the end thereof and inserting in lieu thereof the following phrase: "except as provided in the District of Columbia Traffic Adjudication Act".

(b) Subsection (c) of section 7 of the District of Columbia Traffic Act, 1925, (43 Stat. 1122; D.C. Code, sec. 40-301(c)) is amended in the second sentence thereof by deleting the phrase "upon conviction thereof, be fined not less than \$2 nor more than \$40" and inserting in lieu thereof the phrase "shall be subject to a civil fine pursuant to the District of Columbia Traffic Adjudication Act".

(c) Section 9(d) of the District of Columbia Traffic Act, 1925 (43 Stat. 1123; D.C. Code, sec. 40-605(d)) is amended by deleting everything after the words "reckless driving." and inserting the phrase "shall be subject to a civil fine under the District of Columbia Traffic Adjudication Act".

Sec. 602. Amendments to the Highways and Traffic Regulations.

(a) Commissioners' Order 65-655, dated May 13, 1965 (Highways and Traffic Regulations, sec. 22(e)) is amended by deleting the phrase "upon conviction thereof, be fined not more than \$300 or be imprisoned not more than 90 days" and inserting in lieu thereof the phrase "upon determination of liability therefor, be subject to a civil fine pursuant to the District of Columbia Traffic Adjudication Act".

(b) Section 90 of the Highways and Traffic Regulations, enacted by Commissioners' Order 274, 310/949, is repealed.

(c) Subsection (m) of Regulation 74-25, enacted October 12, 1974 (Highways and Traffic Regulations, sec. 82(m)) is amended to read as follows:

"Any person who shall violate any provision of this regulation shall, upon determination of liability therefor, be subject to a civil fine pursuant to the District of Columbia Traffic Adjudication Act".

(d) Regulation 73-12, enacted May 24, 1973 (Highways and Traffic Regulations, sec. 97A) is amended in subsection (c) thereof by deleting the phrase "upon conviction, be subject to punishment by a fine of not more than \$300 or imprisonment of not more than 10 days, or both" and inserting in lieu thereof the phrase "upon determination of

liability therefor, be subject to a fine pursuant to title III of the District of Columbia Traffic Adjudication Act".

(e) Section 158 of the Highways and Traffic Regulations, enacted by Commissioners' Order 274, 310/949, is amended to read as follows:

"Sec. 158. Civil Penalties

Any person violating any of the provisions of any section or paragraph of these regulations wherein a penalty is not specifically provided shall, upon determination of liability therefor, be subject to a civil fine or other sanctions pursuant to the District of Columbia Traffic Adjudication Act.".

(f) Section 87(e) of the Highways and Traffic Regulations, enacted by Commissioners' Order 66-535, dated April 21, 1977, is amended to read as follows:

"(e) Any person violating subsection (d) of this section shall, upon conviction, be punished by a fine of not more than \$300 or by imprisonment of not more than 10 days, or both. Any person violating any other provisions of this section shall, upon a determination of liability, be subject to a civil fine or other sanctions under the

District of Columbia Traffic Adjudication  
Act.".

Sec. 603. Amendments to Title 14, District of Columbia  
Rules and Regulations.

Public Utility Commission Order No. 1059, dated August  
4, 1932 (14 DCRR 365.1) is amended to read as follows:

"Any person who violates any of these  
regulations, shall upon determination of  
liability therefor, be subject to a civil fine  
or other sanctions pursuant to the District of  
Columbia Traffic Adjudication Act.".

Sec. 604. Amendments to Title 32, District of Columbia  
Rules and Regulations.

Title 32 of the D.C. Rules and Regulations (Motor  
Vehicle Regulations for the District of Columbia) is amended  
as follows:

(a) Paragraph (2) of section 1.301 is amended to read as  
follows:

"(2) 'Appeals Board' means the Appeals Board  
established in section 401 of the District of  
Columbia Traffic Adjudication Act.".

(b) Subsection (b) of section 2.303 (SUSPENSION OF  
PRIVILEGES OF NONRESIDENTS) is amended to read as follows:

"(b) If a nonresident driver of a motor vehicle is convicted of an offense in the District or is determined liable for an infraction in the District, the Director may forward a certified copy of the record of the conviction or determination of liability to the motor vehicle administrator in the jurisdiction where the driver resides.".

(c) Subsection (a) of section 2.303 (SUSPENSION OF RESIDENT'S LICENSE BASED UPON CONDUCT IN ANOTHER JURISDICTION) is amended by:

- (1) inserting the phrase "or determination of liability" after the word "conviction"; and
- (2) inserting the words "or infraction" after the word "offense".

(d) Paragraph (7) of subsection (a) of section 2.305 is amended by inserting after the word "convicted" the phrase "or found civilly liable pursuant to the District of Columbia Traffic Adjudication Act".

(e) Subsection (a) of section 2.305 is further amended by adding at the end thereof the following new paragraph (8) to read as follows:

"(8) Has failed to appear at a hearing for the administrative adjudication of a traffic

infraction pursuant to the District of Columbia Traffic Adjudication Act.".

