



COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, NW
WASHINGTON, D.C. 20004

CHRISTINA HENDERSON
Councilmember, At-Large
Chairperson, Committee on Health

Committee Member
Hospital and Health Equity
Judiciary and Public Safety
Transportation and the Environment

Statement of Introduction
Automated Traffic Enforcement Effectiveness Amendment Act of 2023
July 6, 2023

Today, I am introducing the Automated Traffic Enforcement Effectiveness Amendment Act of 2023, along with Councilmembers Charles Allen, Brianne K. Nadeau, Brooke Pinto, and Janeese Lewis George.

Vision Zero launched in 2015 with the goal of eliminating traffic fatalities by 2024. One year out from the end of the Vision Zero timeframe, it is painfully clear that the District has not made the progress necessary to achieve that goal. The Metropolitan Police Department's (MPD) traffic fatality data as of July 6, 2023, shows that traffic fatalities are up 35% compared to the same date last year.¹ There are also untold numbers of accidents and near misses. While the District continues to work toward the goal of eliminating traffic fatalities by reducing speed limits, installing protected bike lanes, installing speed humps and curb bump-outs, and narrowing traffic lanes, it is equally important to sharpen the tools at our disposal that address the main issue—drivers who violate traffic safety laws.

The District, like most jurisdictions throughout the United States, assesses fines and points on a driving record when a moving violation is recorded by a law enforcement officer. Only fines are assessed for moving violations captured by automated traffic enforcement (ATE) systems, which are cameras installed by the District Department of Transportation (DDOT) to capture and enforce traffic laws and capture traffic violations on roadways. ATE systems in the District currently document three types of moving violations: speeding more than 11 miles over the speed limit, running red lights, and running stop signs. MPD's role in traffic enforcement is determined by district captains, who coordinate traffic enforcement among patrol members based on officer availability and district priorities. While MPD recently announced that it is increasing traffic enforcement and education in summer 2023, the overwhelming majority of traffic violations are captured by ATE systems. Fines issued following ATE system-caught violations have not proven to be an effective mechanism to deter illegal behavior, as there are several instances of drivers accumulating thousands and thousands of dollars in fines for moving violations to no consequence. Other states have found ways to more effectively harness the capacity of ATE systems. In many California jurisdictions, a red light camera ticket is considered a moving violation, and a moving violation adds one point to a driver's record.² Camera citations in Arizona are also considered moving violations, and the Arizona Motor Vehicle Department

¹ [MPD Traffic Data](#).

² [California law authorizing citations captured by ATE](#).

assesses four points for each red light camera conviction and three points for each speeding conviction.³

The Automated Traffic Enforcement Effectiveness Amendment Act of 2023 revises Title 18 of the District of Columbia Municipal Regulations (DCMR) to assess 1 point against the driving record of an individual for each moving violation detected by an ATE system and to assess one additional point to those assessed for a moving violation if the moving violation occurs in a school zone. The first moving violation detected by an ATE system in a two year period would be waived. The bill also amends the DCMR to place in regulations an existing DMV program which allows the Director to waive assessed points upon the driver's completion of a traffic safety course. The Director may waive assessed points depending on the driving record of the individual, the seriousness of the moving violation, and may waive points under this rule no more than one time each year.

The legislation also amends the Fiscal Year 1997 Budget Support Act of 1996 to create a rebuttable presumption that the owner of a vehicle was its operator at the time a moving violation is detected by an ATE system. DDOT is required to procure a certain number of ATE systems by 2024 under current law, and this bill would amend that statute to require that 1 out of every 3 ATE systems in place capture footage of the front of the vehicle by 2025. Obtaining footage of the driver who receives an ATE citation would alleviate concerns about correctly identifying the offending driver. DDOT would be also required to publish on its website unedited copies of ATE assessment worksheets that the agency uses to evaluate the traffic safety environment of an intersection or stretch of road. DDOT carefully assesses the need for ATE systems after receiving complaints from the community through 311 requests and emails, from MPD, after conducting engineering and safety studies field visits, and through the fatal crash review process. Prior to installing an ATE system, DDOT conducts a thorough screening process, which includes an existing conditions review, crash data review, speed data review, and site visits at peak traffic hours. DDOT monitors drivers' compliance with traffic laws following the installation, and if more drivers begin to comply with traffic laws, DDOT may move the camera to another location that has been assessed. DDOT prioritizes ATE system placement in alignment with these principles, and I believe that making these worksheets available to the public will demonstrate that DDOT's analysis is thorough, impartial, and intended to address communities' traffic safety needs.

