



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

Charles Allen
Councilmember, Ward 6
Chairperson
Committee on Transportation and the Environment

Committee Member
Business and Economic Development
Health
The Judiciary & Public Safety

July 12, 2023

Nyasha Smith, Secretary
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Today, along with Councilmembers Frumin, Henderson, Lewis George, McDuffie, Nadeau, and Parker, I am introducing the ***“Strengthening Traffic Enforcement, Education, and Responsibility (“STEER”) Amendment Act of 2023”***.

The District has failed to make progress on Vision Zero, its pledge to eliminate all traffic fatalities by 2025. Instead, the District experienced a 10-year high of 40 traffic fatalities in 2021 and closed 2022 with 35 traffic fatalities – a figure we are on track to eclipse in 2024. There has also been a growing awareness that the District’s traffic enforcement system is failing to impose meaningful consequences for dangerous driving. For example, it was reported in March that “[a]bout 6.2 million traffic tickets totaling nearly \$1.3 billion in fines and penalties have not been paid to the District since 2000,” 90% of which were issued to vehicles registered outside the District.¹ The Committee on Transportation and the Environment also discovered during oversight that communication issues have prevented the Department of Motor Vehicles (“DMV”) from taking timely action on driving under the influence (“DUI”) convictions that should result in the loss of driving privileges.²

Moreover, the District’s current system of traffic enforcement perpetuates significant inequities. Under current practice, drivers can rack up dozens of speeding tickets without fear of losing their driving privileges or having their car booted or towed. This is because the District does not suspend driving privileges or seek the immobilization of vehicles based on the number or severity of speeding infractions. Instead, the District boots or tows vehicles for speeding only after the driver has failed to pay the fines for two or more traffic tickets. In effect, the District has created a system in which you are allowed to speed – as long as you pay for it. Not only has this system

¹ Luz Lazo, *How 6 million D.C. traffic tickets went unpaid*, WASHINGTON POST (May 11, 2023), <https://www.washingtonpost.com/transportation/2023/05/11/dc-unpaid-traffic-tickets/>.

² Martin Austermuhle, *D.C. Walks Back Claim It Did Not Know Driver Accused Of Fatal Crash Had Prior DUI Convictions*, DCIST (June 6, 2021), <https://dcist.com/story/23/06/06/error-on-dc-dmv-driver-previous-dui-convictions-rock-creek-crash/>.

failed to encourage safer driving behavior, it creates a two-tier system of enforcement: a more lenient system for those with the ability to pay and a harsher system for those who cannot.

To address these issues, the STEER Amendment Act establishes an additional regime for suspending driving privileges and immobilizing (*i.e.*, booting or towing and impounding) motor vehicles based on traffic tickets accumulated over any consecutive six-month period, regardless of whether the fine for the ticket is paid or unpaid. Under this parallel system of enforcement, one's ability to pay a fine will have no bearing on whether one loses their driving privileges or has their motor vehicle immobilized.

The bill also addresses the longstanding lack of reciprocity between the District, Maryland, and Virginia by empowering the Attorney General for the District of Columbia to bring civil suits against offending drivers or their motor vehicles. If the Office of the Attorney General ("OAG") obtains civil judgments against the driver or their motor vehicle, OAG can seek the enforcement of those judgments against District residents in D.C. Superior Court or against out-of-state drivers in their state of residence.

Furthermore, the bill requires that the DMV create a safe driving course that drivers must complete prior to the reinstatement of their driving privileges or the release of their vehicle from impoundment. The DMV may also waive any outstanding fines and fees based on participation in the course at a rate of \$100 per hour of participation. This provides an alternative consequence for drivers who may not be able to afford their fines, again disentangling loss of driving privileges and financial status.

Finally, the bill strengthens the District's response to DUI offenses in several ways. The bill requires that a judge order the suspension of a defendant's driving privileges while any charge of negligent vehicular homicide is pending, and upon conviction of three DUI offenses within 5 years. To facilitate better communication between D.C. Superior Court and the DMV, the bill requires that the DMV send a monthly report to the Court and OAG listing the licenses they have suspended pursuant to a court order, enabling the Court, OAG, and DMV to cross-reference data and identify any technical issues. The bill also requires that DMV send the Committee a report every 6 months listing the number of suspensions, providing another layer of oversight.

Together, these changes in the law establish a fairer, more effective system of traffic enforcement that better protects all roadway users.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles Allen", written in a cursive style.

