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AMEND D.C. MOTOR VEHICLE SAFETY RESPONSIBILITY ACT

DOCUMENTS

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HEARING

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BEFORE THE

SUBCOMMITTEE ON BUSINESS, COMMERCE, AND TAXATION OF THE

COMMITTEE ON THE DISTRICT OF COLUMBIA HOUSE OF REPRESENTATIVES NINETY-THIRD CONGRESS

SECOND SESSION

ON

H.R. 5686

TO AMEND THE MOTOR VEHICLE SAFETY RESPONSIBILITY ACT OF THE DISTRICT OF COLUMBIA, THE DISTRICT OF COLUMBIA TRAFFIC ACT OF 1925, TO AUTHORIZE THE ISSUANCE OF SPECIAL IDENTIFICATION CARDS, AND FOR OTHER PURPOSES

MAY 8, 1974

Serial No. 93-28

Printed for the use of the
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TO AMEND THE MOTOR VEHICLE SAFETY RESPONSIBILITY ACT OF THE DISTRICT OF COLUMBIA TRAFFIC ACT OF 1925, TO AUTHORIZE THE ISSUANCE OF SPECIAL IDENTIFICATION CARDS, AND FOR OTHER PURPOSES

WEDNESDAY, MAY 8, 1974

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON BUSINESS, COMMERCE, AND TAXATION
OF THE COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:55 a.m., in room 1310, Longworth House Office Building, Hon. W. S. Stuckey, chairman of the subcommittee, presiding.

Present: Representatives Stuckey, Stark, and Gude.

Also present: James T. Clark, legislative counsel; and John Hogan, minority counsel; Ms. Rebecca Moore, consultant to the subcommittee; Leonard Hilder and R. Ulmer, professional staff.

Mr. STUCKEY. The Committee on the District of Columbia this morning will hear testimony on H.R. 5686, a bill to amend the Motor Vehicles Safety Responsibility Act of the District of Columbia, and the District of Columbia Traffic Act of 1925, to authorize issuance of special identification cards, and for other purposes.

This morning we have with us representatives of the District of Columbia government, Mr. Robinson, and Mr. Robinson, we will hear your testimony at this time.

We are delighted to have you before us again.

Also, with Mr. Robinson is Mr. Thompson, the Chief of Permit Controls of the Department of Motor Vehicles.

We are delighted to have you here.

[The bill H.R. 5686 together with District government's letter thereon, and staff memorandum, follow:]

[H.R. 5686, 93d Cong., 1st sess., by Mr. Diggs, on Mar. 15, 1973]

A BILL to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, of 1925, to authorize the issuance of special identification cards, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Motor Vehicle Act".

TITLE I—APPLICATION OF ADMINISTRATIVE PROCEDURE ACT TO CASES INVOLVING
SUSPENSION OR REVOCATION OF OPERATORS' PERMITS AND OWNERS' REGISTRATIONS

SEC. 101. Section 4 of the Motor Vehicle Safety Responsibility Act of the District of Columbia (68 Stat. 121), as amended (D.C. Code, sec. 40-420), is amended to read as follows:

"SEC. 4. HEARINGS BY COMMISSIONER.—(a) Any person aggrieved by any order or act of the Commissioner under the provisions of this Act shall have the right to file a petition for a hearing in the manner prescribed by the Commissioner and it shall be the duty of the Commissioner to set the matter for hearing, to take testimony, and examine into the facts of the case to determine whether the order or act was done in accordance with the provisions of this Act. Such petition shall be in writing, shall set out in detail the reasons for such hearing, and shall be filed with the Commissioner within five days after such order or act.

"(b) A petition for a hearing to the Commissioner shall operate as a stay of any order of suspension. Such stay shall be allowed for such period as will enable the Commissioner to afford the petitioner due notice and an opportunity for a hearing. In the event the initial order of suspension or revocation is sustained after such hearing, such order shall become effective immediately."

SEC. 102. Section 13 of the District of Columbia Traffic Act, 1925, (43 Stat. 1125), as amended (D.C. Code, sec. 40-302), is amended to read as follows:

"SEC. 13. (a) As used in this section—

"(1) The term 'Commissioner' means the Commissioner of the District of Columbia or his designated agent.

"(2) The term 'license' means any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of the District including: (A) any temporary license or instruction permit; (B) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and (C) any nonresident's operating privilege as defined herein.

"(3) The term 'nonresident's operating privilege' means the privilege conferred upon a nonresident by the laws of the District pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in the District.

"(b) The Commissioner is hereby authorized to suspend or revoke without a preliminary hearing the operator's permit of any person for any reason which he may deem sufficient.

"(c) Whenever the operator's permit of any person is revoked or suspended, no new operator's permit shall be issued nor shall the operating privilege of any person be reinstated for at least six months after the revocation or suspension, except in the discretion of the Commissioner.

"(d) Whenever the Commissioner suspends or revokes the operator's permit of any person, the reasons therefor shall be set out in the order of suspension or revocation.

"(e) Any person denied an operator's permit or whose operator's permit has been suspended or revoked by the Commissioner, except where such revocation is mandatory under the provisions of this Act, shall have the right to file a petition for a hearing in the manner prescribed by the Commissioner, and it shall be the duty of the Commissioner to set the matter for hearing, to take testimony, and examine into the facts of the case to determine whether the petitioner is entitled to an operator's permit or is subject to suspension or revocation of such operator's permit under the provisions of this Act. Such petition shall be in writing, shall set out in detail the reasons for such hearing, and shall be filed with the Commissioner within five days after the person has been denied an operator's permit or an order of suspension or revocation has been issued.

"(f) A petition for a hearing to the Commissioner shall operate as a stay of any order of suspension or revocation except when such order has been issued revoking or suspending the operator's permit of any person on account of mental or physical incapacity, or following a conviction for an offense for which mandatory revocation of a motor vehicle operator's permit is required under this Act. Such stay shall be allowed for such period as will enable the Commissioner to afford petitioner due notice and opportunity for a hearing. In the event the initial order of suspension or revocation is sustained after such hearing, such order of suspension or revocation shall become effective immediately.

"(g) Any individual found guilty of operating a motor vehicle in the District during the period for which his motor vehicle operator's permit is revoked or suspended under this Act shall, for each such offense, be fined not less than \$100 nor more than \$500, or imprisoned not less than thirty days nor more than one year, or both."

TITLE II—ISSUANCE OF SPECIAL IDENTIFICATION CARDS TO RESIDENTS OF THE
DISTRICT OF COLUMBIA

SEC. 201. Section 7 of the District of Columbia Traffic Act, 1925 (43 Stat. 1121), as amended (D.C. Code, sec. 40-301), is amended by adding at the end thereof the following new subsection:

"(f) (1) Upon request of any person who is a resident of the District of Columbia and who does not possess an operator's permit, the Commissioner shall issue a special identification card to such person.

"(2) Such special identification card shall be accepted as valid identification of the person to whom it is issued when the card is presented for the purpose of furnishing proof of the person's identification.

"(3) The fees for the issuance and renewal of the special identification card shall be established by the District of Columbia Council.

"(4) Such special identification card shall expire every two years, but may be renewed upon request and payment of the fee for renewal.

"(5) The special identification card issued under this subsection shall be similar in size, shape, and design to an operator's permit, but said card shall clearly state thereon that it does not authorize the person to whom it is issued to operate a motor vehicle.

"(6) Any person who shall use fraud or misrepresentation in the application for or for use of a special identification card issued under this subsection shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$300, or imprisoned for a period not exceeding ninety days, or both.

"(7) The District of Columbia Council is authorized to promulgate such regulations as it deems necessary for the effective implementation of this subsection."

SEC. 202. The amendments made by section 201 shall take effect ninety days after the enactment of this Act.

SEC. 203. The District of Columbia Traffic Act, 1925, is amended as follows:

(a) Paragraph (d) of section 2 of such Act (D.C. Code, sec. 40-602) is amended to read as follows: "(d) The term 'Commissioner' means the Commissioner of the District of Columbia or his designated agent."

(b) Section 7 of such Act (D.C. Code, sec. 40-301) is amended by striking out "Commissioners or their designated agent" each place such words appear therein and inserting in lieu thereof "Commissioner".

TITLE III—ISSUANCE OF OPERATOR'S PERMITS TO POLICE OFFICERS AND FIREMEN
OPERATING GOVERNMENT VEHICLES IN THE DISTRICT OF COLUMBIA

SEC. 301. Subsection (a) of section 7 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40-301(a)), is amended by adding at the end thereof the following new paragraph:

"(7) Officers and members of any police force operating in the District of Columbia and of the Fire Department of the District shall be issued, without charge, a permit to operate government-owned vehicles, while engaged in the performance of official duties, upon the presentation of a certificate from the Chief of such police force or the Fire Chief, or their designated agents, to the effect that such officer or member is assigned to operate a government vehicle and is qualified to operate such vehicle, and upon being examined by the Commissioner as to his knowledge of the traffic regulations of the District of Columbia."

TITLE IV—AMENDMENT OF REGISTRATION, TAG, AND TRANSFER REQUIREMENTS

SEC. 401. Section 2 of title IV of the District of Columbia Revenue Act of 1937 (50 Stat. 680; D.C. Code, sec. 40-102) is amended—

(1) by striking out "Commissioners of the District of Columbia" in subsection (b) and inserting in lieu thereof "District of Columbia Council";

(2) by striking out "Commissioner" in paragraph (1) of subsection (b) and inserting in lieu thereof "Council";

(3) by amending paragraph (2) of subsection (b) to read as follows:

"(2) of certificates of registration and identification tags, without charge, for all motor vehicles and trailers owned by the United States or by the District of Columbia ;"

(4) by redesignating paragraphs (3) and (4) of subsection (b) as paragraphs (4) and (5), respectively, and by adding the following new paragraph (3):

"(3) annually, without charge, of certificates of registration and identification tags for all motor vehicles and trailers officially used by any duly accredited

representative of a foreign government;" (5) by striking out "Commissioner" in paragraph (5) of subsection (b) (as redesignated by this section), and inserting in lieu thereof "Council";

(6) by striking out "Commissioners" in subsection (c) and inserting in lieu thereof "Council";

(7) by adding in subsection (d) immediately after the second sentence the following new sentence: "In the case of joint ownership, upon consent of all the joint owners, such transfer may be made in the manner prescribed above to any person formerly a party to the joint ownership."

(8) by striking out "Commissioners of the District of Columbia are" in subsection (e) and inserting in lieu thereof "District of Columbia Council is";

(9) by striking out "Commissioners of the District of Columbia are", "Commissioners", and "Commissioners under rules and regulations prescribed by them" in the first sentence of subsection (f) and inserting in lieu thereof "District of Columbia Council is", "Council", and "Commissioner or his designated representative", respectively;

(10) by striking out "Commissioners" in the second sentence of such subsection (f) and inserting in lieu thereof "Commissioner"; and

(11) by striking out "Commissioners" in the third sentence of such subsection (f) and inserting in lieu thereof "Commissioner".

GOVERNMENT OF THE DISTRICT OF COLUMBIA,

EXECUTIVE OFFICE,

Washington, D.C., February 7, 1973.