The bill also amends the District of Columbia Traffic Adjudication Act of 1978 to permit a deemed admission of a violation detected by an ATE system to be vacated upon a showing of sufficient evidence that the owner of a vehicle was not its operator. To encourage compliance of traffic laws using private market tools, especially for drivers with out-of-state tags, the bill requires the Director of the Department of Motor Vehicles (DMV) to biannually send a report containing the motor vehicle record of drivers who acquire five moving violation infractions in the District to the drivers' respective automobile insurance company.

Finally, the bill amends the District of Columbia Traffic Act of 1925 to require the towing or immobilization of a parked vehicle with five or more unpaid moving violations and to require the

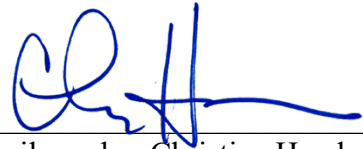
³ [Arizona Point Assessment Law.](#)

towing or immobilization of a parked vehicle displaying counterfeit, stolen, or otherwise fraudulent temporary identification tags.

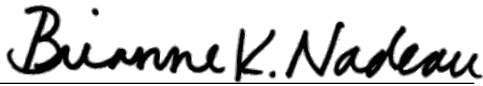
We must use and hone all of our available tools to confront and end the crisis of traffic violence in the District. This legislation would set the District on the path to be a leader in finding solutions that strengthen the impact that ATE systems have on drivers' compliance with traffic laws. It creates reasonable accommodations for people who make mistakes and structures consequences in the public and private spheres for serial violators. Speeding, running red lights, and ignoring stop signs threatens the livability of our neighborhoods and compromises the safety of children, pedestrians, bicyclists, and other drivers. Driving is not a right, and the status quo in the District will not be one where drivers' desire to get where they are going as quickly and recklessly as possible is prioritized at the cost of everyone else's safety.

1 

2 Councilmember Charles Allen



Councilmember Christina Henderson

3
4 

5 Councilmember Brianne K. Nadeau



Councilmember Brooke Pinto

7
8 

9 Councilmember Janeese Lewis George

10
11
12
13
14 A BILL

15
16
17
18
19 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

20
21
22
23
24 To amend Title 18 of the District of Columbia Municipal Regulations to assess one traffic point
25 per moving violation detected by an automated traffic enforcement system against the
26 driving record of an individual, to add an additional point to those assessed for a moving
27 violation occurring in a designated school zone, and to permit the Director of the
28 Department of Motor Vehicles to waive points from a driving record if the Director
29 approves the driver's petition to complete a traffic safety course; to amend the Fiscal
30 Year 1997 Budget Support Act of 1996 to create a rebuttable presumption that the owner
31 of a vehicle operated the vehicle at the time of a violation detected by an automated
32 traffic enforcement system; to amend the District of Columbia Traffic Adjudication Act
33 of 1978 to permit a deemed admission of a violation detected by an automated traffic
34 enforcement system to be vacated upon a showing of sufficient evidence that the owner
35 of a vehicle was not its operator at the time, to require the Director of the Department of
36 Motor Vehicles to biannually send a report to insurers of driving records of drivers who
37 acquire 5 or more moving violation infractions in the District of Columbia within the
38 preceding 6 months, to require the District Department of Transportation to make
39 available unedited copies of all automated traffic enforcement assessment worksheets
40 available on its website for the public to access, and to require the District Department of
41 Transportation to procure automatic enforcement systems that capture the front of a
42 vehicle; and to amend the District of Columbia Traffic Act of 1925 to require the towing
43 or immobilization of a parked vehicle with 5 or more unpaid moving violations or
44 displaying counterfeit, stolen, or otherwise fraudulent temporary identification tags.

46 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
47 act may be cited as the “Automated Traffic Enforcement Effectiveness Amendment Act of
48 2023.”.

49 Sec. 2. Section 303 of Title 18 of the District of Columbia Municipal Regulations (18
50 DCMR § 303) is amended as follows:

51 (a) Subsection 303.2 is amended by inserting new paragraph (ii) to read as follows:

52 “(ii) Violations detected by an automated traffic enforcement system. 1
53 point”.

54 (b) New subsections 303.18 and 303.19 are added to read as follows:

55 “303.18 The Director shall assess one additional point for any moving violation that
56 occurs within a designated school zone.”.

