

# ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

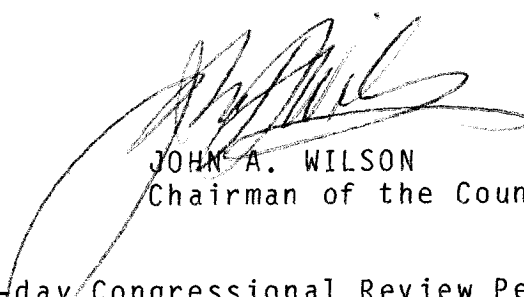
NOTICE

D.C. LAW 9-199

"Taxicab and Passenger Vehicle for Hire  
Impoundment Act of 1992".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 9-363 on first and second readings, October 6, 1992, and November 4, 1992, respectively. Following the signature of the Mayor on November 25, 1992, this legislation was assigned Act No. 9-324, published in the December 11, 1992, edition of the D.C. Register, (Vol. 39 page 9211) and transmitted to Congress on January 6, 1993 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 9-199, effective March 16, 1993.



JOHN A. WILSON  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 6, 20, 21, 22, 25, 26, 27

February 2, 3, 4, 16, 17, 18, 19, 22, 23, 24, 25, 26

March 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 15

AN ACT

D.C. ACT 9-324

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 25, 1992

To establish an impoundment program for taxicabs and passenger vehicles for hire to permit the Office of Taxicabs, any Hack Inspector, any member of the Metropolitan Police Department or law enforcement personnel, or any authorized agent to boot, tow, and impound taxicabs and passenger vehicles for hire that do not have a valid license, the operator does not have a valid license, the owner or operator has 2 or more infraction notices, the vehicle does not comply with insurance requirements, the vehicle does not comply with inspection standards, or the vehicle is not licensed in the District of Columbia and is providing intra-District transportation service, to remove the license from the vehicle and suspend the owner's or operator's license upon impoundment, and to establish a hearing procedure for the return of the vehicle or reissuance of the owner's or operator's license.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Taxicab and Passenger Vehicle for Hire Impoundment Act of 1992".

Sec. 2. Impoundment of a taxicab and passenger vehicle for hire.

(a) Any taxicab or passenger vehicle for hire being operated in the District of Columbia may be booted, towed, and impounded from any public street or public space in the District of Columbia by the Office of Taxicabs, any Hack Inspector, any member of the Metropolitan Police Department or law enforcement personnel, or any authorized agent if:

(1) The vehicle is being operated without a valid license issued pursuant to section 20 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Code § 40-1719) or paragraph 31(c), (d), or (i) of section 7 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 Stat. 626; D.C. Code § 47-2829(c), (d), or (h));

(2) The vehicle is being operated by a person who does not have a valid vehicle operator's license issued pursuant to paragraph 31(e) or (j) of section 7 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other

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purposes, approved July 1, 1902 (32 Stat. 626; D.C. Code § 47-2829(e) or (i)) or a valid motor vehicle operator's permit;

(3) The vehicle is being operated by a person who has 2 or more unpaid notices of infractions issued pursuant to 31 DCMR 825 or the vehicle has 2 or more unpaid notices of infractions issued pursuant to title 18 of the District of Columbia Municipal Regulations or 31 DCMR 825, or the accumulated unpaid infractions equal or exceed \$400, for which liability has been imposed. For the purposes of this act, a notice of infraction shall not be considered unpaid, pursuant to District of Columbia Taxicab Commission's ("Commission") rules and regulations until after the vehicle owner or operator has failed to request a hearing within the time limit prescribed by 31 DCMR 323.3, or until after the vehicle owner or operator has had a hearing as requested and a final determination has been made by the Commission;

(4) The vehicle is not licensed in the District of Columbia and is observed providing intra-District transportation service;

(5) The vehicle does not comply with the Compulsory/No-Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Code § 35-2101 *et seq.*); or

(6) The vehicle does not comply with District of Columbia inspection standards prescribed by section 603, chapter 7 of title 18 of the District of Columbia Municipal Regulations, or 31 DCMR 608.

(b) Any vehicle impounded pursuant to subsection (a) of this section may be towed by a tow crane operator to the Commission or any other secured place designated by the Chief of the Office of Taxicabs.

(c) Any vehicle impounded pursuant to subsection (a)(1), (2), or (5) of this section shall have the license removed, the vehicle operator's license suspended, or both, as applicable, pending a hearing pursuant to subsection (e) of this section to determine the propriety of reissuance or return of the license.