The Honorable SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR MR. SPEAKER: The Government of the District of Columbia has the honor to submit herewith a draft bill "To amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, 1925, to authorize the issuance of special identification cards, and for other purposes."¹

The purposes of this proposed legislation, to be cited as the "District of Columbia Motor Vehicle Act", may be summarized as follows:

Title I of the draft bill would amend the Motor Vehicle Safety Responsibility Act of the District of Columbia (68 Stat. 120; D.C. Code, title 40, ch. 4), and the District of Columbia Traffic Act, 1925 (43 Stat. 1119; D.C. Code, title 40, ch. 6), to provide for hearings in cases involving the suspension or revocation of operators' permits and owners' registrations so as to permit effective application of the District of Columbia Administrative Procedure Act (82 Stat. 1204; D.C. Code, title 1, ch. 15).

Under the provisions of the Administrative Procedure Act, a contested case is defined as one in which the legal rights or privileges of any person are required by law to be determined after a hearing before the Commissioner or any agency of the District Government.

The Safety Responsibility Act does not provide for hearings prior to the suspension or revocation of privileges, and consequently hearings are not afforded in the practical administration of this law. The Act does provide for a "review" of any suspension or revocation, but this review procedure does not come within the definition of a contested case as contained in the Administrative Procedure Act.

A similar situation arises with regard to section 13 of the Traffic Act which provides that the Commissioner may, with or without a hearing, suspend or revoke the operator's permit or nonresident's operating privilege of any person. Therefore, a suspension or revocation under the Traffic Act is, as in the case of the Safety Responsibility Act, not a contested case, and, strictly speaking, no hearing is required in cases involving suspensions and revocations under the Traffic Act. The Traffic Act also provides only for a "review" by the Commissioner.

The proposed amendments to both the Traffic Act and the Safety Responsibility Act would require that any person whose right or privilege has been suspended under either or both Acts must be afforded an opportunity for a hearing, thus bringing such cases under the purview of the Administrative Procedure Act. The present provisions in both Acts providing for "review" procedures are omitted

¹ Subsequently introduced by Mr. Diggs as H.R. 5686.

because a formal hearing as prescribed in the Administrative Procedure Act should provide all the due process protection necessary.

The procedure of issuing an order of suspension or revocation under the Traffic Act to take effect five days after its issuance [ten days in the case of nonresidents] is amended to provide that the order shall take effect immediately, subject to a stay upon receipt of a petition for a hearing filed within five days of the date of the order [applicable to residents and nonresidents alike]. This procedure is consistent with that authorized under the Safety Responsibility Act (D.C. Code, sec. 40-420), and permits a person whose license is suspended or revoked to accept issuance of an order immediately and to begin the period of suspension or revocation on the date of issuance rather than wait an unnecessary five days [ten in the case of nonresidents].

Title II of the proposed legislation provides for the issuance of identification cards upon request to residents of the District of Columbia who do not possess a motor vehicle operator's permit. The card would expire every two years but would be renewable upon application and payment of the prescribed fee. Under this title the District of Columbia Council would be authorized to promulgate any rules and regulations deemed necessary to carry out the intent of this title, including the establishment of a fee commensurate with the cost to the District Government of issuing such cards. The State of Maryland presently issues such cards to its citizens upon payment of a \$2.00 fee. The card would be similar to a motor vehicle operator's permit, but would state plainly on its face that it does not entitle the person to whom it has been issued to operate a motor vehicle. We believe that this proposal would provide a genuine service to the residents and businesses of the District of Columbia without any additional cost to the District and without the necessity of additional personnel.

Title III of the bill authorizes the issuance, without charge, of motor vehicle operators' permits to police officers and firemen operating government-owned vehicles in official business. This proposal would relieve such individuals of the necessity and expense of securing licenses to operate specialized equipment and apparatus, and is similar to the authority afforded by section 40-301(a)(5) of the D.C. Code to members of the Armed Forces who operate official vehicles in the District of Columbia. Under this title the police or fire chief would have to certify that the applicant is qualified to operate the respective department's equipment. Also, the applicant would be examined by the Director of Motor Vehicles as to his knowledge of District traffic regulations.

Title IV of the draft legislation amends registration, tag, and transfer requirements of the Department of Motor Vehicles. The annual re-registration requirement is abolished for Federal and District Government-owned vehicles. The present annual re-registration provides no advantages for either the United States or the District of Columbia and the elimination of this unnecessary requirement will save time and money now consumed in the annual registration of vehicles for the many Federal and District agencies and departments. Approximately 3,500 Federal- and District-owned vehicles would be involved.

Title IV would also permit the dropping of a name from a jointly-owned motor vehicle when the license tags are transferred to a newly-acquired vehicle. Present law allows the addition of a spouse's name to the registration when transferring tags to a new automobile, but does not permit the deletion of a joint owner's name. The proposed legislation would permit the remaining owner(s) to have the automobile tags to a newly-acquired vehicle transferred, allow the owner(s) to maintain the old tag number, and pay only a \$2.00 transfer fee to cover the administrative record changes involved. Although this proposal would involve some revenue loss, the Commissioner is of the view that the proposed legislation offers more equitable treatment to the public.

This title further makes certain technical changes in section 40-102 of the D.C. Code to conform existing law to the present Commissioner-Council form of the District Government.

For the various reasons stated, we believe that the enactment of each of the titles of the draft bill will complement and strengthen existing motor vehicle and traffic laws of the District and, accordingly, we urge favorable consideration of this proposed legislation by the Congress.

Sincerely yours,

WALTER E. WASHINGTON,
Commissioner.

STAFF MEMORANDUM IN RE H.R. 5686 (DIGGS)

[To amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act of 1925, to authorize the issuance of special identification cards, and for other purposes]

PROVISIONS AND PURPOSES

Title I: Amend the D.C. Motor Vehicle Safety Responsibility Act (68 Stat. 120; D.C. Code, title 40, ch. 4), and the D.C. Traffic Act, 1925 (Stat. 1119; D.C. Code, title 40, ch. 6), to provide for hearings in cases involving the suspension or revocation of operators' permits and owners' registrations to permit effective application of the D.C. Administrative Procedure Act (82 Stat. 1204; D.C. Code, title 1, ch. 15).

The proposed amendments to both the Traffic Act and the Safety Responsibility Act would require that any person whose right or privilege has been suspended under either or both Acts must be afforded an opportunity for a hearing.

Title II: Provides for the issuance of identification cards upon request of residents of D.C. who do not possess a motor vehicle operator's permit.

This proposal is intended as a service, to provide identification, on a voluntary basis, for those who have no need of a driver's license. The cards would be issued for a small fee, probably \$2.00, as is the case in Maryland.

Title III: Authorizes the issuance, without charge, of motor vehicle operators' permits to police officers and firemen operating government-owned vehicles on official business, and is similar to the authority afforded by section 40-301(a) (5) D.C. Code, to members of the Armed Forces who operate official vehicles in D.C. Under this title the police or fire chief would have to certify that the applicant is qualified to operate the respective department's equipment. Also, the applicant would be examined by the Director of Motor Vehicles as to his knowledge of D.C. traffic regulations.

This proposal would relieve such individuals of the necessity and expense of securing licenses to operate specialized equipment and apparatus.

Title IV: Amends registration, tag and transfer requirements of the Department of Motor Vehicles, i.e., the annual re-registration requirement is abolished for Federal and District Government-owned vehicles and the dropping of a name from a jointly-owned vehicle would be permitted when license tags are transferred to a newly-acquired vehicle.

The annual re-registration elimination will save time and money now consumed in re-registering the 3,500 involved vehicles. The purpose of the second portion of the proposed amendment would permit the remaining owner(s) to have the automobile tags to a newly-acquired vehicle transferred, allow the owner(s) to maintain the old tag number, and pay a \$2.00 transfer fee to cover record changes.

**STATEMENT OF WILLIAM A. ROBINSON, CHIEF, LEGISLATION AND
OPINIONS DIVISION, OFFICE OF THE CORPORATION COUNSEL;
ACCOMPANIED BY ROBERT O. D. THOMPSON, CHIEF, PERMIT
CONTROLS, DEPARTMENT OF MOTOR VEHICLES**

Mr. ROBINSON. We appreciate the opportunity to appear before the subcommittee this morning and express our views on H.R. 5686, a bill which will provide several significant changes in the District's motor vehicle laws.

TITLE I. SUSPENSIONS AND REVOCATIONS

Title I of H.R. 5686 would amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, 1925, to provide for hearings in cases involving the suspension or revocation of operators' permits and owners' registrations so as to permit effective application of the District of Columbia Administrative Procedure Act.

Under the provisions of the Administrative Procedure Act, a contested case is defined as one in which legal rights or privileges of any

person are required by law to be determined after a hearing before the Commissioner or any agency of the District Government.

The Safety Responsibility Act does not provide for hearings prior to the suspension or revocation of privileges, and consequently hearings are not afforded in the practical administration of the law. The act does provide for a review of any suspension or revocation, but this review procedure does not come within the definition of a contested case as contained in the Administrative Procedure Act.

A similar situation arises with regard to section 13 of the Traffic Act which provides that the Commissioner may, with or without a hearing, suspend or revoke the operator's permit or nonresident's operating privilege of any person. Therefore, a suspension or revocation under the Traffic Act is, as in the case of the Safety Responsibility Act, not a contested case, and strictly speaking, no hearing is required in cases involving suspensions or revocations under the Traffic Act. The Traffic Act also provides only for a review by the Commissioner.

The proposed amendments to both the Traffic Act and the Safety Responsibility Act would require that any person whose right or privilege has been suspended under either or both acts must be afforded an opportunity for a hearing, thus bringing such cases under the purview of the Administrative Procedure Act. The present provisions in both acts providing for review procedures are omitted because a formal hearing as prescribed in the Administrative Procedure Act should provide all the due process protection necessary.

The procedure of issuing an order of suspension or revocation under the Traffic Act to take effect 5 days after its issuance or 10 days in the case of nonresidents, is amended to provide that the order shall take effect immediately, subject to a stay upon receipt of a petition for a hearing filed within 5 days of the date of the order, applicable to residents and nonresidents alike. This procedure is consistent with that authorized under the Safety Responsibility Act, and permits a person whose license is suspended or revoked to accept issuance of an order immediately and to begin the period of suspension or revocation on the date of issuance rather than wait an unnecessary 5 days or 10 days in the case of nonresidents.

TITLE II. IDENTIFICATION CARDS

Title II of H.R. 5686 provides for the issuance of identification cards upon request to residents of the District of Columbia who do not possess a motor vehicle operator's permit. The card would expire every 2 years but would be renewable upon application and payment of the prescribed fee. Under this title the District of Columbia Council would be authorized to promulgate any rules and regulations deemed necessary to carry out the intent of this title, including the establishment of a fee commensurate with the cost to the District Government of issuing such cards. The State of Maryland presently issues such cards to its citizens upon payment of a \$2 fee. The card would be similar to a motor vehicle's permit, but would state plainly on its face that it does not entitle the person to whom it has been issued to operate a motor vehicle. We believe that this proposal would provide a genuine service to the residents and businesses of the District of Columbia without the necessity of additional personnel to carry it out.