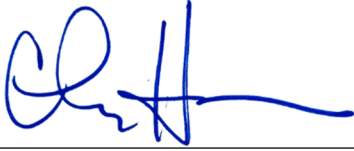
Councilmember Charles Allen, Ward 6
Chairperson, Committee on Transportation & the Environment

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2 Councilmember Matthew Frumin



Councilmember Charles Allen

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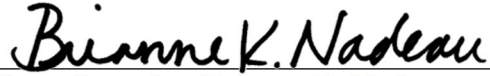
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7 Councilmember Christina Henderson



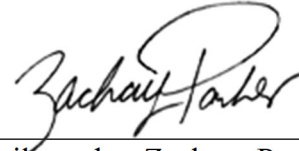
Councilmember Janeese Lewis George

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12 Councilmember Kenyan R. McDuffie



Councilmember Brianne K. Nadeau



Councilmember Zachary Parker

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20 A BILL

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25 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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30 To amend the District of Columbia Traffic Act, 1925 to additionally allow the District to tow or
31 immobilize vehicles based on traffic infractions accumulated over any consecutive six
32 months, regardless of whether the associated fine is paid or unpaid, to allow the Mayor to
33 enter into memoranda of agreement with private tow companies to immobilize vehicles
34 against which immobilization-eligible offenses have been issued, to amend the definitions
35 of reckless driving and aggravated reckless driving, and to authorize the Office of Attorney
36 General to bring civil actions against drivers for speeding, reckless driving, and aggravated
37 reckless driving; and to amend the Anti-Drunk Driving Act of 1982 to require that Superior
38 Court judges order the revocation of driver’s licenses for individuals convicted of driving
39 under the influence.

40
41 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
42 act may be cited as the “Strengthening Traffic Enforcement, Education, and Responsibility
43 (“STEER”) Amendment Act of 2023”.

44 Sec. 2. Section 802(a) of An Act To establish a code of law for the District of Columbia,
45 approved March 3, 1901 (31 Stat. 1189; D.C. Official Code § 50–2203.01), is amended as follows:

46 (a) The existing text is re-designated as subsection (a).

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

48 “(b) If a defendant is charged with violating subsection (a) of this section, a judge shall
49 order that the defendant’s driver’s license or privilege to operate a motor vehicle be suspended
50 during the pendency of their criminal case and transmit a copy of that order to the agency which
51 issued the driver’s license or privilege to operate a motor vehicle.”.

52 Sec. 3. The District of Columbia Traffic Act, 1925, enacted March 3, 1925 (34 Stat. 1119;
53 D.C. Official Code § 50–2201.01 *et seq.*), is amended as follows:

54 (a) Section 2 (D.C. Official Code § 50–2201.02) is amended as follows:

55 (1) New paragraphs (8A) and (8B) are added to read as follows:

56 “(8A) “Immobilization device” means any device or mechanism that, when
57 equipped to a motor vehicle, prevents the motor vehicle’s operation but causes no damage to the
58 vehicle unless it is moved while such device or mechanism is in place.

59 “(8B) “Immobilization-eligible offense” means the sustained notices of infractions,
60 or final determinations of liability or guilt, for the following violations when based on conduct
61 occurring within any consecutive six-month period:

62 “(A) Eight or more sustained infractions for any violation of regulations
63 adopted pursuant to section 9(a)(1) of the District of Columbia Traffic Act, 1925, enacted March
64 3, 1925 (34 Stat. 1119; D.C. Official Code § 2201.04(a)(1)), where the driver is alleged to have
65 traveled at a speed of 10 miles per hour or less in excess of the speed limit;

66 “(B) Six or more sustained infractions for any violation of regulations
67 adopted pursuant to section 9(a)(1) of the District of Columbia Traffic Act, 1925, enacted March
68 3, 1925 (34 Stat. 1119; D.C. Official Code § 2201.04(a)(1)), where the driver is alleged to have
69 traveled at a speed of 11 miles per hour or more in excess of the speed limit;

70 “(C) Two or more findings of liability or guilt for reckless driving, as
71 defined in section 9(b) of the District of Columbia Traffic Act, 1925, enacted March 3, 1925 (34
72 Stat. 1119; D.C. Official Code § 2201.04(b)); or

73 “(D) One or more findings of liability or guilt for aggravated reckless
74 driving, as defined in section 9(c) of the District of Columbia Traffic Act, 1925, enacted March 3,
75 1925 (34 Stat. 1119; D.C. Official Code § 2201.04(c)).”.

