



Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Brianne K. Nadeau
Councilmember, Ward 1

Statement of Introduction
Fraudulent Vehicle Tag Enforcement Amendment Act of 2023

July 14, 2023

Nyasha Smith, Secretary
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

Dear Secretary Smith,

Today along with Councilmembers Allen, Henderson, Frumin, Pinto, and Lewis George, I am introducing the Fraudulent Vehicle Tag Enforcement Amendment Act of 2023. This legislation aims to address the significant proliferation of long-expired temporary tags (or “dealer plates”) as well as outright counterfeit vehicle identification tags and the intentional obscuring of plates to avoid accountability.

Dangerous driving is a significant and rising concern in the District and requires a comprehensive approach to be addressed. With legislation recently introduced by others, including from Councilmember Allen and Councilmember Henderson, bold steps are being taken to ensure that our traffic safety enforcement systems are more robust and tailored towards true accountability for dangerous driving.

However, better enforcement of something like speeding or running a red light can only go so far if a sizeable number of drivers are operating vehicles free from any accountability whatsoever through the use of counterfeit tags, or by intentionally obscuring plates so that they cannot be picked up by automated traffic enforcement.

The executive clearly recognized this emergent concern – driven in part by relaxed timelines for vehicle registration due to the pandemic – in 2022 when a task force was created to come up with

strategies to better enforce expired and counterfeit temporary tags. An emergency rulemaking was issued, noting:

“Motor vehicles with expired or fraudulent or counterfeit vehicle identification tags have been found to be involved in the commission of violent crimes, reckless driving, and the evasion of the District’s traffic laws and regulations, thus, in turn, posing a substantial risk to public safety and the health and welfare of District residents and visitors. It is therefore imperative the District take immediate action to ensure the safety of all roadway users on its streets and highways, necessitating the adoption of these emergency rules for the immediate preservation of public health, safety, and welfare.”¹

However, no further work has been done to meaningfully address this issue since that rulemaking expired last November.

This legislation seeks to address this absence of enforcement priority by:

- Strengthening several code sections pertaining to vehicle identification tags, with a focus on prohibiting the installation on or operation of a vehicle with fraudulent, counterfeit, or stolen tags, as well as intentionally obscured tags;
- Requiring the Mayor to create and maintain a directory of temporary and permanent vehicle tags issued by all U.S. states and territories, for use by District enforcement agencies in identifying the legitimacy of vehicle tags, and requiring all relevant District employees to be properly trained in identification of tags;
- Establishing certain offenses as *immediately* tow-eligible, including missing tags, plates that can be clearly identified as inauthentic², and temporary tags expired over 60 days – as opposed to having to wait for the vehicle to have two, potentially unrelated, unpaid violations. Vehicle owners who violate the law, whether they pay their fines or not, must be held accountable.
- Empowering D.C. Government to go after the sellers of counterfeit temporary tags classifying the creation and distribution of falsified vehicle identification tags as a forgery offense under District law.³

At present, parking enforcement has limited authority to tow and impound vehicles with clearly fraudulent or expired tags, and it is not prioritized for enforcement. This legislation provides our enforcement agencies with additional tools, by strengthening the conditions in which a vehicle that is

¹ <https://dcregs.dc.gov/Common/DCR/Issues/IssueCategoryList.aspx?DownloadFile=%7BDE29A82B-9B73-4012-8E19-E43EC08D3280%7D>

² “Sovereign Citizen” plates, for example: <https://www.caranddriver.com/features/a30281693/sovereign-citizen-right-to-travel/>

³ Recent investigative reporting has revealed “a thriving black market to drivers who use them to skirt accountability on the road.” See: <https://www.streetsblogprojects.org/ghost-tags-index>.

blatantly flouting the law may be towed or impounded and is necessitated by an immediate need to preserve the public safety and welfare by reducing criminal activity associated with vehicles operated with expired or fraudulent or counterfeit vehicle identification tags.

I look forward to moving this legislation soon, as a foundation for other traffic enforcement measures Council is considering in this Council period.

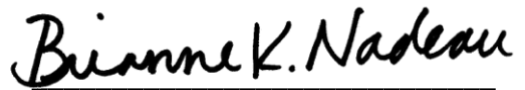
Sincerely,

A handwritten signature in black ink that reads "Brianne K. Nadeau". The signature is written in a cursive, flowing style.