TITLE III. OPERATORS OF POLICE AND FIRE VEHICLES

Title III would authorize the issuance, without charge, of motor vehicle operators' permits to police officers and firemen operating government-owned vehicles in official business. This proposal would relieve such individuals of the necessity and expense of securing licenses to operate specialized equipment and apparatus, and is similar to the authority afforded by section 40-301(a) (5) of the D.C. Code to members of the Armed Forces who operate official vehicles in the District of Columbia. Under this title the police or fire chief would have to certify that the applicant is qualified to operate the respective department's equipment. Also, the applicant would be examined by the Director of Motor Vehicles as to his knowledge of District traffic regulations.

TITLE IV. REGISTRATION, ETC.

Title IV of H.R. 5686 would amend registration, tag, and transfer requirements of the Department of Motor Vehicles. The annual re-registration requirement is abolished for Federal and District government-owned vehicles. The present annual re-registration provides no advantages for either the United States or the District of Columbia and the elimination of this unnecessary requirement will save time and money now consumed in the annual registration of vehicles for the many Federal and District agencies and departments. Approximately 3,500 Federal and District-owned vehicles would be involved.

Title IV would also permit the dropping of a name from a jointly owned motor vehicle when the license tags are transferred to a newly acquired vehicle. Present law allows the addition of a spouse's name to the registration when transferring tags to a new automobile, but does not permit the deletion of a joint owner's name. The proposed legislation would permit the remaining owners to have the automobile tags to a newly acquired vehicle transferred, allow the owners to maintain the old tag number, and pay only a \$2 transfer fee to cover the administrative record changes involved. Although this proposal would involve some revenue loss, we believe that the proposed legislation offers more equitable treatment to the public.

This title further makes certain technical changes in section 40-102 of the D.C. Code to conform existing law to the present Commissioner-Council form of the District government.

Mr. Chairman, in a report forwarded to the committee on May 7, 1974, which I ask be made a part of the record, the Mayor has recommended that H.R. 5686 be amended to incorporate two additional proposals as a new title V of the bill.

AMENDMENTS PROPOSED

This proposed title V would amend existing laws relating to the finality of court judgments arising out of motor vehicle accidents and the publication of traffic regulations. Section 502 of this proposed title would amend the Motor Vehicle Safety Responsibility Act to permit the lifting of the suspension of a judgment debtor's license, registration, or operating privilege when the judgment on which such action was based has expired. Under existing law the license of a motorist

whose license has been suspended because of the entry of a judgment against him must remain suspended and cannot be renewed until the judgment is satisfied. In many instances the judgment creditor is no longer available to be paid the judgment or cannot be located. As a consequence of the requirement that suspension files be maintained until satisfaction of the judgment, the Department of Motor Vehicles has now accumulated almost 6,000 cases in which the original judgment has expired without docketing and revival by the judgment creditor and the number is ever increasing. The proposed amendment would allow the termination of these inactive cases.

Furthermore, it appears inconsistent to punish someone when the court itself will not enforce the judgment. The plaintiff is protected since he has the right to revive the judgment. Thus, only the files of those plaintiffs actively pursuing their judgments will be kept open. We feel that this amendment would not only promote efficiency within the Department of Motor Vehicles, but also would be more equitable to those who come within the purview of the Safety Responsibility Act.

Section 502 of the proposed amendments would delete the requirement of present law that traffic regulations, when adopted, be printed in one or more daily newspapers. It is believed that such publication, which results in additional expense to the District government, is no longer necessary in light of the publication requirements of the more recently enacted District of Columbia Administrative Procedure Act. The proposed amendment, however, retains the 10-day grace period of existing law which allows the public to become aware of and acquainted with the provisions of any new traffic regulation before any penalty for its violation may be enforced.

We believe that each of the proposed amendments will strengthen and improve the motor vehicle laws of the District and urge that H.R. 5686 be favorably reported.

Thank you.

Mr. STUCKEY. Thank you, Mr. Robinson. We appreciate the recommendation and the additional amendments, and also we do have a letter from Mayor Washington also recommending the adoption of H.R. 5686 which will be made part of the record.

[The letter referred to follows:]

THE DISTRICT OF COLUMBIA,
Washington, D.C., May 7, 1974.

Hon. CHARLES C. DIGGS, JR.,
Chairman, Committee on the District of Columbia, U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: The Government of the District of Columbia has for report H.R. 5686, a bill "To amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, of 1925, to authorize the issuance of special identification cards, and for other purposes."

H.R. 5686 is identical to draft legislation submitted to the Congress by the District Government on February 7, 1973. Since our submission of this legislation, we have developed two additional proposals which should be included in the proposed "District of Columbia Motor Vehicle Act." These proposals, which we recommend be added to H.R. 5686 as a new Title V, are attached to this report.

The proposed Title V would amend existing law relating to the finality of the court judgments arising out of motor vehicle accidents and the promulgation of traffic regulations. Section 502 of this proposed title would amend section 47 of the Motor Vehicle Safety Responsibility Act to permit the lifting of the suspension of a judgment debtor's license, registration, or operating privilege when the judgment on which such action was based has expired. Under existing law the

license of a motorist whose license has been suspended because of the entry of a judgment against him must remain suspended and cannot be renewed until the judgment is satisfied. In many instances the judgment creditor is no longer available to be paid the judgment or cannot be located. As a consequence of the requirement that suspension files be maintained until satisfaction of the judgment, the Department of Motor Vehicles has now accumulated almost 6,000 cases in which the original judgment has expired without docketing and revival by the judgment creditor and the number is ever increasing. The proposed amendment would allow the termination of these inactive cases and thereby increase the operating efficiency of the Department of Motor Vehicles.

Section 502 of the proposed amendments would delete the requirement of present law that traffic regulations, when adopted, be printed in one or more daily newspapers. It is believed that such publication, which results in additional expense to the District Government, is no longer necessary in light of the publication requirements of the more recently enacted District of Columbia Administrative Procedure Act. The proposed amendment, however, retains the ten-day grace period of existing law which allows the public to become aware of and acquainted with the provisions of any new traffic regulation before any penalty for its violation may be enforced.

We urge favorable consideration of these proposed additional amendments to H.R. 5686.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor-Commissioner.

Attachment:

TITLE V.—AMENDMENTS RELATING TO JUDGMENTS AND TRAFFIC REGULATIONS

Sec. 501. Section 47 of the Motor Vehicle Safety Responsibility Act of the District of Columbia (D.C. Code, sec. 40-463) is amended by inserting immediately before the period at the end of such section a comma and the following: "except that if the right to enforce said judgment by docketing and revival, or by revival, shall have expired without such docketing and revival, or if the judgment creditor fails to file notice of the docketing and revival of his judgment with the Commissioner, the suspension of the license or registration of the judgment debtor shall be terminated."

Sec. 502. The first sentence of subsection (h) of section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40-603(h)) is amended to read as follows: "All regulations promulgated under the authority of this Act shall be published in accordance with the requirements of the District of Columbia Administrative Procedure Act, but no penalty shall be enforced for any violation of any such regulation which occurs within ten days after the date of such publication, except that whenever the District of Columbia Council deems it advisable to make effective immediately any regulation relating to parking, diverting of vehicular traffic, or the closing of streets to such traffic, the regulation shall become effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the regulation."

Mr. STUCKEY. How many hearings have you had so far, how many reviews are granted right now when a license is suspended?

Is this a normal procedure or just not normally granted a review?

Mr. THOMPSON. Under the Safety Responsibility Act, sir, I think there are very few hearings. We have made attempts to prepare a staff, but presently they are being reviewed by the chief of that division, the cases are. It is a paper review and not the hearings that are outlined in the act, the Administrative Procedure Act.

COSTS

Mr. STUCKEY. If the anticipated bill, H.R. 5686, is passed and with the provisions that are provided in this bill, will it cost any additional money or personnel to have these reviews?

Mr. THOMPSON. It would involve additional personnel hearing staff. As you know, under another provision of the act, hearings are held in

permit cases under the point system. Presently we have four hearing officers employed in that capacity. I do not believe that the amount of hearings under the Safety Responsibility Act will require that much of a staff. I would guess we would probably propose to have at least two to three hearing officers at the most.

Mr. STUCKEY. Under title II, on the ID card, as I understand it, that would be on a strictly voluntary type of basis.

Mr. THOMPSON. That is correct, sir. We have very many people today who have requested those identification cards. We have the records available to put that into effect with very few problems.

Mr. STUCKEY. What about the cost of these cards? Maryland, I believe, charges \$2?

Mr. THOMPSON. Maryland charges \$2. We consulted the State of Maryland. I believe they told us within the first 2 years there were only some 5,000 of those cards issued. We believe that it could be slightly less numbers in the District of Columbia.

The cost, so far as an individual, the processing cost, we have consulted with the Polaroid Corp., and they give us a price of something close to 40 cents to just make the card; with existing personnel that we already have to issue the operators' permits, we think we can work that service rate in with that group of people.

Mr. STUCKEY. And to offset some of the costs of the additional personnel?

Mr. THOMPSON. I believe so.

OPERATORS' PERMITS

Mr. STUCKEY. Do you have to present a birth certificate or proof of birth to get a driver's license in the District of Columbia?

Mr. THOMPSON. Only for new applicants. We have required that since September last. We have had very few problems. We have had some problems with people. I would think that would be more of the senior group of people, but we are flexible in that regard. When it is brought to our attention, we are able to resolve any problems connected with people who are unable to provide the birth certificates.

There are alternates that we accept. There are many cases, though, we have had to accept just the notarized statements from older brothers and older sisters, and mothers and fathers, and things of that nature, but we are flexible, sir.

I.D. CARDS

Mr. STUCKEY. You would not require that in the ID cards, would you?

Mr. THOMPSON. There has been little talk, I believe, that it would be incumbent upon us to be consistent in the permits that we issue. If we require it on the operators' permits, I believe it is incumbent on us, in order to purify and certify that our records are good records, I think it would be incumbent upon us to request the same type of information on the ID card.

Mr. STUCKEY. Do you think it is an unwieldy, heavy burden on people to have to produce a birth certificate or record of birth, particularly the elderly?

Mr. THOMPSON. If that were a steadfast rule, perhaps, but as I say, sir, we are flexible. We feel that the majority of people who will request the cards would be in the upper age bracket, and there is some difficulty for them to produce birth certificates. The alternates that we accept we believe will cause very few problems or inconvenience to them.

Mr. STUCKEY. You do not anticipate any problems with someone who wants to get an ID card coming up with acceptable proof?

Mr. THOMPSON. No, sir. I believe that we can service all the citizens.

Mr. STUCKEY. To be very frank about it, I have some question about the necessity of having to produce a birth certificate for a driver's license. I do not think that you find that in too many States. I am sure that there are some that do, California probably. It seems to me that it is probably an undue, heavy burden.

Mr. THOMPSON. It is a Federal standard under the Highway Safety Act. They proposed that we require proof of name and date of birth, and we have adopted some of the recommendations and standards coming out of the Federal Transportation Department, sir.

Mr. STUCKEY. In your opinion, this would not be a bar; in other words, if someone came in, even a sworn type of statement.

Mr. THOMPSON. Or employment record. We have gone down to the minimum of what a person can provide, a sworn statement. Of course, in the case of a person who is already established as operating a motor vehicle, we accept his out-of-State license as proof. We did not require that on licensed drivers who are coming in from out of State. It is only on the new driver. It is more or less directed toward the younger group of people.

