

Space rental	50,000
Telephone rental	4,900
Security guards	45,100
Misc. supplies and materials	35,000
Postage (1.73 M mailings)	225,000
Computer communications	50,000
Traffic tickets-printing (3M @ \$65,	195,000
Data entry services	572,000
Mail/lock box services	284,000
Armoured Car service	3,000
Computer purchase*	975,000
Subtotal	\$3,241,500
Less Transfer to Department of Transportation from Superior Court (35 positions plus personnel costs)	(\$439,000)
Total	<u>\$2,802,500</u>
B. Annual Revenues	
Eliminate fine dismissal for traffic school; reduction in failure to appear, dropped charges and dismissals; improved accountability of missing tickets	(970,000)
Improved collection recovery of disregarded tickets by 5 percent through computer assisted identification of non-resident scofflaws	-- (1,230,000)
Total	<u>(\$2,200,000)</u>
C. Net Annual Operating Costs (A minus B)	
	<u>\$602,000</u>

The above analysis is the counterpart to the fiscal impact of title V of Bill 2-195 which was referred to the Committee on Transportation and Environmental Affairs. That committee reported favorably on title V of Bill 2-195 on January 25, 1978, and estimated a positive fiscal impact on the city of \$13 million of anticipated net revenues for the period covering the last quarters of FY'78 and all of FY'79. (See p. 3 of the Report of the Committee on Transportation and Environmental Affairs dated January 25, 1978)

*Final computer payment in FY 1982 - \$405,000

SECTION-BY-SECTION ANALYSIS

As introduced on behalf of the Mayor, Bill No. 2-195 had seven titles. Title V, which provides for civilian enforcement of parking infractions, was referred to the Committee on Transportation and Environmental Affairs. It is discussed in the report dated January 25, 1978. The remaining titles were referred to the Committee on the Judiciary and are the subject of this report.

Title I contains general requirements which apply to all aspects of the traffic adjudication program. Title II provides for adjudication of moving infractions. Title III provides for adjudication of parking, standing, stopping, and pedestrian infractions. Title IV provides procedures for review of decisions of hearing examiners. Title VI contains miscellaneous amendments to other laws. Title VII contains separability and effective date clauses.

Section 1 provides a short title, District of Columbia Traffic Adjudication Act.

TITLE I - ESTABLISHMENT; PURPOSE; DEFINITIONS; HEARING EXAMINERS; SANCTIONS; REGULATIONS

Section 101 establishes a Bureau of Traffic Adjudication within the Department of Transportation headed by an assistant director. Although it would answer to the Director of the Department of Transportation, the new bureau would be independent of the department's five existing bureaus: Construction and Maintenance, Design, Engineering and Research, Traffic Engineering and Operations, Motor Vehicle Services, and Safety and Environment.

Section 102 provides a statement of purpose. The purpose of the bill is threefold: to decriminalize certain offenses in the D.C. Code and D.C. Rules and Regulations, to provide for civilian enforcement of parking infractions and to assure a uniform, expeditious, and equitable system for disposition of traffic offenses.

Section 103 provides definitions. Notable are the definitions of lessor, operator, and owner.

Section 103 defines lessor as an owner of a vehicle engaged in the business of renting vehicles for use in the

District. Thus, lessor includes rental car companies outside of the District which rent vehicles for use in the District.

Section 103 defines operator as anyone who operates a vehicle or anyone in the business of renting vehicles for use in the District. Thus, all lessors are operators.

Section 103 defines owner as anyone with title to a vehicle, any registrant of a vehicle or anyone in the business of renting vehicles for use in the District. Thus, all lessors are owners.

Section 104 requires the Director of the Department of Transportation to appoint a chief hearing examiner and as many hearing examiners as are needed to implement this act. The section also requires the director to prescribe duties for the hearing examiners. The section assures a regular turnover in hearing examiner personnel by prohibiting anyone from serving as a hearing examiner for more than five years.

Section 104 also prescribes the powers of the hearing examiners. These powers include the powers already assigned hearing examiners in the Motor Vehicle Regulations: to revoke or suspend licenses, to hear petitions for the adoption, repeal, or amendment of department rules, and to issue declaratory rulings on the applicability of the Motor Vehicle Regulations.