(f) Paragraph (1) of subsection (b) of section 2.305 is amended as follows:

(1) by adding the phrase "or civil adjudications establishing the commission of traffic infractions" before the period at the end of the first sentence; and

(2) by inserting in the fourth sentence thereof after the word "Director" the phrase "after a civil adjudication establishing the commission of traffic infraction or".

(g) Paragraph (3) of subsection (b) of section 2.305 is amended by inserting after the word "conviction" the phrase "or civil adjudication".

(h) Section 2.310 is amended by adding at the end thereof the following new sentence to read as follows:

"The period of suspension for a person whose license or privilege has been suspended for failure to appear at a hearing for the administrative adjudication of a traffic infraction or for the failure to pay a civil fine and any penalties or attend traffic school pursuant to the District of Columbia Traffic Adjudication Act shall terminate only

upon the payment of such fines and penalties or the successful completion of traffic school.".

(i) Subsection (a) of section 2.315 is amended by inserting after the words "traffic violation" the phrase "or cited for a traffic infraction".

(j) Subsection (b) of section 2.315 is amended by deleting the word "arresting" and inserting after the word "offense" the words "or infraction".

(k) Subsection (d) of section 2.315 is amended by inserting after the word "arrested" the words "or cited".

(l) Subsection (e) of section 2.315 is amended by inserting after the word "arrested" the words "or cited".

(m) Subsection (g) of section 2.315 is amended in the second sentence thereof by deleting the phrase "on conviction be punished by a fine of not more than \$300 or imprisonment of not more than 10 days, or both" and inserting in lieu thereof the phrase "on determination of his liability therefor, shall be subject to a civil fine or other sanctions pursuant to the District of Columbia Traffic Adjudication Act".

(n) Section 2.509 is amended to read as follows:

      "(a) An Appeals Board shall review an order suspending or revoking a license if the

licensee files a written request stating the reasons for the requested review within five (5) days of the effective date of the order of suspension or revocation.

"(b) An Examiner shall review a refusal to issue a license if the applicant files a written request stating the reasons for the requested review within five (5) days of the refusal to issue a license.".

(o) Section 3.305 is amended by adding at the end thereof the following new paragraph (5) to read as follows:

"(5) That the registrant has failed to pay a civil fine imposed pursuant to the District of Columbia Traffic Adjudication Act.".

(p) Section 2.701 is amended by (1) inserting after the phrase "conviction for which" the phrase "and infractions following the determination of liability for which"; (2) deleting the phrase "to the driver record of the person convicted"; and (3) deleting the period at the end of the sentence and inserting the phrase "to the driver record of the person convicted or determined liable.".

(q) Section 2.702 is amended by inserting after the word "offenses" the words "and infractions".

(r) Subsection (a) of section 2.703 is amended by inserting after the words "traffic offense" the phrase "or determination of liability for an infraction".

(s) Subsection (b) of section 2.703 is amended by (1) inserting after the phrase "Juvenile Bureau of the Metropolitan Police Department," the phrase "or upon receipt of evidence that any person under 18 years of age has been civilly determined to have committed an infraction"; and (2) by inserting after the phrase "first such offense" the words "or infraction".

(t) Section 8.113 is amended to read as follows:

"Any person violating any provision of this chapter, sections 2.501 or 2.801 of Chapter II, section 5.201 of Chapter V or section 11.701(a) of Chapter XI shall upon conviction be punished by a fine not to exceed three hundred dollars (\$300) or by imprisonment for not more than ten (10) days, or both. Any person violating any provision of this title wherein a penalty is not specifically provided shall upon determination of his liability therefor be subject to a civil fine or other sanctions pursuant to the District of Columbia Traffic Adjudication Act.".

(u) Section 9.501 is amended by inserting after the first sentence thereof the following new sentence: "In the case of a hearing for the administrative adjudication of a traffic infraction, the date and place of the hearing may be specified in the Notice of Infraction.".

(v) Section 9.505(c) is amended by striking out the phrase "United States District Court for the District of Columbia" and inserting in lieu thereof the phrase "District of Columbia Court of Appeals".

(w) Section 9.510(b) is amended by deleting everything after the words "relied upon" and inserting in lieu thereof a period.

(x) Subsection (a) of section 9.519 is amended by inserting after the words "individual proceeding" the phrase "involving the suspension or revocation of one's license or privilege to drive".

(y) The heading of Part F of Chapter IX is amended to read as follows: "REVIEW BY APPEALS BOARD".

(z) Subsection (a) of section 9.601 is amended to read as follows:

"PETITION FOR REVIEW. (a) Any person aggrieved by the decision of the Examiner may petition within fifteen (15) days from the date of such ruling for review by an Appeals Board. Such petitions shall

comply with the requirements of petitions generally as provided in this Chapter and shall set out the reasons for such requests for review.".

(aa) Section 9.602 is amended to read as follows:

"Section 9.602 - APPEALS BOARD TO REVIEW DECISIONS.

"(a) An Appeals Board shall review decisions of examiners as provided in title IV of the District of Columbia Traffic Adjudication Act.