We do have a number of problems maintaining computerized records. That is one of the reasons that we felt that that was a necessity to go into that requirement.

Mr. STUCKEY. You do feel that it is a necessity.

Mr. THOMPSON. I believe so, sir. As I said, we have had now about 8 months of experience in those. Of course, I do not believe that we have offended that many people in requiring them to meet that requirement. As I say, the alternates that we accept, we have provided some room for those who could not possibly furnish a record, a birth record.

Mr. STUCKEY. As long as you give me your word that you do not think it will be an undue burden because I can envision, particularly with some of our senior citizens, they very well may never have had a driver's license and had no need, but they would have a need for an ID card, which I certainly support, title II. I would hate for them to come for an ID card and not be able to obtain one.

Mr. THOMPSON. As I say, that birth certificate rule is not a hard, fast rule. We are flexible, and I think that we can carry out that service with very few problems.

Mr. STUCKEY. I will take your word for it.

The gentleman from California, do you have any questions?

Mr. STARK. Mr. Chairman, I am sure the chairman is as concerned as I am of appearing too old. I am thinking of the youngsters who might want to purchase alcoholic beverages and assert that they were older than they actually were.

Mr. STUCKEY. Does staff counsel have any questions?

Mr. HOGAN. I do, Mr. Chairman, if I may.

MARYLAND EXPERIENCE WITH I.D. CARDS

On title II, do you know how many people in Maryland have used this? What is the principal?

Mr. THOMPSON. I believe an earlier check with Maryland revealed that since they have been into this about 2 years, there has been some 5,000 identification cards issued. We envision that many people would use that who do not have operators permits, incidentally, would use it for things like cashing checks.

Many people today utilize learner's permits because it appears to be with many businesses an accepted form of identification, although we do not believe that a learner's permit provides the type of security of identification that perhaps business can rely on.

So we envision that many of the people who now come down and obtain a learner's permit for the cost of \$5 every 60 days, utilize those learner's permits solely for the purpose of having some form of identification.

I think it is normally in the age group of 35 and above. I believe that it is with domestic workers as opposed to upper class people. From just a little bit of working experience with this, this is what I believe, it will serve those people who do not have any other form of identification, who resort to commercial companies just for notarized statements.

Mr. HOGAN. Does Maryland put it in its traffic code?

Mr. THOMPSON. The Motor Vehicle Department of Maryland issues the card, I know. It was explained to us that their records are there. The cards are only issued. It is a nondriver identification card. So the State of Maryland Motor Vehicle Administration would have a record of who is the driver so they would be able to minimize the number of applicants who have operators permits and do use them as a form of identification. They could eliminate that group because the records are there.

PENALTY PROVISION

Mr. HOGAN. Is there a penalty provision currently for misrepresentation and fraud in the application for the use of a driver's permit or a learner's permit?

Mr. THOMPSON. Yes, sir; there is.

Mr. HOGAN. This is similar to that in that respect.

Is there any difference?

Mr. THOMPSON. It could be similar in some respects. I do not think the seriousness is the same there. You will not have the problems of misrepresentation with identification cards.

Mr. HOGAN. There is a penalty provision in there?

Mr. THOMPSON. There would be.

Mr. HOGAN. Is there any difference in them?

Mr. ROBINSON. You mean between this proposal and the Maryland law?

Mr. HOGAN. In this proposal and the existing provision of the District of Columbia Code that carries a penalty for fraud or misrepresentation on the application for use. Why not just tie it in? Why have a separate penalty provision? Why not just cross reference it to the

existing penalty for the application of permits, since it is obviously going to be administered by the same law?

Mr. ROBINSON. That is true. Since title II, of course, is an amendment to the existing traffic laws, and the penalty for the use thereof would be similar to that which is presently in existence in the fraudulent use of operators' permits.

Mr. HOGAN. Mr. Thompson, you are the chief of the Permit Controls Division, is that right?

Mr. THOMPSON. Yes, sir.

Mr. HOGAN. As I understand it, in the State of Florida they have yet another card, do they not, for the no-fault insurance down there to indicate whether in fact the individual who is driving an automobile has insurance in effect?

Mr. THOMPSON. I am not familiar enough with Florida law in that respect, sir.

Mr. HOGAN. Have you considered this possibility at all?

Mr. THOMPSON. To say honestly, no, sir, I have not.

Mr. HOGAN. I have not read it. I now have the Minnesota law—the ranking minority member is from Minnesota, and Mr. Fraser on the Democratic side. They have a new law in Minnesota—I do not know if they have an identification provision or not. I assume that we are going to have a number of cards, if the committee were to go that way, and if they were to pass a no-fault bill.

If you have an opportunity, would you check to see how it is operating in Florida?

Mr. THOMPSON. Yes, sir, I will.

TITLE IV

Mr. HOGAN. Secondly, you indicated here that there would be some revenue loss on this title IV provision. I gather this \$2 transfer, your proposed legislation would permit the remaining owners to have the automobile tags to a newly acquired vehicle transferred, to pay only the \$2 transfer if it were joint ownership, namely husband and wife, the \$2 would be there, and if they want to transfer it to one name, no problem.

Mr. THOMPSON. That is correct, sir.

Mr. HOGAN. I assume that the loss in revenue here, if they did want it transferred into one or the other's name, they would have to go through and apply for an entirely new license.

Mr. THOMPSON. Yes, sir.

Mr. HOGAN. It would be \$50 or \$30, depending on what weight vehicle?

Mr. THOMPSON. That is right.

Mr. HOGAN. Is there any problem there? Is it just inequitable the way it is now?

I assume that the revenue loss would be minimal.

Mr. THOMPSON. Yes; I believe that it would be minimal in comparison of the treatment of a citizen of having to go back all over to the point of getting new tags. I do not believe this is consistent with other jurisdictions.

Mr. HOGAN. Could you give the information on what the other jurisdictions do, No. 1? No. 2, I assume that one of the things that would

have to be attached to a report accompanying this bill would be the cost of this, of the implementation of the provisions of this bill. One of the costs would be a loss in revenue, in effect. If we could have some indication of what the loss in revenue would be, it would have to be subjective in the future. You would have to give us historically of 5 years past on this provision.

I know it is conjectural somewhat on your part, but you have better information than the committee has.

Do you follow me?

Mr. THOMPSON. Yes, sir.

Mr. HOGAN. You are going to have to conjecture how many people will follow this. I imagine most of them will.

Mr. THOMPSON. At this time I have no idea as to the loss of revenue.

Mr. HOGAN. You know how many people transfer.

Mr. THOMPSON. Those are the figures that I did not bring with me, sir, but we can furnish those, if the committee will permit us.

Mr. HOGAN. You have a better handle on what the loss of revenue would be than we have. It seems to me we would have to have that in the report accompanying the bill when it goes to the floor. Since you have made the statement, I think we have to do something with it.

TITLE V. AS PROPOSED RE JUDGMENTS

In turning to this title V provision, the Mayor's letter indicates that currently the provisions on the judgment, license registration, the operating privilege of which the judgment on which such action is based, should expire. How does it expire?

Mr. ROBINSON. The present law provides a judgment, once entered by a court, will remain in effect until satisfied or otherwise disposed of, for a period of 12 years. Before the expiration of that 12-year period, the judgment creditor may apply to the court for a renewal of the judgment which would be for an additional 12-year period. Once the 12-year period has expired without such revival, then the judgment is removed from the record.

Mr. HOGAN. What would this do? This would just automatically expire? When?

Mr. ROBINSON. At the expiration of the 12-year period, unless in the meantime it has been revived by appropriate action of the court.

Even though the judgment has expired, under existing law there is the requirement that the license or privilege must remain suspended until there has been a satisfaction.

Mr. HOGAN. Even though the judgment is expired?

Mr. ROBINSON. Even though the judgment has expired, there can be no satisfaction except on a voluntary basis in those cases. The effect is that the judgment is on the record, and the debtor is forever faced with that, and it could be forever, in fact, until there has been some type of satisfaction. This proposal would enable the District of Columbia to in effect get rid of a lot of cases.

Mr. HOGAN. Is there not some way to have the judgment set aside?

Mr. ROBINSON. The Department of Motor Vehicles, I believe, would not have the authority under existing law. It says that this privilege, this operating privilege or license, shall be suspended until the statutory conditions are met.

Mr. HOGAN. The individual—this is a court judgment, is it not?

Mr. ROBINSON. There is no provision that says that the court judgment has expired, that the license may be renewed. The law does not permit that.

Mr. HOGAN. I understand that. This is a court judgment, right?

Mr. ROBINSON. Correct.

Mr. HOGAN. Then the court has made a judgment that there is an amount due and owed, cannot the individual go to court and ask that the judgment be set aside because of other circumstances rather than just automatically having it expire?

Mr. ROBINSON. Prior to its expiration, the 12-year expiration period?

Mr. HOGAN. Prior to or subsequent to.

Mr. ROBINSON. Yes, they could, if there were sufficient grounds shown, the judge could do that. In that case, if there were no judgment outstanding, obviously the license holder would not be subject to that present provision of law.

Mr. HOGAN. I assume you tell people this. If someone comes down to the Safety Responsibility Division and he wants to renew his license, and for some reason he says, you know, that the judgment was erroneously entered or something like that, he can go back to court, can he not?

Mr. ROBINSON. Oh, yes.

Mr. HOGAN. If that is not the case, then the individual who obtained the judgment in the first place, even though this were to expire automatically, he would have to go back to court and go through the expense and time and effort of getting that judgment renewed, would he not?

Mr. ROBINSON. That is correct.

Mr. HOGAN. Where does the equity lie? Does it lie with the individual who first got the judgment, or with the one who has the judgment against him?

Mr. ROBINSON. The one who has the judgment against him; obviously his credit record and other financial matters are interfered with until there has been some kind of finality with respect to the court judgment.

Mr. HOGAN. All you would have to do is pay it or he has this judicial relief available to him, does he not?

Mr. ROBINSON. That is correct.

On the other hand, the judgment debtor would be put to the expense and time-consuming effort of going before the court to have the judgment set aside in this manner.

Mr. HOGAN. He is notified originally when the judgment is entered, is he not?

Mr. ROBINSON. That is correct. But the proposal would release a person of the necessity of doing this once the 12-year period had expired and the plaintiff himself indicating no interest in reviving or continuing judgment, even though it may in fact not have been satisfied.

One of the effects of the proposed amendment is to bring to a close a number of things that have been going on for quite some time and which presumably, under the language of existing law, could go on ad infinitum. In the meantime the Department of Motor Vehicles has the task of storing and maintaining records which for all practical purposes are of no value to anyone.

Mr. HOGAN. Could you tell me how many of those they have now?

Mr. ROBINSON. Approximately 6,000 old pending cases on file now.

Mr. HOGAN. Can you give us the ages of those? These are all beyond 12 years of age?

Mr. THOMPSON. The 6,000 are among the ones that have expired.

Mr. HOGAN. Of all the cases, you have 6,000 cases that are over 12 years of age?

Mr. THOMPSON. They date back to the 1930's, from the beginning when we first began keeping judgment records. The problem is they cannot be purged out. They cannot be microfilmed, reduced to microfilm. They must stand on a shelf. In the meantime we are accumulating each day; at the rate that we are going the entire space provided, the section will eventually wind up in files.