76 (b) Section 6(k) (D.C. Official Code § 50–2201.03(k)) is amended as follows:

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

78 “(1)(A) The Mayor and the United States Park Police are authorized to take the
79 actions described in subparagraph (B) of this paragraph against any unattended motor vehicle
80 found parked on any public highway in the District of Columbia, the owner of which:

81 “(i) Has 2 or more unpaid notices of infraction or vehicle
82 conveyance fees that the owner was deemed to have admitted or that were sustained after a hearing,
83 pursuant to section 305, 306, or 902 of the District of Columbia Traffic Adjudication Act of 1978,
84 effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*), or
85 against which there have been issued 2 or more warrants; or

86 “(ii) Was found liable for or guilty of an immobilization-eligible
87 offense.

88 “(B) Motor vehicles meeting the requirements of subparagraph (A) of this
89 paragraph may be:

90 “(i) Removed, through towing or other means, and transported to
91 any place designated by the Mayor for impoundment; or

92 “(ii) Immobilized using an immobilization device.”.

93 (2) Paragraph (4) is amended by striking the period and inserting the phrase “;
94 provided, that the booting fee shall be waived for any owner who has completed a safe driving
95 course established pursuant to section 10 of the Motor Vehicle Services Fees and Driver Education
96 Support Act of 1982 (D.C. Law 4-97; D.C. Official Code § 50–1405.01).” in its place.

97 (3) Paragraph (5) is amended by striking the phrase “had an ownership interest
98 when a notice of infraction was issued” and inserting the phrase “had an ownership interest when
99 a notice of infraction was issued; provided, that in the case of an immobilization or impoundment
100 made pursuant to paragraph (1)(A)(ii), the owner shall also provide evidence of completion of a
101 safe driving course required pursuant to section 13(a-1)(2) of the District of Columbia Traffic Act,
102 1925, enacted March 3, 1925 (34 Stat. 1119; D.C. Official Code § 50-1403.01(a-1)(1)(B), (2)(B))”
103 in its place.

104 (c) Section 9 (D.C. Official Code § v) is amended to read as follows:

105 “(a)(1) No vehicle shall be operated at a greater rate of speed than permitted by the
106 regulations adopted under the authority of this part.

107 “(2) DDOT shall issue rules to enforce this section.

108 “(b) A person commits the offense of reckless driving if the person drives a motor vehicle
109 on any highway in the District:

110 “(1) At a speed of 20 miles per hour or more in excess of the speed limit; or

111 “(2) In any other manner that displays a conscious disregard of the risk of causing
112 property damage or bodily injury to any person.

113 “(c) A person commits the offense of aggravated reckless driving if the person drives a
114 motor vehicle on any highway in the District:

115 “(1) At a speed of 30 miles per hour or more above the speed limit; or

116 “(2) At a speed of 20 miles per hour or more above the speed limit; and

117 “(i) Causes bodily injury to any other person;

118 “(ii) Collides with another motor vehicle; or

119 “(iii) Causes \$1,000 or more in property damage.

120 “(d) Any person convicted of reckless driving shall:

121 “(1) For a first conviction of reckless driving, be fined not more than the amount
122 set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective
123 June 11, 2013 (D.C. Law 19-317; 60 DCR 2064), or imprisoned for not more than 90 days, or
124 both.

125 “(2) For a third or subsequent conviction for reckless driving within a 2-year period,
126 be fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality
127 Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; 60 DCR 2064), or imprisoned
128 for not more than 1 year, or both.

129 “(e) Any person convicted of aggravated reckless driving shall be:

130 “(1) For a first conviction of aggravated reckless driving, be fined not more than
131 the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012,
132 effective June 11, 2013 (D.C. Law 19-317; 60 DCR 2064), or imprisoned for not more than 180
133 days, or both.

134 “(2) For a third or subsequent conviction for aggravated reckless driving within a
135 2-year period, be fined not more than the amount set forth in section 101 of the Criminal Fine
136 Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; 60 DCR
137 2064), or imprisoned for not more than 1 year, or both.

138 “(f) A presumption shall exist that a reckless, careless, hazardous, or aggressive driving
139 conviction that occurred in a foreign jurisdiction constitutes reckless driving as provided in
140 subsection (b) of this section, unless the District can show evidence that the person met the
141 requirements for aggravated reckless driving in subsection (c) of this section.

142 “(g)(1) The Attorney General may bring a civil cause of action in the Superior Court of the
143 District of Columbia:

144 “(A) *In personam*, against any driver who is suspected of violating
145 this section; or

146 “(B) *In rem*, against any motor vehicle operated by a driver in a
147 manner that violates this section.