57 “303.19 The Director may waive points assessed for moving violations to a driving
58 record if, when contesting a ticket that assigns points to their driving record for a traffic violation
59 assessed pursuant to the schedule in § 303.2, a licensee requests that the points be waived
60 following completion of a traffic safety course approved by the Director. The Director shall
61 consider the driving record of the licensee and the seriousness of the violation in determining the
62 licensee’s eligibility to waive the respective points. If the licensee is deemed eligible for this
63 option, the Director shall waive the points upon the licensee paying the ticket fine for the traffic
64 violation and the Director confirming receipt of documentation certifying that the licensee
65 successfully completed the course. The Director shall not waive points more than one (1) time in
66 twelve (12) months.”.

67 Sec. 3. Title IX of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9,
68 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01 *et seq.*), is amended as follows:

69 (a) Section 901 (D.C. Official Code § 50-2209.01) is amended by adding a new
70 subsection (d) to read as follows:

71 “(d) Notwithstanding subsection (c) of this section, an individual’s driver’s license or
72 privilege to operate a motor vehicle in the District may be suspended or revoked for a violation
73 detected by an automated traffic enforcement system if the subsequent assessment of traffic
74 points pursuant to Chapter 3 of Title 18 of the District of Columbia Municipal Regulations
75 compels suspension or revocation.”.

76 (b) Section 902 (D.C. Official Code § 50-2209.02) is amended as follows:

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

78 “(a-1)(1) For purposes of the assessment of traffic points against an individual’s driving
79 record pursuant to Chapter 3 of Title 18 of the District of Columbia Municipal Regulations, the
80 owner of a motor vehicle issued a notice of infraction for a violation recorded by an automated
81 traffic enforcement system shall be presumed to have been the operator of the vehicle at the time
82 of the violation. If one vehicle is registered to two individuals, the individuals shall register as
83 primary and secondary registrants, and the primary registrant shall be presumed to be the
84 operator of the vehicle at the time of the violation. Such presumptions may be rebutted by the
85 presentation of sufficient evidence in the answer to the notice of infraction or at a hearing
86 requested pursuant to subsection (c) of this section.

87 “(2) Traffic points shall not be assessed against the operator of a vehicle for the
88 first violation detected by an automated traffic enforcement system in a two year period.”.

89 (2) Subsection (b) is amended as follows:

90 (A) The existing text is redesignated as paragraph (1).

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

92 “(2) The Mayor shall include with the notice of infraction:

93 “(A) A warning that violations detected by an automated traffic
94 enforcement system and admitted by the operator, or established after a hearing held pursuant to
95 section 206 of the District of Columbia Traffic Adjudication Act of 1978, effective September
96 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2302.06), may result in the assessment of
97 traffic points against the operator’s driver’s license; and

98 “(B) A copy of the point schedule set forth in 18 DCMR § 303.2
99 conveying the traffic points assessable for various violations detectable by automated traffic
100 enforcement systems.”.

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

102 “(c) An owner or operator who receives a citation may request a hearing which shall be
103 adjudicated pursuant to Title II of the District of Columbia Traffic Adjudication Act of 1978,
104 effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2302.01 *et seq.*)”.

105 (c) A new section 906 is added to read as follows:

106 “Sec. 906. ATE Assessment Worksheet Publication.

107 (a) Beginning on January 1, 2024, the District Department of Transportation shall make
108 unedited copies of all automated traffic enforcement assessment worksheets available on its
109 website for the public to access and view.”.

110 (d) Section 103)(b)(1) of the Safety-Based Traffic Enforcement Amendment Act of 2012,
111 effective May 1, 2013 (D.C. Law 19-307; D.C. Official Code § 50-2209.11(b)(1)), is amended by
112 adding a new subparagraph (C) to read as follows:

113 “(C) By January 1, 2025, for every 3 red light automated enforcement
114 cameras and speed automated enforcement cameras operating in the District, the Mayor shall

115 have operating at least one automated enforcement camera that captures footage of the front of a
116 moving vehicle. The automated enforcement cameras required pursuant to subparagraph (B) of
117 this paragraph may include the automated enforcement cameras required by this subparagraph.”.

118 Sec. 4. The District of Columbia Traffic Adjudication Act of 1978, effective September
119 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*), is amended as follows:

120 (a) Section 109 (D.C. Official Code § 50-2301.09) is amended by adding a new
121 subsection (c) to read as follows:

122 “(c) Twice yearly, the Director shall send a report to the insurers of motor vehicle owners
123 who have 5 or more outstanding moving violation infractions accumulated in the District of
124 Columbia over a 6-month period a copy of the owner’s record.”.