Mr. HOGAN. Is it your understanding that there is relief for the individual involved, that he can go back to the court if he wants to try to have the judgment set aside?

Mr. THOMPSON. Yes, sir.

Mr. HOGAN. They are not without relief.

It is just an administrative problem as far as you are concerned.

Mr. ROBINSON. Not exactly, Mr. Hogan. Even if the 12-year period in which the judgment is valid has expired, the law does not permit the Department of Motor Vehicles to receive an application for renewal of the license because the strict requirements of the statute have not been met; that is, the judgment has not been satisfied.

Mr. HOGAN. I understand that, but it seems to me what should be done, there should be some provision in here to notify the judgment creditor, you know, that maybe a year before the expiration, before which the judgment was acquired, that if he does not take action to renew it, that it will expire. He could still renew it, I take it, under the provisions of this title V.

Mr. ROBINSON. Yes, sir.

Mr. HOGAN. Should there be a provision in there, perhaps, to have the judgment creditor notified that he has a right to have it renewed?

Mr. ROBINSON. I do not think so. I believe that it is the judgment creditor's responsibility to revive his judgment if he wishes to pursue it.

Mr. HOGAN. Does not the judgment debtor have a right of relief in any case? In other words, what you are doing here, you are giving in effect a right to the judgment debtor, it seems to me, over the right of the judgment creditor, saying that if this is not satisfied and the judgment creditor does not revive it, you are going to pass a law now where it just expires.

Unless he happens to read this law, or unless someone tells him about it, unless he is a lawyer, and the 11 years are about up, and somebody owes him a couple thousand dollars, the judgment creditor is going to be out in the cold, is he not?

Mr. ROBINSON. In all instances there must be a balance of interests. Quite frankly, the District government believes that you are 12 years with the statutory right to renew, that 12 years is a sufficient incentive for a judgment creditor to actively pursue its remedies. If he does not wish to do so, or if for some reason he was unable to do so, that there must be a point at some time when these matters may be closed.

Mr. HOGAN. Do you not think that it is a matter of just good administrative practice, that it would be well to notify these people that the Congress has passed a law that they are going to have to revive the suit in their judgment through a new court process if they do not come in and get it renewed at the time that it is going to expire?

Mr. ROBINSON. If Congress does enact the proposal that we have presented here, that the Department of Motor Vehicles would take the administrative steps necessary to advise all parties concerned of the effect of any such new requirement or law.

Mr. HOGAN. I assume you would have no objection if the Congress put that provision in here.

Mr. ROBINSON. If the Congress sees that in its wisdom, and feels that it is a desirable provision, I do not think the District would object.

Mr. HOGAN. One further question.

How are you going to print the traffic regulations in the future? How are you going to notify the general public?

Mr. ROBINSON. In accordance with the Administrative Procedure Act, that requires one, a notice of the proposed rulemaking, 30 days prior to any action, and a subsequent publication after the enactment of the proposed rule or regulation which under the provisions of the APA, it requires that any new rule or regulation may not become effective until after it has been published in the D.C. Register. There is no newspaper requirement in the Administrative Procedure Act, only the D.C. Register.

Mr. HOGAN. I have a little trouble, then.

I will bet that if you asked everyone in this room right now how many have ever read the D.C. Register, I bet there would probably be about two of us, and I will tell you one thing, the only reason I have ever read it, quite frankly, is by reason of my work here with the committee.

Mr. STARK. Would the gentleman yield?

As I understand it, the question here is someone has a judgment entered against them involving a motor vehicle, that they are prohibited from getting a license or a registration until that judgment is satisfied.

Mr. ROBINSON. That is correct, Mr. Stark.

Mr. STARK. Largely because these things are 10 years old, they build up in your files as more an administrative problem than anything else to keep checking them.

Is it possible for a creditor to get such a judgment by default without the debtor being present or without the debtor having signed receipt of notice?

Mr. ROBINSON. That is quite possible, Mr. Stark.

Mr. STARK. What you are saying is that if some poor individual gets a default judgment against him where he may not or she may not have received the notice against them, that 10 years later you are worried about the creditor not getting notice, and having it work the other way? I would say that if you would want to amend it, that if the debtor could not have a judgment entered against him unless he or she actually received and signed for the notice of judgment, I could see some need to subsequently 10 years later protect the creditor, but to bend over backward in favor of the creditor so long, I really do not think that

they have 10 years to harass the debtor. If they cannot beat it out of them then——

Mr. HOGAN. Let me explain my understanding of how this works.

If an individual, since sometimes they could be small claims, normally they would be cases, they could be cases involving a substantial amount of money, but in any case, what is done is if they cannot get personal service of a certain amount of a certain fee, they have the complaint served on the individual. If they cannot get personal service on the individual, they can send it to his known address, which he has on file for his motor vehicle license tag.

If he does not appear, of course, a default judgment could be entered. However, the next time he came up to obtain his tags, which would be the next year, then, of course, he would either have to pay the judgment or he could not get his tags or could not get his driver's license. At that time he could open this matter again and bring it up to the court and say look, I was not notified, and this kind of thing.

I am not suggesting——

Mr. STARK. The creditor has a shot of him for, now, for 10 years now.

Mr. ROBINSON. Twelve years.

Mr. STARK. At the end of 12 years, if they have not collected, but just to remove that, because they have 6,000 of them stacked up that are inactive, it seems to me that is all the time the creditor needs. If it is a significant enough judgment, the creditor is not going to ignore it. If it is, as I suspect, merely a minor, small claims thing, I do not see it.

Mr. HOGAN. I do not know that it always is. I suspect quite frankly that there are people——

Mr. STARK. Yes, 6,000 claims now.

Mr. ROBINSON. Accumulated so far, yes.

Mr. STARK. Would you hazard a guess as to how many of those 6,000 fall in the above \$100 category?

Mr. THOMPSON. The majority of those 6,000 are things that may be apparent to most of us; that is, that many of them at the age you would almost guess that those parties may be deceased. That is one problem. We know in many cases that it would have to be; otherwise it would be 100-and-some years old.

Even with those facts, we have to maintain them. I am not saying the bulk——

Mr. STARK. What is your guess as to the dollar amount of the average filed——super large or very small?

Mr. THOMPSON. If the committee would permit me, I would prefer giving the best figures that we can gather.

Mr. STARK. Would counsel's worries be eased if out of 6,000, say 5,000 were under \$100? That is what I suspect; that this is something that is filling file drawers.

Mr. HOGAN. All I am concerned with, really, is that it be equitably treated for both sides.

If I understand the problem correctly here, there seems to be a great concern.

Mr. STARK. When you get into the equity of both sides, you have a severe problem of a debtor not being treated equitably. I am not so sure we want to get into that.

Mr. HOGAN. I am concerned that they are both treated broadly.

If I understand correctly, one of the problems being treated here is an administrative problem for the District of Columbia, without concern for the debtor or creditor—that being the main concern. And unless their concern be for the administrative problem, it may be for the District of Columbia government. That is what this committee should be concerned about.

Second, pursuing this other thing further, on the notice to the public, do you not consider that just the publication of this in basically a publication which very few people in the community receive is insufficient?

Mr. ROBINSON. Mr. Hogan, basically the public becomes aware of new traffic regulations through the newspaper columns rather than through the advertisement. The ad which is required by law appears in the classified section of the newspaper. Quite frankly, we believe that no more people read the small classified than read the D.C. Register. Really, the public becomes aware of a new traffic regulation—such as one that the Council passed a couple of weeks ago with respect to yellow traffic signals—by reading the news article which indicates that it has been passed and will be going into effect.

I believe, quite frankly—we do not believe that the newspaper requirement—and it is quite expensive, running \$500 to \$600 for insertion—provides really any more knowledge or information than does the D.C. Register.

Mr. HOGAN. If there were some assurance that the newspapers were going to carry this as a news item, I think it would be fine. What if you do have something that they do not carry as a news item. It would become news the first time that four, or five, or six people are arrested, and they say, I did not hear about it?

Mr. ROBINSON. Obviously that is a risk. On the other side of the coin, there are avenues—the Administrative Procedures Act provides that the notice placed in the District of Columbia Register is notice to the world; and the judges of all the courts are required to take judicial notice of the fact that something has been placed in the District of Columbia Register. So it has become, under the APA, an official publication which gives notice and knowledge to all the residents of the District of Columbia on the passage of any rule or regulation.

Mr. HOGAN. The problem I have with that is that most of the matters that appear, to which the Administrative Procedures Act is applied, is related to people who are in professions, who may even be homeowners, that constitute a large element of the public.

Heretofore, can you think of any provision that has come out of the Administrative Procedures Act where there may be penalties attached, as there are in traffic regulations, where all the publication received is contained in the District of Columbia Register? Can you give me a corollary to this, where it applies to everyone in the District of Columbia who drives an automobile—or may walk, as a matter of fact, because some of those will be pedestrians?

Mr. ROBINSON. Our most recent enactment was the bicycle code which provided for \$1 registration fee and a mandatory registration of a bicycle. That regulation also carries a penalty and by law it was not required to be published in the daily newspaper. There was, of course, quite a bit of publicity connected with it as being newsworthy.

But it did carry a penalty provision, and was published only in the District of Columbia Register, officially.

Mr. HOGAN. As you know and I know that the traffic regulations—sometimes they change the street on which the parking will vary, either one side or the other side; or how far you will be from the curb may be altered by reason of some increased traffic in the area. And this could all occur by the action of the motor vehicle department. The only way you would find out about it is in the District of Columbia Register.

Mr. ROBINSON. That is correct.

As I said, it is the view of the District government that the newspaper requirement, under present conditions, is archaic and expensive and outmoded; and we believe in view of the APA requirement that newspaper publication, since it is not universal—there are only a very few things that are required to be published by law in the newspaper—and since it is not universal and does not apply to all of the rules and regulations issued by the Council or the Mayor or any agency of the District government, that for the purposes of uniformity, the APA requirement should be the only one to be met by such issuance.

Mr. HOGAN. Thank you, Mr. Chairman.

I might say that on behalf of the minority members, since they thought it would be a saving, then maybe they could put a little box in the city section of the newspaper, indicating to the public.

Mr. STARK [presiding]. I think the record could show that in the case of perhaps a new traffic light or a new routing—use of one-way streets—and indeed, new traffic regulations.

It is my limited observation that the police department, when they see a regulation which would involve motorists unsuspecting, have mostly through their good public relations indicated that if the amber light is blinking before they start the red and green on a new stop light; or indeed, the police department for their own self-interest like to warn the public before a new regulation comes in.

I have a hunch that if these gentlemen would concur, that the record show that it is our intention that they not hide regulations from the public. I think it would be in both interests, in the interests of the regulators and those being regulated.

Do either of you have anything further?

If not, I will excuse you.

I.D. CARDS

There was a question raised as to whether or not you would have any objection to, in the bill itself, stating that photographs would be part of these identification cards; the question being that the identification cards, without a photograph, could be abused. And I know that is your intention.

Would either of you have any objection to having that be clarified in the bill?

Mr. THOMPSON. No, sir, not at all. That was our intention.