(d) Within 3 business days of impoundment, the Chairperson of the Commission shall mail a notice, by first-class mail, certified or registered mail, return receipt requested, to the last known address of the owner and the operator of the impounded vehicle as identified in the records of the Office of Taxicabs. The notice shall contain the following information:

(1) The nature and circumstances under which the vehicle was impounded;

(2) The place where and time when the vehicle can be reclaimed;

(3) A statement that the owner or operator has a right to a hearing pursuant to subsection (e) of this section and the Commission's rules and regulations; and

(4) A statement that if the owner of the impounded vehicle does not, within 15 calendar days of impoundment, seek the release of the vehicle, the vehicle shall be deemed abandoned. Once the vehicle has been deemed abandoned, the owner may reclaim it or it will be sold pursuant to section 3 of the District of Columbia Abandoned and Junk Vehicle Removal Amendment Act of 1989, effective September 9, 1989 (D.C. Law 8-24; D.C. Code § 40-832).

(e) The owner or operator of a vehicle impounded pursuant to subsection (a)(1) to (5) of this section may request a hearing, in writing. The hearing shall occur within 3 business days of the receipt by the

## Enrolled Original

Commission of a written hearing request. The hearing examiner shall determine:

(1) Whether, the vehicle was being operated without a valid license issued pursuant to section 20 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Code § 40-1719) and paragraph 31(c), (d), or (i) of section 7 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 Stat. 626; D.C. Code § 47-2829(c), (d), or (h)) and whether the vehicle had a prior violation for the same charge;

(2) Whether, the vehicle operator was operating the vehicle without a valid license issued pursuant to paragraph 31(e) or (j) of section 7 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 Stat. 626; D.C. Code § 47-2829(e) or (i)) and whether the vehicle operator had a prior violation for the same charge;

(3) Whether, according to the Commission's records, the vehicle operator has 2 or more unpaid notices of infractions issued pursuant to 31 DCMR 825 or the vehicle has 2 or more unpaid notices of infractions issued pursuant to title 18 of the District of Columbia Municipal Regulations or 31 DCMR 825 or the accumulated unpaid infractions equal or exceed \$400 for which liability has been imposed;

(4) Whether the vehicle complies with the Compulsory/No Fault Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Code § 35-2101 *et seq.*); and

(5) Whether the vehicle is licensed in the District of Columbia and was observed providing intra-District transportation service.

(f) If a determination is made, pursuant to subsection (e) of this section that, at the time of the impoundment, the vehicle was being operated without a valid license issued pursuant to section 20 of the District of Columbia Taxicab Commission Establish Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Code § 40-1719) or paragraph 31(c), (d), or (i) of section 7 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 Stat. 626; D.C. Code § 47-2829(c), (d), or (h)), the hearing examiner shall:

(1) Fine the vehicle owner according to the Commission's rules and regulations; or

(2) If there has been a prior determination that the vehicle had operated without a valid license, fine, not reissue or return the license, and bar the vehicle owner from applying for or obtaining a license for a period of 3 years.

(g) The license of a vehicle owner who receives a favorable determination under subsection (f) of this section shall be reissued or returned.

(h) If a determination is made, pursuant to subsection (e) of this section, that the vehicle was being operated, at the time of the impoundment, without a valid vehicle operator's license issued pursuant to paragraph 31(e) or (j) of section 7 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia

for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes, approved July 1, 1902 (32 Stat. 626; D.C. Code § 47-2829(e) or (i)), the hearing examiner shall:

(1) Fine the vehicle operator according to the Commission's rules and regulations; or

(2) If there has been a prior determination that the vehicle operator had operated the vehicle without a valid license, fine, not reissue or return the vehicle operator's license, and bar the vehicle operator from applying for or obtaining a vehicle operator's license for a period of 3 years.

(i) Upon a favorable determination from the hearing examiner under subsection (h) of this section the vehicle operator's license shall be reissued or returned.

(j) If the hearing examiner determines, pursuant to subsection (e) of this section, that the vehicle operator has 2 or more unpaid notices of infractions issued pursuant to 31 DCMR 825 or the vehicle has 2 or more unpaid notices of infractions issued pursuant to title 18 of the District of Columbia Municipal Regulations or 31 DCMR 825 or the accumulated unpaid infractions equal or exceed \$400 for which liability has been imposed, the vehicle owner or operator, as applicable, shall be ordered to pay the outstanding fines.

(k) If the hearing examiner determines, pursuant to subsection (e) of this section, that the vehicle does not comply with the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Code § 35-2101 *et seq.*), the hearing examiner shall impose appropriate penalty upon the vehicle owner or operator pursuant to the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Code § 35-2101 *et seq.*) and title 31 of the District of Columbia Municipal Regulations.