125 (b) Section 205(i)(3) (D.C. Official Code § 50-2302.05(i)(3)) is amended to read as
126 follows:

127 “(3) If the infraction underlying a deemed admission pursuant to subsection (e) of
128 this section involves a violation detected by an automated traffic enforcement system pursuant to
129 section 901 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C.
130 Law 11-198; D.C. Official Code § 50-2209.01), the deemed admission may be vacated if the
131 Department receives a written application by mail or through the Department’s website within 60
132 days of the date of admission if the application provides sufficient evidence that the respondent:

133 “(A) Was not the owner or lessee of the cited vehicle at the time of the
134 infraction;

135 “(B) Reported that the registration plates were stolen from the cited
136 vehicle at the time of the infraction;

137 “(C) Reported that the cited vehicle was stolen at the time of the
138 infraction; or

139 “(D) Was not the operator of the car at the time of the infraction.”.

140 Sec. 5. Section 6(k)(1) of the District of Columbia Traffic Act, 1925, approved March 3,
141 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(k)(1)), is amended to read as follows:

142 “(k)(1)(A) Any unattended motor vehicle found parked at any time upon any public
143 highway of the District against which there are 2 or more unpaid notices of infraction or vehicle
144 conveyance fees that the owner was deemed to have admitted or that were established after a
145 hearing, pursuant to sections 305 or 306 of the District of Columbia Traffic Adjudication Act of
146 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code §§ 50-2302.05,
147 2303.06), or section 902 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9,
148 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.02), or against which there have been
149 issued 2 or more warrants may, by or under the direction of a law enforcement officer, member
150 of the Metropolitan Police Department or the United States Park Police, or an employee of the
151 Department of Transportation or Department of Public Works, either by towing or otherwise, be
152 removed or conveyed to and impounded in any place designated by the Mayor or immobilized in
153 such manner as to prevent its operation.

154 “(B) Notwithstanding subparagraph (A) of this paragraph, any unattended
155 motor vehicle found parked at any time upon any public highway of the District against which
156 there are 5 or more unpaid notices of infraction for moving violations adjudicable pursuant to
157 Title II of the District of Columbia Traffic Adjudication Act of 1978, effective September 12,
158 1978 (D.C. Law 2-104; D.C. Official Code § 50-2302.01 *et seq.*), that the owner was deemed to
159 have admitted or that were established after a hearing, pursuant to sections 205 or 206 of the

160 District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law
161 2-104; D.C. Official Code §§ 50-2302.05, 2303.06), or section 902 of the Fiscal Year 1997
162 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-
163 2209.02), or against which there have been issued 5 or more warrants shall, by or under the
164 direction of a law enforcement officer, member of the Metropolitan Police Department or the
165 United States Park Police, or an employee of the Department of Transportation or Department of
166 Public Works, either by towing or otherwise, be removed or conveyed to and impounded in any
167 place designated by the Mayor or immobilized in such manner as to prevent its operation.

168 “(C) In addition to any penalties imposed pursuant to section 4 of the
169 District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C.
170 Official Code § 50-1501.04), any unattended motor vehicle found parked at any time upon any
171 public highway of the District of Columbia displaying counterfeit, stolen, or otherwise fraudulent
172 temporary identification tags shall, by or under the direction of a law enforcement officer,
173 member of the Metropolitan Police Department or the United States Park Police, or an employee
174 of the Department of Transportation or Department of Public Works, either by towing or
175 otherwise, be removed or conveyed to and impounded in any place designated by the Mayor or
176 immobilized in such manner as to prevent its operation.

177 “(D) No vehicle shall be immobilized pursuant to subparagraphs (A)
178 through (C) of this paragraph by any means other than by the use of a device or other mechanism
179 that will cause no damage to such vehicle unless it is moved while such device or mechanism is
180 in place.

181 “(E) The Mayor shall establish communications systems within and
182 between agencies with the ability to identify vehicles eligible for towing or immobilization under

183 sub-paragraphs (A) through (C) of this paragraph, and provide for automated alerts to agencies
184 with towing or immobilization equipment of the need to respond.”.

185 Sec. 6. Applicability date.

186 The provisions of this Act shall apply as of January 1, 2024.

187 Sec. 7. Fiscal impact statement.

188 The Council adopts the fiscal impact statement in the committee report as the fiscal
189 impact statement required by section 602(c)(3) of the District of Columbia Home Rule
190 Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

191 Sec. 8. Effective date.

192 This act shall take effect following approval by the Mayor (or in the event of veto by the
193 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
194 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
195 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
196 Columbia Register.