148 “(2) In any civil action brought pursuant to paragraph (1) of this section, the
149 Attorney General may seek:

150 “(A) Monetary damages not to exceed the maximum available fine
151 for the violation at issue; provided, that the Attorney General may not seek monetary damages in
152 cases where the defendant has paid a fine imposed pursuant to subsection (d) of this section;

153 “(B) The suspension or revocation of the defendant’s driver’s
154 license; and

155 “(C) The immobilization of the motor vehicle through booting,
156 towing, or impoundment.

157 “(3) The Attorney General shall seek to enforce any final judgment in a case
158 brought pursuant to paragraph (1) of this section in any court of competent jurisdiction with respect
159 to the defendant.”.

160 (d) Section 13 (D.C. Official Code § 50-1403.01) is amended as follows:

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

162 “(a-1)(1) In addition to any violation of law for which suspension or revocation of an
163 operator’s permit is mandatory, the Mayor shall suspend the operator’s permit of any person
164 against whom the following sustained notices of infractions, or final determinations of liability or
165 guilt, have been issued based on conduct occurring within any consecutive 6-month period:

166 “(A) Eight or more sustained infractions for any violation of regulations
167 adopted pursuant to section 9(a)(1) of the District of Columbia Traffic Act, 1925, enacted March
168 3, 1925 (34 Stat. 1119; D.C. Official Code § 2201.04(a)(1)), where the driver is alleged to have
169 traveled at a speed of 10 miles per hour or less in excess of the speed limit;

170 “(B) Six or more sustained infractions for any violation of regulations
171 adopted pursuant to section 9(a)(1) of the District of Columbia Traffic Act, 1925, enacted March
172 3, 1925 (34 Stat. 1119; D.C. Official Code § 2201.04(a)(1)), where the driver is alleged to have
173 traveled at a speed of 11 miles per hour or more in excess of the speed limit;

174 “(C) Two or more findings of liability or guilt for reckless driving, as
175 defined in section 9(b) of the District of Columbia Traffic Act, 1925, enacted March 3, 1925 (34
176 Stat. 1119; D.C. Official Code § 2201.04(b)); or

177 “(D) One or more findings of liability or guilt for aggravated reckless
178 driving, as defined in section 9(c) of the District of Columbia Traffic Act, 1925, enacted March 3,
179 1925 (34 Stat. 1119; D.C. Official Code § 2201.04(c)).”.

180 “(2)(A) Any notice of infraction, that if sustained, or determination of liability or
181 guilt, that if finalized, may result in the suspension or revocation of an individual’s operator’s
182 permit as described in paragraph (1) of this subsection, or the immobilization of their vehicle as
183 described in section 6(k), shall provide notice to the individual of the potential suspension or
184 revocation of their operator’s permit or the immobilization of their vehicle.

185 “(B) After sustaining a notice of infraction or finalizing a determination of
186 liability of guilt that may result in the suspension or revocation of an operator’s permit as described
187 in paragraph (1) of this subsection or the immobilization of their vehicle as described in section
188 6(k), the Department of Motor Vehicles (“DMV”) shall provide a 30-day grace period during
189 which the individual may complete a safe driving course, as described in paragraph (3), before
190 effectuating the suspension or revocation of an operator’s permit or the immobilization of a
191 vehicle.

192 “(3)(A) For a suspension made pursuant to paragraph (1)(A) of this subsection, the
193 Mayor shall reinstate the operator’s permit upon completion of a safe driving course developed by
194 the DMV pursuant to section 10 of the Motor Vehicle Services Fees and Driver Education Support
195 Act of 1982 (D.C. Law 4-97; D.C. Official Code § 50–1405.01) (“safe driving course”); and

196 “(B) For a suspension made pursuant to paragraph (1)(B) or (1)(C) of this
197 subsection, not less than 1 year after the suspension, a person whose operator’s permit has been
198 suspended shall be eligible to complete a safe driving course, and upon completion of the safe
199 driving course, the Mayor may reinstate the operator’s permit.”.

200 (2) Subsection (b) is amended by striking the phrase “In case the operator’s permit

201 of any individual is revoked no new permit shall be issued” and inserting the phrase “In case the
202 operator’s permit of any individual is revoked pursuant to subsection (a) of this section, no new
203 permit shall be issued” in its place.

204 Sec. 4. The Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-
205 14; D.C. Official Code § 50–2205.02 *et seq.*), is amended as follows:

206 (a) Section 3d(d-1) (D.C. Official Code § 50–2206.13(d-1)) is amended as follows:

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

208 “(1) In addition to any other penalty provided by law, and notwithstanding section
209 10a and 3t of this act, the sentencing judge shall, upon conviction for violating any provision of
210 section 3b or 3c of this act, when the person has been convicted of 2 prior offenses under section
211 3b, 3c, or 3e within the past 5 years, order that the defendant’s driver’s license or privilege to
212 operate a motor vehicle be revoked and transmit a copy of that order to the agency which issued
213 the driver’s license or privilege to operate a motor vehicle.”.