Brianne K. Nadeau
Councilmember, Ward 1
Chair, Committee on Public Works and Operations



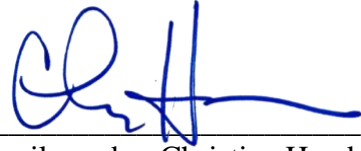
Councilmember Charles Allen



Councilmember Brianne K. Nadeau



Councilmember Matthew Frumin



Councilmember Christina Henderson



Councilmember Janeese Lewis George



Councilmember Brooke Pinto

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

1 To amend to amend the District of Columbia Revenue Act of 1937 to clarify standards for clear
2 display of a vehicle identification tag; to amend the District of Columbia Traffic Act of
3 1925 to allow for the immediate immobilization and impoundment of vehicles with
4 temporary tags expired over 60 days as indicated by the posted expiry date on the tag,
5 and vehicles with missing, clearly fraudulent or unidentifiable tags, and to require the
6 Mayor to establish and maintain a directory of all permanent and temporary tags issued
7 by U.S. states and territories, including procedures for identifying tags as legitimate, and
8 to direct the Mayor to coordinate investigations and enforcement measures against any
9 person knowingly selling counterfeit, stolen, or otherwise fraudulent temporary tags to
10 District residents; to amend the District of Columbia Theft and White Collar Crimes Act
11 of 1982 to specify that the production and distribution of counterfeit or fraudulent
12 temporary vehicle identification tags constitutes an offense of forgery; to amend the
13 District of Columbia Traffic Adjudication Act of 1978 to direct the Department of Public
14 Works to prioritize enforcement of violations of this Act for immobilization, towing, and
15 impoundment; to amend the Removal and Disposition of Abandoned and Other
16 Unlawfully Parked Vehicles Reform Act of 2003 to specify that a vehicle impounded
17 pursuant to this Act shall not be reclaimed until evidence of legitimate vehicle
18 registration is provided to the Director of the Department of Public Works.

19
20 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
21 act may be cited as the “Fraudulent Vehicle Tag Enforcement Amendment Act of 2023”.

22 Sec. 2. The District of Columbia Revenue Act of 1937, approved August 17, 1937 (50
23 Stat. 680; D.C. Official Code §50-1501.01 *et seq*) is amended as follows:

24 (a) Section 1 (D.C. Official Code §50-1501.01) is amended by adding a new paragraph
25 (13) to read as follows:

26 “(13) The term “temporary tag” means a temporary vehicle registration, dealer's
27 tag, or manufacturer's tag issued by any U.S. state or territory for a vehicle awaiting issuance of
28 permanent license plates.”.

29 (b) Section 2 (D.C. Official Code § 50-1501.02) is amended by adding a new subsection
30 (f-2) to read as follows:

31 “(f-2) (1) Owner's identification tags, including temporary tags, shall at all times be
32 securely fastened in a horizontal position to the vehicle for which they are issued to prevent the
33 tags from swinging and at a height of not less than twelve inches from the ground, measuring
34 from the bottom of the tags, in a place and position to be clearly visible.

35 “(2) No person shall operate a motor vehicle where the identification tag's
36 identifying numbers or letters are covered with glass, plastic, or any other type of material or
37 substance.”.

38 (b) Section 4(a)(4) (D.C. Official Code § 50-1501.04(a)(4)) is amended to read as
39 follows:

40 “(4) (A) For any person to knowingly affix to or display on a motor vehicle a
41 counterfeit, stolen, fraudulent, or otherwise fake temporary or permanent tag; or

42 “(B) For any person to affix to or operate a vehicle where the
43 identification tag's identifying numbers or letters are covered or otherwise obscured with any
44 material or substance, including plastic covers.

45 “(C) For any person to knowingly operate a motor vehicle to or on which a
46 counterfeit, stolen, or fraudulent, or otherwise fake temporary or permanent tag is affixed or
47 displayed.”.