Mr. STARK. I think in markup we might do that; in that it seems that with the theft of so many credit cards and so forth and abuses of that nature, that we could at least forestall that and make your job easier in subsequent enforcement if we do require a photograph on these identification cards.

You will provide us with 5-year cost figures on this proposed amendment, so that we can include that in our report? It is required by the rules of the House.

Mr. ROBINSON. Yes, sir, Mr. Chairman.

Mr. STARK. You will be able to give us those figures?

Mr. THOMPSON. Yes, sir, Mr. Chairman.

Mr. STARK. We now have Mr. John B. Martin, legislative consultant for the National Retired Teachers Association and the American Association of Retired Persons; and Lafayette Jamison, liaison representative with Federal agencies.

You have submitted written testimony, and we would be glad to make that a part of the record; and to spare your reading through it again, if you would like to summarize and make any additional comments, I would be glad to have you make your written statement a part of the record, and you may add to that.

Mr. MARTIN. My statement will be very brief. Perhaps I can move it along best by using my written script.

STATEMENT OF JOHN B. MARTIN, LEGISLATIVE CONSULTANT, NATIONAL RETIRED TEACHERS ASSOCIATION AND AMERICAN ASSOCIATION OF RETIRED PERSONS, ACCOMPANIED BY LAFAYETTE JAMISON, LIAISON REPRESENTATIVE WITH FEDERAL AGENCIES

Mr. MARTIN. On behalf of these two associations and their combined membership of 6.9 million older Americans, I would like to thank you for affording us this opportunity to present our views on one of the amendments to the District of Columbia Traffic Act of 1925 contained in H.R. 5686.

TITLE II. I.D. CARDS

Title II of H.R. 5686 is of special interest to our associations since it would authorize the issuance of special identification cards for non-drivers who do not have a motor vehicle operator permit.

I am sure the members of this committee are aware of the many occasions on which identification is required in our complex business community today. It has become customary to accept the identification of a driver's license for identification purposes. A license contains various data and can be checked as necessary with the Motor Vehicle License Bureau.

What is proposed by title II of the bill is that an identification card, similar to that used by operators who have current driver's licenses be provided. This would enable persons who do not have driver's licenses to have ready identification for check cashing, banking transactions, and credit in connection with store purchases.

The bill is general and would apply not only to those 65 and over who might also have a medicare card, but to those under 65 who would not have such social security identification. We know from many letters which we receive and from conversation with older persons who do not have cars or drive that such identification would be most useful to them. We are glad, therefore, to be able to endorse the provisions of title II of H.R. 5686 and to urge its passage in the interest of the elderly population of the District. It should be noted that such identi-

fication cards are particularly useful to older people because so large a population of them do not have motor vehicle operator permits.

A suggestion that a small fee be charged for such cards is not objectionable if the charge is low enough not to create a financial burden. It is possible that for persons in the lowest income category these cards could be issued without a fee being charged, the cost of which would be borne by the District government.

There are a certain number of other comments I would like to make.

We do recommend that a photo be used, and I understand from the testimony we have heard today that a photograph is contemplated on such cards. If that can be done without adding too great of a cost.

We would raise a question as to whether renewal every 2 years is necessary, unless it can be done on some automatic basis. We do not think that older people should have to truck down to the Motor Vehicle Department to get the renewal carried out; if it can be picked up by the computer and sent to them for signature, that would be all right.

If a photo is used, also, it would seem that the issuance of a new card would hardly be necessary. We do think that a birth certificate ought not to be required for an issuance of such a card. From the testimony this morning, other evidence of birth is accepted and a sworn statement would seem to be all that was really necessary in this case.

We also think that a one-time only fee should be charged. We see no reason why older people should pay a fee every 2 years in order to get a renewal of this card; that once the fee is paid, that the renewals ought to be free.

Those would be our principal suggestions, Mr. Chairman, and we will be glad to answer any questions that you might have.

Mr. STARK. Thank you very much, Mr. Martin.

Do you have any questions, Mr. Gude?

Mr. GUDE. Mr. Chairman, I just want to express my thanks for the hearings on this legislation, and hope that we can move this through promptly.

And I would like to have my statement be made a part of the record.

[The prepared statement of the Honorable Gilbert Gude follows:]

STATEMENT OF HON. GILBERT GUDE

I want to thank you, Mr. Chairman, for holding hearings today and for the opportunity to state my support for H.R. 5686. I am most pleased that this legislation, requested by the District Government and supported by many groups in the community, is being taken up today without further delay. I certainly hope that we can move it through the Congress quickly.

I am particularly supportive of that portion of the bill which deals with the issuance of special identification cards to residents of the District who do not possess an operator's permit here. At the request of any D.C. resident, the District Government will be able to provide a person with a card which shall be accepted as valid proof of identification. If we think of how very frequently those of us with driver's licenses use them for check-cashing purposes, in making credit card purchases, and the many similar instances in our daily lives in which we are called upon to show some form of identification, I think we can readily see how beneficial such a card would be to those who do not drive.

It is my understanding this would be of great benefit among the senior citizens of the District in particular. Certainly it is a small measure of authority upon which we can act favorably and promptly. I encourage the Subcommittee's support of H.R. 5686.

Mr. STARK. I thank you for attending.

I have no questions, Mr. Martin. Are you comfortable that your changes will be considered by the District in promulgating such regulations? From the testimony you have heard this morning, and to simplify the legislative process that your amendments are needed, that you would be able to see your groups' interests properly in the regulations that will be issued by the District government?

Mr. MARTIN. I think the testimony this morning generally would accord with our views, except that with respect to the charge of the continual renewal fee.

RENEWAL FEES

Mr. STARK. Let me see if I could interrupt a minute and ask Mr. Robinson, who is still in the room, whether the suggestion of eliminating the renewal fees every year or requiring it every 2 years—is that something that you find essential and/or something that you feel could we waived for people over a certain age?

Mr. ROBINSON. Mr. Chairman, that is a matter which would probably be taken up in the issuance of regulations to carry out the law. Basically, however, in a matter of this kind, the District government would believe that a fee should be charged because there is a cost involved, not only in the issuance but in the reproduction of the card and the reproduction of the photographs.

Mr. STARK. If it were not required to be renewed every 2 years, then those costs would cease to exist. And I can see that for people on all too limited retirement income, even the idea of every couple of years having to pay a few dollars to renew this card could very well be an unnecessary expense.

My question to you is, is there a reason that you can think of that it would become necessary—let us just say for a person where the card is issued to somebody 60 years or older that there be no requirement for them to renew it at all?

Mr. ROBINSON. There is an element, of course, not only with respect to this proposed ID card, but with respect to a driver's license, that people's images change over the years; it is necessary to keep these things up to date.

Mr. STARK. If that were left to the discretion of the person to whom the card was issued, it would seem to me that that might take care of it. Let us say the card should expire in 10 years. I can see where you would want the card may expire, that may be a problem to the extent that you have to keep records. It is the same thing we were talking about in the judgment issue.

I would like to get an expression from you that it might be possible to consider the problem particularly of the elderly in 2 years. As you know, it comes all too often too quickly, as we in the House know. There may be a way for us not to require the periodic renewal which perhaps would seem to work a hardship on the recipient of the card and not do anything for your department.

Mr. HOGAN. What does Maryland do?

I can understand frequent renewal on an automobile permit. It is 3 years, is it not?

What I was going to say, Mr. Robinson, I can understand why the driver's license should be renewed every so often, because the indi-

vidual, physically, he might disqualify for a driver's license because of some physical disability or other disability. But it seems to me that an identification card for something like this is something like a social security card. If the individual does not want to change it, what difference does it make? If he has trouble with the photograph, that is about the only thing that I could see that could change. Could you not leave it to his own good judgment, whether he was having a problem using it for identification, then he would take it upon himself to take it down and get it renewed.

Mr. ROBINSON. I would like to point out that our proposal is based on the Maryland law, which required similar provisions.

Quite frankly, the proposal, as viewed from an administrative angle, makes sense when there is a renewal for a stated period of time so that records may be kept up to date—for administrative convenience purposes.

Mr. STARK. I fail to see, Mr. Robinson, what administrative purpose an identification card—what use it would be to the District. That—so we do not drag this out interminably—could you agree to a couple of things? That certainly no card should be canceled or terminated without the recipient of that card being notified?

Mr. ROBINSON. Some of those matters, of course, we have proposed be left to the regulatory process; that once the enabling law was passed, some of those details could be worked out in that respect.

Mr. STARK. I would like very much to see this legislation not get amended in such great detail. But I think that we would all agree in this hearing that it is very important that the people who we hope will benefit from this legislation will not be burdened with a lot of personal redtape; to the extent that we can have the record of these hearings show that that is the intention; and to the extent that you gentlemen representing the counsel in the motor vehicle department—I do not see any serious objection—I think Mr. Martin would be satisfied and perhaps Mr. Gude and myself would be satisfied that we can trust men of good will, then, that this could be worked out without a terribly complex bill.

So, I am soliciting from you some concurrence that the interest here is to make this procedure, with reference particularly to the elderly and the retired, as simple and as trouble free as possible. And I think that if you and Mr. Thompson could agree that that would be your various departments' views, that that would be a welcome addition to the record.

Do you think that is something you could agree to?

Mr. ROBINSON. Certainly the District government would not oppose any such changes that the Congress deems more desirable in this regard.

Mr. STARK. Would that be your feeling, Mr. Thompson?

Mr. THOMPSON. Yes, sir, I definitely agree.

As a matter of fact, on one of the questions that was asked, I believe the State of Maryland does have a free card issued to elderly age groups. I see no real problems in some of the requests.

I think one of the reasons that we felt that we wanted to have the card expire, is that we did not want to clutter up existing records where we would never be able to purge them out. That would be the purpose of renewing.

Mr. STARK. Would either of you gentlemen, or Minority Counsel, object to our deleting, in the bill itself, lines 12 through 14, which would require the card to expire in 2 years and be renewed by requested payment of a fee? That would have no effect on the seventh paragraph, which would allow you to promulgate regulations that you deemed necessary.

What I am saying, is that if we take out the legislative requirement that it expire every 2 years, the District still has the opportunity to put it back right in the regulations, and we can let them handle it.

I am not sure that I can by unanimous consent do that, but if that would be agreeable to you gentlemen, then I think a markup can change that. It would leave the District of Columbia the authority to still put that regulation in if they felt it was needed. But it would not, on the other hand, require you to have it in there.

Mr. MARTIN. I think that would be helpful, if that is the understanding of everyone present.

Mr. Chairman, I failed to make a comment on one other important point. And that relates to title I.

TITLE I

This title deals with hearings on suspension or revocation, and we would recommend, strongly recommend, that this title or another appropriate portion of the act provide that no revocation or suspension of title—or suspension of driver's licenses be based solely upon chronological age.

The thought behind that is that there should be a physical or a mental reason why a driver's license is revoked or suspended or refused. But chronological age alone should not be that basis.

Mr. STARK. Mr. Martin, could I ask you a question? That is a sensitive subject in the House of Representatives for those of us who might feel that the opposite is true as a qualification for serving in this body.

DRIVERS' AGES

I would ask you if you feel that that has ever come up in the District of Columbia, where a chronological age has been a problem.

Mr. MARTIN. I do not know that it has ever come up.

