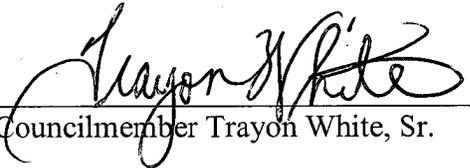


1 
2 Councilmember Trayon White, Sr.


Councilmember Elissa Silverman

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6 Councilmember Brianne K. Nadeau


Councilmember Vincent C. Gray

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11 Councilmember Anita Bonds

12 A BILL

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16
17 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

18
19
20 To amend the District of Columbia Official Code to end the District's current practice of
21 suspending or revoking drivers' licenses, operating permits, privileges to drive in the District, or
22 automobile registration as a punishment for low-income District residents for failure to pay debts
23 from parking tickets, traffic tickets, court debt, or private debt.

24
25 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
26 act may be cited as the "Driver's License Revocation Fairness Amendment Act of 2017".

27 Sec. 2. 43 Stat. 1125, Ch. 443, § 13; D.C. Official Code § 50-1403.01 is amended as
28 follows:

29 (a) Subsection (a) is amended as follows:

30 (1) By inserting the phrase "and consistent with the requirements of this Chapter"
31 after the word "sufficient."

32 (b) Adding a new subsection (a-1) to read as follows: "In no instance will an operator's
33 permit or driving privileges be revoked or suspended for failure to pay a debt without a finding
34 that the person is able to pay."

35 (c) Subsection (c) is amended by striking the number "10" and inserting "15" in its place.

36 Sec. 3. D.C. Law 2-104, §204, 25 DCR 1275; D.C. Official Code § 50-2302.04 is
37 amended as follows:

38 (a) Subsection (b) is amended by inserting the phrase: “In addition, the notice shall
39 contain a form by which the person can assert that paying the fine associated with the infraction
40 would create an undue hardship.” after “infraction alleged in the notice.”

41 (b) Subsection (d) is amended by inserting the phrase “or was not properly served” after
42 the word “face.”

43 Sec. 4. D.C. Law 2-104, § 205, 25 DCR 1275; D.C. Official Code § 50-2302.05 is
44 amended as follows:

45 (a) Subsection (a) is amended as follows:

46 (1) Subsection (1) is amended to read as follows: “Admit the commission
47 of the infraction;”

48 (2) Subsection (1A) is amended by deleting the word “or.”

49 (3) Subsection (2) is amended to read as follows: “Deny the commission
50 of the infraction; or”

51 (4) A new subsection (2A) is inserted to read as follows: “(2A) Deny the
52 commission of the infraction but submit, in the alternative, that the fine would create an undue
53 hardship, using the form provided by the Director.”

54 (b) Subsection (c) is amended as follows is amended as follows:

55 (1) Subsection (1) is amended to read as follows: “A person admitting an
56 infraction shall, at the same time the person submits an answer, either:”

57 (2) A new subsection (A) is inserted to read as follows: “Pay the civil fine
58 and any additional penalties established pursuant to §50-2301.05 as may be due for failure to

59 answer within the time required by subsection (d) of this section. Payment of the fine for the
60 infraction shall be deemed a finding of liability; or”

61 (3) A new paragraph (1)(B) is inserted to read as follows: “(B) submit a
62 form provided by the Director indicating that the person is asserting that paying the fine would
63 create an undue hardship. The form shall provide the person with the ability to assert that he or
64 she satisfies any of the following hardship criteria (along with any others the Director deems
65 sufficient): the person receives direct public assistance through programs administered by the
66 department of Human Services, the department of Health, the Department of Behavioral Health,
67 or the Department of Housing and Community Affairs, from other programs designated by the
68 Mayor, or receives assistance under title XVI of the Social Security Act (Supplemental Security
69 Income) (76 Stat. 197); or the person has a weekly income of less than or equal to 40 times 150
70 percent of the District of Columbia minimum wage prescribed in DC Code Section 32-1003 (and
71 the Director shall include on the form a chart showing what constitutes weekly income of 40
72 times 150 percent of the current minimum wage). In the event that a person submits this form,
73 there shall be a rebuttable presumption that the fine would create an undue hardship. This
74 presumption may be rebutted only if the District proves that the hardship criterion or criteria that
75 the person claimed is in fact not satisfied. If the person satisfies any of the hardship criteria, the
76 fine is an undue hardship. If the fine would create an undue hardship, the Director will establish
77 a settlement or payment plan.”

78 (4) Subsection (2) is amended as follows:

79 (a) Subsection (2) is amended to read as follows: “A person
80 admitting an infraction with an explanation shall submit either:”

81 (b) A new subsection (A) is inserted to read as follows: “payment
82 of the civil fine and any additional penalties established pursuant to § 50-2301.05; or”

83 (c) A new subsection (B) is inserted to read as follows: “the form
84 provided by the Director asserting that paying the fine would create an undue hardship;”

85 (d) Insert the phrase “If the person asserts that the fine would
86 create an undue hardship, the process will continue as in § 50-2302.05(c)(1)(B).” after
87 “completion of driving school.”