(l) If the hearing examiner determines, pursuant to subsection (e) of this section, that the vehicle is not licensed in the District of Columbia and is observed providing intra-District transportation service, the vehicle and operator shall be considered unlicensed and the vehicle owner or operator, as applicable, shall be ordered to pay the infractions issued pursuant to section 20 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Code § 40-1719) and 31 DCMR 824.3.

(m) Upon completion of the hearing, the hearing examiner shall issue a written decision containing findings of fact and conclusions of law. If a favorable determination is issued for the vehicle owner or operator, as applicable, the hearing examiner shall issue a release form for the impounded vehicle.

(n) Any party adversely affected by a written decision of a hearing examiner may file written exceptions to the Panel on Adjudication pursuant to the Commission's rules and regulations. The vehicle owner or operator shall first pay the subject fine and all other outstanding fines in order to file for written exceptions.

(o) In lieu of requesting a hearing, the vehicle owner or operator may satisfy all outstanding notices of infraction.

(p) Upon full satisfaction of all outstanding notices of infraction the Office of Taxicabs shall issue a release form for the impounded vehicle.

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(q) The owner of an impounded vehicle or other authorized person shall be permitted to secure the release of the vehicle from impoundment upon:

- (1) Proof of ownership or other right of possession;
- (2) Payment of a towing fee to be determined by the Mayor, plus any storage fee. Payment of a towing and any storage fee shall be waived upon favorable determination for the vehicle owner or operator by the hearing examiner; and
- (3) Presentation of a release form issued by the Office of Taxicabs or by a hearing examiner.

(r) If within 15 calendar days of impoundment the vehicle has not been reclaimed, the vehicle shall be deemed abandoned and shall be released to the Department of Public Works to be processed as an abandoned vehicle pursuant to section 3 of the District of Columbia Abandoned and Junk Vehicle Removal Amendment Act of 1989, effective September 9, 1989 (D.C. Law 8-24; D.C. Code § 40-832).

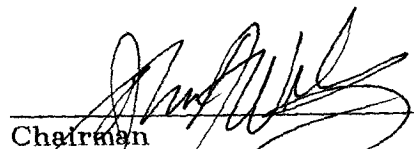
(s) The Office of Taxicabs, any Hack Inspector, any member of the Metropolitan Police Department or law enforcement personnel, or any authorized agent, acting pursuant to subsection (a)(6) of this section may:

- (1) Direct the operator of the vehicle to immediately remove the vehicle to an official District of Columbia inspection station for inspection or reinspection notwithstanding the fact that the vehicle displays an approval inspection sticker pursuant to chapters 6 and 7 of title 18 of the District of Columbia Municipal Regulations; or

- (2) Tow the vehicle by a tow crane operator to an official District of Columbia inspection station for inspection. After inspection or re-inspection, if the vehicle is determined not to be operable or no owner or operator is available to arrange transportation of the vehicle to another location, the Office of Taxicabs may impound the vehicle pursuant to this act and have a tow crane operator tow the vehicle to the Commission or any other secured place designated by the Chief of the Office of Taxicabs.

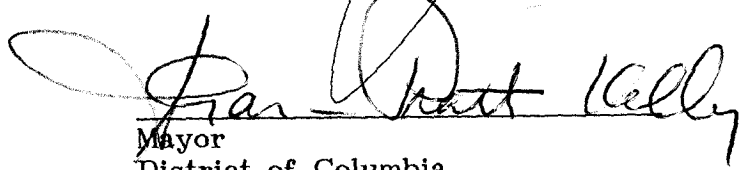
Sec. 3. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District

of Columbia Statutes-at-Large, or the District of Columbia Municipal  
Regulations.



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Chairman  
Council of the District of Columbia



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Mayor  
District of Columbia

APPROVED: November 25, 1992





COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 9-363

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 10-6-92

VOICE VOTE: Approved

Recorded vote on request

Absent: Cropp and Lightfoot

ROLL CALL VOTE: - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 16 rows of member names and their voting status.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Signature of Phyllis Jones, Secretary to the Council

Date: 11-10-92

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 11-4-92

VOICE VOTE: Approved

Recorded vote on request

Absent: Evans

ROLL CALL VOTE: - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 16 rows of member names and their voting status.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Signature of Phyllis Jones, Secretary to the Council

Date: 11-10-92

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE: - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 16 rows of member names and their voting status.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date