Mr. HOGAN. I just might say that we use the good Blackstone Florist. I believe he is 73; and there was a picture in the paper that he is getting a driver's license. I do not think age is any concern.

Mr. STARK. I would like to assure Mr. Martin that if there is ready evidence that that were the case, that I think that we could quickly remedy it. I would be interested in keeping the bill simple. I would not suggest that I would not be inclined to recommend that we go about amending it to include that at this point.

I think that the record will show, this morning, your concern that no driver's license be denied on the basis of chronological age. I will address—that it would seem to be the same question—to Mr. Robinson and Mr. Thompson, that in their knowledge there is no present practice or intention on the part of the motor vehicle department or the District of Columbia to make chronological age—with the exception

of the minimum age—a requirement for renewal. And if that were shown in the record, I think that would perhaps satisfy us. And I think the record will show that Mr. Robinson and Mr. Thompson are nodding their assent. That is not now a requirement for a driver's license.

Mr. THOMPSON. The only requirement we have is re-examination, which begins at age 70.

Mr. STARK. No disqualification or attempt to disqualify based on chronological age?

Mr. THOMPSON. No, sir.

Mr. MARTIN. The reason I raise this point is because in many parts of the country, chronological age—though not so labeled as a disqualifying factor—is in fact a disqualifying factor. And when you begin reexamining at age 70, there is, in the very fact that you are reexamining, some implication that you ought to be taking a look at this, and maybe they ought not to be issued a license.

Mr. STARK. With the assurances we have had, Mr. Martin, this morning, I think we had best leave a sleeping dog sleep. But that will never be the case in the District of Columbia, because it is obviously discriminatory. And I am sure that we have agreement here—at least for the legislative record—that that is not the present intention.

Mr. MARTIN. Thank you, Mr. Chairman.

Mr. STARK. Mr. Gude.

Mr. GUDE. I agree with you, Mr. Chairman, that we should not clutter this bill with amendments. But I believe that the District of Columbia, in enacting regulations under this legislation, should take into consideration—if you provide that the identification card is going to expire every 2 years—whether it would not be important to notify or send out a reapplication form to the individuals, rather than just having it expire without their knowledge.

I could see a possibility that someone may not accept an expired identification card, particularly in the case of some senior citizens—they forget that indeed they have to have it renewed, and someone would refuse to cash a check or honor it in some way. There should be the notification of expiration, if indeed the card is going to expire in 2 years.

I do not know what they do in Maryland in this regard.

Mr. MARTIN. They send it out automatically.

Mr. GUDE. I think that is a prudent thing.

Mr. MARTIN. There really is no reason on this identification card for having a 2-year expiration date—if you want a 10-year expiration, but you are going to have a photo on it—and it just gives data about the person. It is not as though you are going to be reexamined for something or you are going to endanger somebody. It seems to me that the identification card should have whatever data you want on it; have a photo on it; and then really have no expiration date, or else have a long expiration date—10 years, or something like that. It would make a great deal more sense and be much more acceptable to older people.

Mr. STARK. I think that you could say that we would generally be in agreement with that.

I wonder if Mr. Jamison has a statement?

Mr. JAMISON. Only to say that I think that this extended one-time-only kind of amendment to the bill is certainly beneficial to the elderly; and I would like to thank you for your support.

Mr. STARK. I would like to thank you, Mr. Martin and Mr. Jamison, for taking the trouble to come up here this morning and testify before us. I hope that in the subsequent testimony of the next few minutes, you will be able to remain with us.

I will now call Mr. Michalski.

Without objection, we will have Mr. Michalski's statement made a part of the record.

[The prepared statement of Robert M. Michalski follows:]

STATEMENT OF ROBERT M. MICHALSKI, EXECUTIVE DIRECTOR, EPILEPSY
FOUNDATION, WASHINGTON, D.C. CHAPTER

Mr. Chairman, as we know today, a Social Security Card cannot be used for the purpose of identification.

The District of Columbia is the only governmental unit in the National Capital Area that does not provide this service to its population.

It has been our experience that in the other political subdivisions that the issuance of the registered, photographed identification has been indispensable to the lives and security of many of our clients.

We would hope that this identification would be made available at low or no cost to the individual. Many of our clients who would utilize this service are indigent. The cost then, should not be prohibitive.

We feel that this step in the identification of non-drivers is a step in the positive direction toward eliminating some of the aggravating, frustrating barriers that arise because a person has a handicap preventing him from driving.

As spokesman for our Board of Directors, we urge the speedy passage of this legislation and hope, upon its passage, that information via the media will be made available to assist people in gaining this card.

Respectfully submitted,

ROBERT M. MICHALSKI,
Executive Director.

EPILEPSY FOUNDATION OF AMERICA,
Washington, D.C., May 15, 1974.

HON. WILLIAMSON STUCKEY,
*Cannon House Office Building,
Washington, D.C.*

Mr. CHAIRMAN: It is an honor for the Washington, D.C. Area Chapter of the Epilepsy Foundation of America to testify before this Committee today on the subject of sources of identification issued by the District of Columbia for those citizens that do not or cannot operate a motor vehicle.

The Epilepsy Foundation in the National Capital Area represents some 65,000 people. Usually, the incidence of epilepsy is about two percent of the population in any given area. This means, of course, that presently many citizens who are over the age of sixteen and eligible to drive do not because they experience reoccurring episodes of seizures.

The issuance of official forms of identification would serve a number of purposes. First, it is very difficult to open checking accounts, savings accounts, gain passports and all other areas where positive identification is required. Even, for the admission to many area hospitals, a driver's license is required.

For the purpose of obtaining credit, the driver's license is always required, or at least, some form of positive identification.

It would be a great source of comfort for this segment of handicapped citizens to be able to prove to anyone, at anytime, who they say they are.

This is especially true in the case of a woman, as many times they may not be extended credit because of discriminatory barriers in this field. The males should usually have more avenues to identification, if they have even registered with the Selective Service.

Mr. STARK. Mr. Seinfeld?

I see he is not here.

Without objection, then, the Friendship Terrace Residents' Association has submitted a statement from Mr. Seinfeld; we will make that part of the record.

Mr. STARK. We have a communication from the Federation of Citizens Associations for the District of Columbia, and without objection, we will make that a part of the record.

[The communication referred to follows:]

FEDERATION OF CITIZENS ASSOCIATIONS
OF THE DISTRICT OF COLUMBIA, INC.,

Washington, D.C., May 7, 1974.

HON. CHARLES C. DIGGS, JR.,
Chairman, House District Committee, Room 1310, Longworth Building, Washington, D.C.

DEAR CONGRESSMAN DIGGS: The Federation of Citizens Associations wholeheartedly supports Title II, Section 201, of the subject bill providing for the issuance of special identification cards to residents of the District of Columbia.

This Federation has long advocated the need for special "official" identification cards for individuals who do not possess a driver license. These cards would be of particular advantage to senior citizens and others on low fixed incomes who do not drive, but who receive various benefit payments by checks which they have difficulty in cashing.

We request that this letter be placed in the record for consideration in connection with the hearing on H.R. 5686 scheduled for May 8.

Sincerely yours,

ADELENE M. BICKERDYKE,
Secretary.

Mr. STARK. We have several other communications, and we will read the list and without objection make those a part of the record.

Ms. MOORE. The District of Columbia Chapter of the Cerebral Palsy Association; Mrs. Elizabeth Jackson, a private citizen; Mr. Lawrence Tutas, a private citizen; and Ms. Dorothy Volner, a private citizen; The Diabetes Association of the District of Columbia Metropolitan Area.

[The communications of the persons or associations referred to follow:]

APRIL 25, 1974.

HON. W. S. STUCKEY, JR.,
Chairman, District of Columbia Subcommittee for Business, Commerce and Finance, 223 Cannon House Office Building, Washington, D.C.

DEAR REPRESENTATIVE STUCKEY: I have been asked to write concerning H.R. 5686 and the need for such a bill to be passed.

As many people are aware that shop and live in the District an Identification Card has become a way of life. As of present the only ID that is accepted by most stores, restaurants, etc. is one issued by a government agency.

I am not a government employee, nor do I have a passport, drivers license, or any other form of government issued identification. Once more I feel that a person; just because they live in the District should not have to have a government ID!

I feel that an agency should be set up for people to obtain some sort of identification without paying the fee for passport or drivers license, because as I stated above it is impossible to live here without one, unless you care to carry cash all the time, which is also a ridiculous situation to put yourself in.

I myself would be willing to pay a small fee to have such an ID but not \$12 just because it is issued by the DMV. I think this is an outrageous fee to pay just for an ID.

Thank you for hearing me out.

Sincerely,

LAWRENCE P. TUTAS.

1225 CRITTENDEN ST. NW,
Washington, D.C., May 1, 1974.

Hon. W. S. STUCKEY, Jr.,
Chairman, District of Columbia Subcommittee for Business, Commerce and Taxation, 223 Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN STUCKEY: I am interested in the hearings on H.R. 5686, especially Title II which refers to the issuance of identification cards to non-drivers who are residents of the District of Columbia.

If the business people in the District would accept the dozen and a half other types of identification, naturally this would not be necessary. However, they keep insisting on a driver's license and I assure you it has become embarrassing and extremely annoying when you cannot produce this seemingly most important form of identification.

Upon checking I find that the residents of nearby Maryland and Virginia do have these cards and do believe they should be issued to the District residents as well—the sooner the better.

Absence from the city the week of May 6 prevents me from being a witness. I hope these remarks will assist in the passage of this bill.

Sincerely,

DOROTHY VOLNER.

611 POWHATAN PL., NW.,
Washington, D.C.

As a retired government employee without a driver's permit, a non-driver's identification card is required by me in order to be able to write a check when making purchases at any store, but particularly department stores. My only alternative is to charge all purchases which frequently lead to paying bills at the end of the month in full which total more than I can afford on my fixed income. Partial payments on my accounts mean that I must then pay carrying charges. I know that if stores would accept my check with proper identification I would not buy more than could be covered by the amount in my checking account.

ELIZABETH W. JACKSON.

Mr. STARK. The hearing will be adjourned, and we will go into executive session.

[Whereupon, at 11:15 a.m., the hearing was adjourned.]

[Subsequently, the following documents were received for the record:]

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
Washington, D.C., May 29, 1974.

Hon. W. S. STUCKEY, Jr.,
Chairman, Subcommittee on Business, Commerce and Taxation, Committee on the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR MR. STUCKEY: At the hearing of May 8, 1974, on H.R. 5686, the proposed "District of Columbia Motor Vehicle Act," the District Government was requested to furnish your Subcommittee with certain cost estimates and other information relating to the various proposals contained in the bill.

First, you inquired as to the probable loss of revenue to the District of Columbia should the proposal in section 401(7) of the bill relating to the transfer of motor vehicle identification tags from joint to single ownership be approved. Although many motorists inquire each year as to the removal of a name from the title to a jointly-owned motor vehicle, less than a hundred persons actually apply for such transfers because of the inequitable cost and cumbersome procedures involved. If license tags could be transferred to a newly-acquired vehicle upon the payment of a \$2.00 transfer fee, as authorized by the proposal, we anticipate approximately 250 such applications annually. In such cases the District would not collect a license fee of either \$30 or \$50, depending on the weight of the automobile. Based upon an average charge of \$40, therefore, the annual revenue loss is estimated at \$10,000, offset in part by the charging of a \$2.00 transfer fee, for a total of \$9,500. Both neighboring jurisdictions of Maryland and Virginia handle joint ownership transfers as proposed in H.R. 5686.

