

AN ACT
D.C. ACT 19-630

Codification
District of Columbi:
Official Code
2001 Edition

Summer 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 22, 2013

To amend the District of Columbia Traffic Act, 1925, the District of Columbia Traffic Adjudication Act of 1978, and section 23-581 of the District of Columbia Official Code to revise the definition of and penalties for reckless driving and create a new offense of and penalties for aggravated reckless driving; to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia, the Anti-Drunk Driving Act of 1982, and sections 301 and 302 of Title 18 of the District of Columbia Municipal Regulations to remove mandatory suspension or revocation requirements for reckless driving and establish these requirements for aggravated reckless driving; and to amend section 303 of Title 18 of the District of Columbia Municipal Regulations to align the number of points assigned for reckless driving to the number assigned by other jurisdictions, to clarify safe driving points assessment, and to clarify the procedures for challenging the assessment of points for an offense committed in another jurisdiction.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Reckless Driving Amendment Act of 2012".

Sec. 2. Section 9 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-2201.04), is amended as follows:

Amend
§ 50-2201.04

(a) Subsection (b) is amended to read as follows:

"(b) A person shall be guilty of reckless driving if the person drives a vehicle upon a highway carelessly and heedlessly in willful or wanton disregard for the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger a person or property."

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

"(b-1) A person shall be guilty of aggravated reckless driving if the person violates subsection (b) of this section and the person does one or more of the following:

"(1) Operates the vehicle at a rate or speed at or greater than 30 miles per hour over the stated speed limit;

"(2) Causes bodily harm or permanent disability or disfigurement to another;

or

"(3) Causes property damage in excess of \$1,000."

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

"(c)(1) A person violating subsection (b) of this section shall, upon conviction for the first offense, be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214), or incarcerated for no more than 90 days, or both.

"(2) A person violating subsection (b) of this section when the person has been convicted of a prior offense under subsection (b) of this section within a 2-year period and is being sentenced on the current offense shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214), or incarcerated for no more than 180 days.

"(3) A person violating subsection (b) of this section when the person has 2 or more prior convictions for offenses under subsection (b) of this section within a 2-year period and is being sentenced on the current offense shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214), or incarcerated for no more than one year."

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

"(c-1)(1) A person violating subsection (b-1) of this section shall, upon conviction for the first offense, be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214), or incarcerated for no more than 180 days, or both.

"(2) A person violating subsection (b-1) of this section when the person has one or more prior convictions for offenses under subsection (b-1) within a 2-year period and is being sentenced on the current offense shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, passed on 2nd reading on November 1, 2012 (Enrolled version of Bill 19-214), or incarcerated for no more than one year."

(d) Subsection (d) is amended by striking the phrase "reckless driving" and inserting the phrase "aggravated reckless driving" in its place.

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

"(e) A presumption shall exist that a reckless, careless, hazardous, or aggressive driving conviction that occurred in a foreign jurisdiction constitutes reckless driving as provided in subsection (b) of this section, unless the District can show evidence that the person met the requirements for aggravated reckless driving in subsection (b-1) of this section."

Sec. 3. Section 202 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2302.02), is amended as follows:

(a) Paragraph (2) is repealed.

Amend
§ 50-2302.02

ENROLLED ORIGINAL

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

"(2A) Violation of section 9(b-1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-2201.04(b-1))."

Sec. 4. Section 37(a) of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 130; D.C. Official Code § 50-1301.37(a)), is amended by striking the phrase "reckless driving involving personal injury" and inserting the phrase "aggravated reckless driving" in its place.

**Amend
§ 50-1301.37**

Sec. 5. Section 23-581(a)(3) of the District of Columbia Official Code is amended by striking the phrase "Reckless drivingsection 9(b) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-2201.04(b))", and inserting the phrase "Aggravated reckless driving section 9(b-1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-2201.04(b-1))" in its place.

**Amend
§ 23-581**

Sec. 6. Section 3t(a)(4) of Subtitle D of Title I of the Anti-Drunk Driving Act of 1982, signed by the Mayor on October 24, 2012 (D.C. Act. 19-489; 59 DCR 12957), is amended by striking the phrase "Reckless driving" and inserting the phrase "Aggravated reckless driving" in its place.

Sec. 7. Chapter 3 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 300 *et seq.*), is amended as follows:

DCMR

(a) Section 301.1(d) (18 DCMR § 301.1(d)) is amended by striking the phrase "Reckless driving" and inserting the phrase "Aggravated reckless driving" in its place.

(b) Section 302.14 (18 DCMR § 302.14) is amended by striking the phrase "Reckless Driving" and inserting the phrase "Aggravated Reckless Driving" in its place.

(c) Section 303 (18 DCMR § 303) is amended as follows:

(1) Subsection 303.2 is amended as follows:

(A) Subsection 303.2(j) (18 DCMR § 303.2(j)) is amended to read as follows:

"(j) Reckless driving six points".

(B) A new subsection 303.2(j-1) (18 DCMR § 303.2(j-1)) is added to read as follows

"(j-1) Aggravated reckless driving twelve points."

(2) Subsection 303.9 (18 DCMR § 303.9) is amended to read as follows:

"303.9 The Director shall assign one (1) safe driving point annually at the beginning of the calendar year to the driving record of a licensee who was not assessed points during the preceding twelve (12) months, up to a maximum accumulation of five (5) points."

(3) Subsection 303.10 (18 DCMR §303.10) is amended by adding the phrase "Safe driving points shall not be used to offset points assessed for a mandatory revocation or suspension." at the end.

(4) Subsection 303.13 (18 DCMR § 303.13) is amended to read as follows:
"303.13 The Director shall redesignate an offense assigned to a driving record pursuant to section 303.12, if the licensee demonstrates by submission of official documentation (e.g., an indication of the number of miles travelled over the speed limit in the location where cited) that the traffic offense committed in another jurisdiction on its facts would have been considered a different offense if committed in the District."

Sec. 8. Applicability.

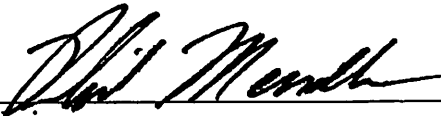
This act shall apply as of June 1, 2013.

Sec. 9. Fiscal impact statement.

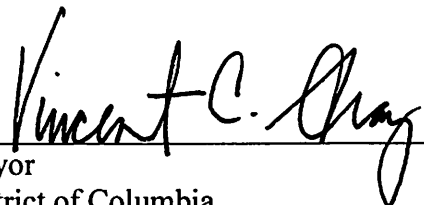
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 10. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 22, 2013



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

Docket No. **B19-823**

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 11-01-12

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

BARRY, ORANGE

ROLL CALL VOTE - Result (.....)

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Catania	X				Orange				X
Alexander	X				Cheh	X				Wells	X			
Barry				X	Evans	X								
Bowser	X				Graham	X								
Brown	X				McDuffie	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

1.7.13
 Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 12-04-12

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

BROWN

ROLL CALL VOTE - Result (.....)

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Catania	X				Orange	X			
Alexander	X				Cheh	X				Wells	X			
Barry	X				Evans	X								
Bowser	X				Graham	X								
Brown				X	McDuffie	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

1.7.13
 Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result (.....)

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson					Catania					Orange				
Alexander					Cheh					Wells				
Barry					Evans									
Bowser					Graham									
Brown					McDuffie									
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

Date