214 (2) Existing paragraph (2) is redesignated as paragraph (3).

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

216 “(2) The Department of Motor Vehicles (“DMV”) shall:

217 “(A) Upon receipt of an order revoking a defendant’s license or privilege to
218 operate a motor vehicle pursuant to paragraph (1) of this subsection, revoke the defendant’s
219 driver’s license or privilege to operate a motor vehicle within 10 business days; and

220 “(B)(i) On January 1, 2024 and monthly thereafter submit a report to the
221 Superior Court for the District of Columbia and the Office of the Attorney General listing the
222 revocations of a driver’s license or privilege to operate a motor vehicle the DMV has made in

223 response to orders transmitted pursuant to paragraph (1) of this subsection since the most recent
224 report submitted pursuant to this sub-subparagraph; and

225 “(ii) On January 1, 2024 and every 6 months thereafter, submit to
226 the Council committee with oversight of DMV, a report listing the number of revocations of a
227 driver’s license or privilege to operate a motor vehicle the DMV has made in response to orders
228 transmitted pursuant to paragraph (1) of this subsection since the most recent report submitted
229 pursuant to this sub-subparagraph; provided, that the report submitted pursuant to this sub-
230 subparagraph shall not include any personally identifying information.”.

231 Sec. 5. The Motor Vehicle Services Fees and Driver Education Support Act of 1982 (D.C.
232 Law 4-97; D.C. Official Code § 40–102 *et seq.*), is amended by adding a new section 10 to read
233 as follows:

234 “Sec. 10. Safe driving course.

235 “(a) The Department of Motor Vehicles (“DMV”) shall develop and administer a safe
236 driving course covering various topics related to safe driving practices and traffic regulations.

237 “(b)(1) Completion of the course developed pursuant to subsection (a) may be used to
238 satisfy any outstanding fine issued pursuant to section 6(k)(4) or section 9 of the District of
239 Columbia Traffic Act, 1925, enacted March 3, 1925 (34 Stat. 1119; D.C. Official Code § 50–
240 2201.01 *et seq.*).

241 “(2) DMV may waive any outstanding fine issued pursuant to section 6(k)(4) or
242 section 9 of the District of Columbia Traffic Act, 1925, enacted March 3, 1925 (34 Stat. 1119;
243 D.C. Official Code § 50–2201.01 *et seq.*), based on an individual’s participation in, and completion
244 of, the course established pursuant to subsection (a); provided, that the DMV may grant a waiver
245 of up to \$100 per hour of participation in the course.”.

246 Sec. 6. Section 2 of the District of Columbia Revenue Act of 1937, approved August 17,
247 1937 (50 Stat. 680; D.C. Official § 50–1501.02) is amended by adding a new subsection (l) to read
248 as follows:

249 “(l)(1) Upon receipt of a report for a stolen motor vehicle registered in the District that
250 MPD reasonably believes to be true, MPD shall transmit the following information to the
251 Department of Motor Vehicles (“DMV”) within five business days:

252 “(A) The name, contact information, and driver’s license number of the
253 stolen motor vehicle’s owner;

254 “(B) The make, model, year, and plate number of the stolen motor vehicle;
255 and

256 “(C) The dates during which the motor vehicle was or is alleged to have
257 been stolen.

258 “(2) If, after transmitting information as described in paragraph (1), MPD
259 subsequently determines that it no longer reasonably believes a report of a stolen motor vehicle to
260 be true, it shall notify the DMV of that determination within five business days.

261 “(3) The DMV shall not issue a notice of infraction for a moving violation detected
262 by the automated traffic enforcement system established pursuant to section 901(a) of Fiscal Year
263 1997 Budget Support Act (D.C. Law 11-198; D.C. Official Code § 50–2209.01) if:

264 “(A) The DMV has received notice that the motor vehicle captured by the
265 automated traffic enforcement system was stolen as described in paragraph (1); and

266 “(B) MPD has not subsequently notified the DMV that it no longer
267 reasonably believes the report of a stolen motor vehicle to be true.”.

268 Sec. 6. Fiscal impact statement.

269 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
270 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
271 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

272 Sec. 7. Effective date.

273 This act shall take effect after approval by the Mayor (or in the event of veto by the
274 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
275 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,
276 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
277 Columbia Register.