"(b) No person on the Appeals Board shall review any of his own orders or acts.".

(bb) Section 9.603 is amended by deleting the word "Director" and inserting in lieu thereof the words "Appeals Board".

(cc) Section 9.604 is amended by striking the word "Director" each place it appears and inserting in lieu thereof in each such place the words "Appeals Board".

(dd) Section 9.605 is amended to read as follows:

"DECISION. As soon as practical after the issues on review have been considered, the Appeals Board shall prepare a final order which shall set forth its action and reasons therefor. A copy of such order shall be given to each party or to his attorney of record.".

(ee) Section 11.702(a) is repealed.

TITLE VII

SEPARABILITY; EFFECTIVE DATE

Sec. 701. Separability.

If any provision of this act or the application of such provision to any person or circumstances shall be held unconstitutional or otherwise invalid, the constitutionality or validity of the remainder of this act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

Sec. 702. Effective Date.

(a) The provisions of this act shall apply only to violations which occur after the Director has promulgated the necessary regulations to carry out this act pursuant to section 107 of this act.

(b) This act shall take effect as provided by section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act.

## RECORD OF OFFICIAL COUNCIL ACTION

Docket No: 2-195First Reading Action: June 13, 1978 voice vote: Adopted Unanimously (Barry abs.)*Robert Williams*  
Secretary to the Council ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	ABST.	COUNCIL MEMBER	AYE	NAY	ABST.	COUNCIL MEMBER	AYE	NAY	ABST.
TUCKER	1	1	1	MASON	1	1	1	SPALDING	1	1	1
HARDY	1	1	1	MCROE, D.	1	1	1	WILSON	1	1	1
BARRY	1	1	1	MCROE, J.	1	1	1	WINTER	1	1	1
CLARKE	1	1	1	ROCLARK	1	1	1		1	1	1
DEXON	1	1	1	SACKLETON	1	1	1		1	1	1
<u>X</u> -Indicates Vote A. S.-Absent N. T.-Not Voting											

Secretary to the Council

Amended First Reading Action: \_\_\_\_\_

 voice vote: \_\_\_\_\_

Secretary to the Council

 ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	ABST.	COUNCIL MEMBER	AYE	NAY	ABST.	COUNCIL MEMBER	AYE	NAY	ABST.
TUCKER	1	1	1	MASON	1	1	1	SPALDING	1	1	1
HARDY	1	1	1	MCROE, D.	1	1	1	WILSON	1	1	1
BARRY	1	1	1	MCROE, J.	1	1	1	WINTER	1	1	1
CLARKE	1	1	1	ROCLARK	1	1	1		1	1	1
DEXON	1	1	1	SACKLETON	1	1	1		1	1	1
<u>X</u> -Indicates Vote A. S.-Absent N. T.-Not Voting											

Secretary to the Council

Final Reading or Emergency Action: June 27, 1978 voice vote: Adopted Unanimously (Barry, Dixon abs.)*Robert Williams*  
Secretary to the Council ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	ABST.	COUNCIL MEMBER	AYE	NAY	ABST.	COUNCIL MEMBER	AYE	NAY	ABST.
TUCKER	1	1	1	MASON	1	1	1	SPALDING	1	1	1
HARDY	1	1	1	MCROE, D.	1	1	1	WILSON	1	1	1
BARRY	1	1	1	MCROE, J.	1	1	1	WINTER	1	1	1
CLARKE	1	1	1	ROCLARK	1	1	1		1	1	1
DEXON	1	1	1	SACKLETON	1	1	1		1	1	1
<u>X</u> -Indicates Vote A. S.-Absent N. T.-Not Voting											

Secretary to the Council

## RECORD OF OFFICIAL COUNCIL ACTION (Page 2)

Docket No: 2-195

Presented to the Mayor: JUN 30 1978

Robert A. Weller

Secretary to the Council

Action of the Mayor: JUL 1 1978

Approved:  Disapproved;  
 Disapproved in part -- \*Reference  
 Document:  
 \*Budget Actions.

Returned Without Action ----- Executive Secretary, D. C.

Enacted without Mayor's Signature ----- Secretary to the Council

Council Reenactment:

VOICE VOTE: -----

Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	ATC	HAT	MAT	ALL	COUNCIL MEMBER	ATC	HAT	MAT	ALL	COUNCIL MEMBER	ATC	HAT	MAT	ALL	
TOOKER					MASON					SPAULDING					
HARDY					MOORE, D.					WILSON					
BARRY					MOORE, E.					WENTZEE					
CLARKE					ROLARK										
DECON					SCHWETZEN										
X indicates Vote    A. = Absent    N. = Not Voting															

Secretary to the Council

Presented to the President: -----

Secretary to the Council

Action of the President: -----

Reenactment Approved

Mayor's Veto Sustained

President of the U. S.

Patricia E. Nixon

Secretary to the Council

Submitted to the Congress: JUL 13 1978

House Action :

Resolution Number: -----

Senate Action: -----

Resolution Number: -----

Secretary of the Senate

Clerk of the House

Enacted Without Congressional Action:

D.C. Law No. Effective Date

Secretary to the Council