Section 104 authorizes a hearing examiner to determine whether the offic issuing a citation should appear at a hearing in certain cases. Section 206(c) and excludes this authority in cases where the respondent denies the commission of a moving infraction.

Section 104 authorizes a hearing examiner to impose sanctions for infractions covered by this act. For a moving infraction, a hearing examiner may impose a fine and penalty, require attendance at traffic school, and suspend the operator's permit pending payment of the fine and penalty or attendance at traffic school. For parking, standing, stopping, and pedestrian infractions, the hearing examiner may impose fines but may not require attendance at traffic school.

Section 104 authorizes a hearing examiner to permit payment of a fine in monthly installments if the fine

exceeds \$50. In parking cases, this procedure is not available to those whose accumulation of tickets indicate a disrespect for the law. The procedure is available where failure to pay was based upon financial incapability or other justifiable reasons and where allowance of installment payments would encourage compliance with the law. For example, installments are appropriate when the availability of an automobile is necessary to produce income to pay a fine. The installment period may not exceed six months. In cases of moving infractions, if the respondent does not pay the fine within the installment period or if the respondent skips two consecutive installments, the hearing examiner may suspend the respondent's operator's permit until the fine is paid. The suspension may not take effect until the respondent receives notice of the suspension either by personal service or certified mail.

Section 104 authorizes a hearing examiner to suspend the imposition of traffic violation points for infractions covered by this act. Currently, the department assigns points for each traffic violation. The department suspends an operator's permit upon accumulation of eight points and revokes an operator's permit upon accumulation of 12 points. Before a hearing examiner may suspend the imposition of points under section 104, the respondent must demonstrate good driving behavior and complete traffic school or other rehabilitative measures.

Section 105 establishes the monetary sanctions that may be imposed under this act. The section provides that the civil fine for an infraction may not exceed the collateral or bond for the equivalent offense in effect the day preceding the effective date of this act. The current schedule of collateral for traffic offenses is attached as Attachment A. Section 105 further provides that the Mayor may change the civil fine for an infraction by order which becomes effective after 45 days. Before expiration of the 45 days, the Council may by resolution disapprove or modify the order.

In addition to a civil fine, section 105 authorizes the imposition of penalties. If a person who receives a notice of infraction fails to answer within 15 days, he or she may be required to pay a penalty equal to the civil fine. If a person who receives a notice of a moving infraction fails to answer by the date set for hearing or fails without good cause to appear at a scheduled hearing, he or she may be

required to pay a penalty equal to double the civil fine. If a person who receives a notice of a parking, standing, stopping, or pedestrian infraction fails to answer by the date set for hearing or fails without good cause to appear at a scheduled hearing, he or she may be required to pay a penalty equal to the civil fine plus \$5.

Section 105 also permits payment of fines and penalties by credit cards approved by the Director of the Department of Transportation. The section authorizes the department to pay reasonable fees for collection of fines and penalties. Thus, the department may pay the credit card companies and collection agencies for their services.

Section 106 authorizes the Director of the Department of Transportation to promulgate regulations to implement this act.

TITLE II - MOVING INFRACTIONS

Section 201 provides for administrative adjudication of all moving infractions, except those specifically listed in section 202 and those committed by serious offenders as provided in section 203. Moving infractions include any violation involving the operation of a vehicle except parking, standing, stopping, and pedestrian infractions, which are covered by Title III of this act.

Moving infractions subject to Title II are contained in Title 40 of the D.C. Code, Public Service Commission Regulations (Title 14, D.C.B.R.), Motor Vehicle Regulations of the District of Columbia (Title 32, D.C.B.S.), and Highways and Traffic Regulations of the District of Columbia.

The effect of section 201 is to transfer jurisdiction of all moving infractions not exempted in sections 202 and 203 from the Superior Court of the District of Columbia to the D. C. Department of Transportation. Section 201 supercedes any provisions of existing law that conflict.

Section 202 exempts certain offenses from the provisions of this act. As a result, these offenses would remain criminal. Further, the Superior Court of the District of