48 Sec. 3. The District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat.
49 1119; D.C. Official Code § 50-2201.01, *et seq.*) is amended as follows:

50 (a) Section 6(k)(1) (D.C. Official Code §50-2201.03(k)(1)) is amended to read as
51 follows:

52 “(k)(1) Any motor vehicle found parked at any time upon any public highway of the
53 District of Columbia may, by or under the direction of a law enforcement officer or parking
54 enforcement officer as identified in sections 3002 and 3003 of Title 18 of the District of
55 Columbia Municipal Regulations, either by towing or otherwise, be removed or conveyed to and
56 impounded in any place designated by the Mayor or immobilized in such manner as to prevent
57 its operation; except, that no such vehicle shall be immobilized by any means other than by the
58 use of a device or other mechanism which will cause no damage to such vehicle unless it is
59 moved while such device or mechanism is in place. This subsection shall apply to any vehicle:

60 “(A) Against which there are 2 or more unpaid notices of infraction or vehicle
61 conveyance fees that the owner was deemed to have admitted or that were sustained after a
62 hearing, pursuant to §50-2303.05, §50-2303.06, or §50-2209.02, or against which there have
63 been issued 2 or more warrants;

64 “(B) Displaying temporary tags expired for more than 60 days, as indicated by the
65 posted expiry date on the tag;

66 “(C) Displaying a vehicle identification tag not identifiable in the directory
67 required by Section 6d of this Act, or with a tag that can be clearly identified as counterfeit,
68 altered, or otherwise fraudulent by visual inspection alone;

69 “(D) Does not have any vehicle identification tags displayed or affixed to the
70 vehicle.”.

71 (b) A new Section 6d is added to read as follows:

72 “Sec. 6d. Directory of vehicle identification.

73 “(a) Within 90 days of the effective date of this act, the Mayor shall establish, and
74 thereafter maintain, a directory of all permanent and temporary tags issued by U.S. states and
75 territories, including procedures for identifying tags as legitimate.

76 “(b) The Mayor shall ensure that all District employees tasked with enforcement of
77 parking and moving violations are adequately trained in the proper verification of vehicle
78 identification tags.

79 “(c) The Mayor shall coordinate investigations and enforcement measures against any
80 person knowingly selling counterfeit, stolen, or otherwise fraudulent temporary tags to District
81 residents, pursuant to Section 142(a)(3) of the District of Columbia Theft and White Collar
82 Crimes Act of 1982, approved December 1, 1982 (D.C. Law 4-164, D.C. Official Code §22-
83 3241.

84 “(d) For the purposes of this Section, “temporary tag” has the same meaning as in Section
85 1 of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680;
86 D.C. Official Code §50-1501.01.”.

87 Sec. 4. (a) Section 142(a)(3) of the District of Columbia Theft and White Collar Crimes
88 Act of 1982, approved December 1, 1982 (D.C. Law 4-164, D.C. Official Code §22-3241) is
89 amended by adding a new subparagraph (D-1) to read as follows:

90 “(D-1) Motor vehicle identification tags;”.

91 Sec. 5. Section 505 of the District of Columbia Traffic Adjudication Act of 1978,
92 effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2201.21) is amended to
93 read as follows:

94 “(a) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, may issue rules
95 regarding immobilization, towing, and impoundment of vehicles, and may establish the amount
96 of, and implement a system for collecting, vehicle immobilization and conveyance fees in
97 connection with enforcement of the District’s parking regulations, moving infractions, motor
98 vehicle identification and registration requirements, and motor vehicle safety standards.

99 “(b) The Department of Public Works shall prioritize for towing and impoundment, as
100 opposed to immobilization, any motor vehicles in violation of rules governing vehicle
101 identification and counterfeit or obscured tags, pursuant to Section 6(k)(1), subparagraphs (B),
102 (C), (D), and (E) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat.
103 1119; D.C. Official Code § 50-2201.03(k)(1)).”.

104 Sec. 6. Section 8 of the Removal and Disposition of Abandoned and Other Unlawfully
105 Parked Vehicles Reform Act of 2003 (D.C. Law 15-35, D.C. Official Code §50-2421.06 is
106 amended by adding a new subsection (d) to read as follows:

107 “(d) An impounded vehicle removed from public or private property pursuant to Section
108 6(k)(1), subparagraphs (B), (C), and (D) of the District of Columbia Traffic Act, 1925, approved

109 March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.03(k)(1)) shall not be reclaimed
110 until evidence of legitimate vehicle registration is provided to the Director”.

111 Sec. 7. Fiscal impact statement.

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

115 Sec. 8. Effective date.

116 This act shall take effect after approval by the Mayor (or in the event of veto by the
117 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
118 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
119 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
120 Columbia Register.