88 (c) Subsection (d) is amended by striking the number “30” and inserting “60” in
89 its place.

90 (d) Subsection (g) is amended to read as follows: “A suspension resulting from a
91 failure to answer shall remain in effect until the person answers the notice, except that once the
92 offense is deemed admitted the suspension may only be lifted by payment of the fine for the
93 offense, or submission of the form asserting that paying the fine would create an undue hardship,
94 and any additional penalties established pursuant to § 50-2301.05, as may be due for failure to
95 answer within the time required by subsection (d)(1) of this section.”

96 Sec. 5. D.C. Law 2-14, § 206, 25 DCR 1275; D.C. Official Code § 50-2302.06 is
97 amended as follows:

98 (a) Subsection (b)(1) is amended by striking the phrase “website, within 60
99 calendar days of the effective date of the judgment,” and inserting the word “website” in its
100 place.

101 (b) Subsection (b)(2) is amended by striking the phrase “website, within one calendar
102 year of the date of the judgment,” and inserting “website” in its place.

103 (c) Subsection (b)(3) is amended by striking the phrase “website, within one year of the
104 date of the judgment,” and inserting “website” in its place.

105 (d) Subsection (d) is amended as follows:

106 (1) By inserting the phrase ““If the respondent submitted a form indicating that
107 the fine would create an undue hardship, the examiner shall conduct an inquiry as in
108 § 50-2302.05(c)(1)(B).” after “entered in the Department’s records.”:

109 (2) By striking the phrase “insufficient.” And inserting the phrase “insufficient,
110 along with a proposed settlement or payment plan, if applicable.” in its place.

111 (e) Subsection (d-1)(1) is amended by inserting “(which may be rebutted by other facts in
112 the record)” after “facts”.

113 (f) Subsection (i) is amended by striking the phrase: “Except where a stay is ordered,
114 failure to pay any assessed civil fines and penalties due within 30 calendar days after final
115 decision shall result in suspension of a respondent’s operator’s permit, in the case of a resident of
116 the District or other person with a District operator’s permit, or the person’s privilege to drive
117 within the District, in the case of a nonresident or resident licensed in another jurisdiction. The
118 suspension shall take effect and notice shall be given in accordance with § 50-2302.05(f).”

119 Sec. 6. May 25, 1954, 68 Stat. 130, ch. 222, § 137; D.C. Official Code § 50-1301.37(a)
120 is amended by inserting the phrase: “This provision applies only to criminal cases and does not
121 apply to a civil violation or civil action.” after “had been the owner of a vehicle registered in the
122 District of Columbia.”

123 Sec. 7. May 25, 1954, 68 Stat. 131, Ch. 222, § 39; D.C. Official Code § 50-1301.39(a) is
124 amended by inserting the phrase: “If, however, the underlying offense that led to the person’s
125 license suspension or revocation would not warrant license suspension or revocation under the

126 current District of Columbia Code, the person may be issued a new license.” after “unless such a
127 person shall give and thereafter maintain proof of financial responsibility.”

128 Sec. 8. May 25, 1954, 68 Stat. 131, Ch. 222, § 43; D.C. Official Code § 50-1301.43 is
129 repealed.

130 Sec. 9. May 25, 1954, 68 Stat. 131, Ch. 222, § 45; D.C. Official Code § 50-1301.45 is
131 repealed.

132 Sec. 10. May 25, 1954, 68 Stat. 132, Ch. 222, § 46; D.C. Official Code § 50-1301.46 is
133 repealed.

134 Sec. 11. May 25, 1954, 68 Stat. 132, Ch. 222, § 47; D.C. Official Code § 50-1301.47 is
135 repealed.

136 Sec. 12. May 25, 1954, 68 Stat. 132, Ch. 222, § 48; D.C. Official Code § 50-1301.48 is
137 repealed.

138 Sec. 13. May 25, 1954, 68 Stat. 132, Ch. 222, § 50(b); D.C. Official Code § 50-
139 1301.50(b) is repealed.

140 Sec. 14. May 25, 1954, 68 Stat. 133, Ch. 222, § 51; D.C. Official Code § 50-1301.51 is
141 repealed.

142 Sec. 15. May 25, 1954, 68 Stat. 137, Ch. 222, § 67; D.C. Official Code § 50-1301.67 is
143 repealed.

144 Sec. 16. May 25, 1954, 68 Stat. 137, Ch. 222, § 68; D.C. Official Code § 50-1301.68 is
145 amended as follows:

146 (a) Paragraph (1) is amended by striking the phrase “vehicle; or” and inserting
147 “vehicle.” in its place.

148 (b) Paragraph (2) is repealed.

149 Sec. 17. Section 47-2862(a) of the District of Columbia Official Code is amended by
150 inserting the phrase “, other than a license to drive or motor vehicle operator’s permit,” after
151 “license or permit.”

152 Sec. 18. Fiscal impact statement.

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

156 Sec. 19. Effective date.

157 This act shall take effect following approval by the Mayor (or in the event of veto by the
158 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
159 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
160 24, 1973 (87 Stat. 813, D.C. Official Code § 1-206(c)(1)), and publication in the District of
161 Columbia Register.