Second, you requested an estimate of the costs to the District of issuing identification cards to residents as proposed by Title II of H.R. 5686. The District's

budget request for fiscal year 1975 includes an increase of \$1,200 for implementation of the program. The added resources will be needed primarily for printing costs and supplies. The Department of Motor Vehicles has estimated that 2,500 identification cards will be issued during the next fiscal year at a cost of approximately 50 cents for each card. A total of 5,000 identification cards are expected to be issued in the first several years of program operation. The program costs will be recovered by the establishment and charging of a nominal fee to the applicant.

The cost to the District for the issuance of operators' permits pursuant to Title III of the bill would be minimal. The remaining proposals would entail no costs to the District Government.

Finally, inquiry was made as to the average amount of money involved in the approximately 6,000 dormant but outstanding judgments pending in the Department of Motor Vehicles. Under section 501 of Title V, as added to H.R. 5686 by the Subcommittee, these inactive cases would be terminated and removed from the files. A sampling of these judgments indicated a range from \$30 to \$50,000. Twenty-five percent were for amounts under \$100 and another 25% were for amounts between \$100 and \$200. Judgments in the amount of over \$500 account for 20% of the total and the remaining 30% were between \$200 and \$500.

I trust that this information will be useful to the Subcommittee in its further consideration of H.R. 5686.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor-Commissioner.

SECOND DISTRICT CITIZENS ADVISORY COUNCIL,
Washington, D.C., May 3, 1974.

Hon. W. S. STUCKEY, JR.,
Cannon House Office Building, Room 515,
Washington, D.C.

DEAR CONGRESSMAN STUCKEY: At the regular monthly meeting of the Second District (Police) Citizens Advisory Council held on May 1, 1974, they voted unanimously to endorse Title II of H.R. 5686—Issuance of Special Identification Cards to residents of the District of Columbia.

The members of this Council are of the opinion that there are a large number of District of Columbia residents who do not hold D.C. Motor Vehicle Operator's Permits, and a Special Identification Card as indicated in this Bill would be an aid to the Police for identification in cases of serious illness, injury, or death under unusual circumstances.

This Council further recommends that serious consideration be given to the inclusion on the card of a photograph of the bearer.

We appreciate this opportunity to express our opinion with regard to this bill.

JOHN A. PATTERSON, Jr.

Re: Bill H.R. 5686 title II.

Hon. W. S. STUCKEY, JR.,
Suite 223 Cannon House Office Building,
Washington, D.C.

DEAR SIR: I am a resident of Washington, D.C. I do not own or drive a car. As many as 100 times a year—twice each week—I am confronted with the question: "For identification, where is your driver's license? We have to see it to cash your check [or send the merchandise, or establish credit]."

I have never driven a car, but the stores and their managers often take the position that if I have no driver's license, my credit is poor.

It practically takes an act of Congress for me to cash my check—my account at Riggs Bank, Friendship Branch, has been in good shape for 15 years, but after banking hours I cannot cash a check there.

There is always a first time at a store when I try to make a purchase of some kind—and very often I get the questioner's glassy-eyed stare when I say I have no driver's license.

The presentation of an Army retired card, or a Social Security card, or of other identification cards, gets the reply: "the company's policy is that we have to see a driver's license."

This has reached an impasse, so general has this situation become. Yes, to the point where it takes an act of Congress.

Very truly,

ALBERT S. NATHAN.

This demand for a driver's license as prima facie evidence of financial responsibility seems to make a non-driver a second, third, or fourth class citizen. Summary: It takes an act of Congress to restore his first class citizenship.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D.C., May 10, 1974.

MR. C. FRANCIS MURPHY,
*Office of the Corporation Counsel, District Building,
Washington, D.C.*

DEAR MR. MURPHY: In connection with the Committee's consideration of H.R. 5686 (copy attached), which I introduced at the request of the District Government, some questions have arisen with respect to proposed amendments to this bill.

The Subcommittee on Business, Commerce and Taxation, at the hearing, amended this bill by striking out, in Title II on page 6, subparagraph (4), deleting the requirement for renewal of identification cards every two years, and also adding to the bill Title V as a new title as recommended by the Commissioner on May 7.

The questions before the Committee specifically are whether or not the Council has authority to issue the special identification cards as required by Title II of the bill, and to amend Section 47 of the Motor Vehicle Safety Responsibility Act as set forth in the proposed new Section 502.

Your early opinion on these two questions would be much appreciated, since H.R. 5686 and the amendments indicated will be before the Full Committee for consideration at an early date.

Sincerely yours,

CHARLES C. DIGGS, Jr.,
Chairman, Committee on the District of Columbia.

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
OFFICE OF THE CORPORATION COUNSEL,
Washington, D.C.

HON. CHARLES C. DIGGS, Jr.,
*Chairman, Committee on the District of Columbia, U.S. House of Representatives,
Washington D.C.*

DEAR MR. CHAIRMAN: By letter dated May 10, 1974, you requested my views with respect to certain questions which have arisen out of the consideration by the Subcommittee on Business, Commerce, and Taxation of H.R. 5686.

Title II of H.R. 5686 would amend the District of Columbia Traffic Act, 1925, to authorize the Commissioner to issue special identification cards to residents of the District. In action taken on May 7, 1974, the District of Columbia Council passed on first reading a similar authorization as an amendment to the Police Regulations of the District of Columbia. The authority under which the Council based its proposed regulation is found in section 2 of the Joint Resolution approved February 26, 1892 (D.C. Code, sec. 1-226), which provides in pertinent part that—

"The District of Columbia Council is hereby authorized and empowered to make . . . all such reasonable and usual police regulations . . . as the Council may deem necessary for the protection of lives, limbs, health, comfort, and quiet of all persons and the protection of all property within the District of Columbia."

While the authority of the Council to provide for the issuance of identification cards, as the proposed regulation would, is not precise or clear cut, I am not inclined to interpose a legal objection to its approval as an exercise of authority given the Council under section 1-226 of the D.C. Code. Thus it would appear that the subject matter involved could be acted on by either the Congress or the Council. I note in the report of the Council accompanying the proposal it is stated that "in discussion with the staff of the House District of Columbia Com-

mittee that it was decided the Council will proceed on this item without any further action by the Congress."

Second, you inquired as to the authority of the Council to amend section 47 of the Motor Vehicle Safety Responsibility Act in the manner proposed by section 501 of the amendments recommended by the Commissioner at the hearing on H.R. 5686 of May 8. Both sections of the proposed new Title V to the bill change existing requirements of law and in neither case has the Council been delegated the authority to issue rules and regulations with respect to these specific statutory provisions.

I trust that this letter satisfactorily answers the questions you have raised and will be useful to the Committee in its further consideration of H.R. 5686.

Sincerely yours,

C. FRANCIS MURPHY,
Corporation Counsel.

[H. Rept. No. 93-1174, 93d Cong., 2d sess.]

REPORT TO ACCOMPANY H.R. 5686, DISTRICT OF COLUMBIA MOTOR VEHICLE ACT

The Committee on the District of Columbia, to whom was referred the bill (H.R. 5686) to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, of 1925, to authorize the issuance of special identification cards, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

On page 5, strike out line 19 and all that follows down through line 15 on page 7.

On page 7, line 16, strike out "III" and insert in lieu thereof "II".

On page 7, line 20, strike out "301" and insert in lieu thereof "201".

On page 8, line 10, strike out "IV" and insert in lieu thereof "III".

On page 8, line 12, strike out "401" and insert in lieu thereof "301".

On page 9, insert a semicolon at the end of line 2.

On page 9, line 9, insert a semicolon immediately after "government;".

On page 9, beginning in line 9, strike out "(5) by striking out" and all that follows down through line 12, and insert in lieu thereof the following:

(5) by striking out "Commissioners" in paragraph (5) of subsection (b) (as redesignated by this section), and inserting in lieu thereof "Council";

On page 9, insert a semicolon at the end of line 20.

On page 10, after line 11, insert the following:

"TITLE IV—AMENDMENTS RELATING TO JUDGMENTS AND TRAFFIC REGULATIONS

"SEC. 401. Section 47 of the Motor Vehicle Safety Responsibility Act of the District of Columbia (D.C. Code, sec. 40-463) is amended by inserting immediately before the period at the end of such section a comma and the following: 'except that if the right to enforce such judgment by docketing and revival, or if the judgment creditor fails to file notice of the docketing and revival of his judgment with the Commission, the suspension of the license or registration of the judgment debtor shall be terminated'.

"SEC. 402. The first sentence of subsection (h) of section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40-603(h)) is amended to read as follows: 'All regulations promulgated under the authority of this Act shall be published in accordance with the requirements of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1501 et seq.), but no penalty shall be enforced for any violation of such publication, except that whenever the District of Columbia Council deems it advisable to make effective immediately any regulation relating to parking, diverting of vehicular traffic, or the closing of streets to such traffic, the regulation shall become effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the regulation.'"

PURPOSES OF THE BILL

The purposes of the reported bill (H.R. 5686) are to streamline the procedures of the operation of the Motor Vehicle Safety Responsibility Act and the District

of Columbia Traffic Act of 1925. the legislation seeks to eliminate some of the procedures which may be redundant and also to safeguard rights of individuals who face the loss of privileges to operate motor vehicles in the city. This legislation will complement and strengthen existing motor vehicle and traffic laws in the District of Columbia.

NEED FOR LEGISLATION

The Safety Responsibility Act and the Traffic Safety Act do not provide for hearings prior to the suspension or revocation of privileges, and consequently hearings are not afforded in the practical administration of this law. The reported bill, H.R. 5686, requires that any person whose right or privilege has been suspended under either or both Acts must be afforded an opportunity for a hearing. The bill also relieves police officers and firemen of the necessity and expense of securing licenses to operate specialized equipment and apparatus. Members of the armed forces are currently relieved of this responsibility. The yearly re-registration of Federal and District of Columbia government vehicles is not deemed to be necessary and costs time and money. This bill would abolish the annual registration. The difficulty in transferring title from a jointly-owned motor vehicle would be lessened by this legislation.

SUMMARY OF MAJOR PROVISIONS OF THE BILL

TITLE I

Title I of the bill amends the D.C. Motor Vehicle Safety Responsibility Act and the D.C. Traffic Act of 1925 to provide for hearings in cases involving the suspension or revocation of operators' permits and owners' registrations to permit effective application of the D.C. Administrative Procedure Act.

TITLE II

Title II of the bill authorizes the issuance, without charge, of motor vehicle operators' permits to police officers and firemen operating government-owned vehicles on official business.

TITLE III

Title III of the bill amends registration, tag and transfer requirements of the Department of Motor Vehicles. The annual re-registration requirement is abolished for federal and District Government-owned vehicles and the dropping of a name from a jointly-owned vehicle would be permitted when license tags are transferred to a newly-acquired vehicle.

TITLE IV

Title IV of the bill amends existing laws relating to the finality of court judgments arising out of motor vehicle accidents and the publication of traffic regulations.

COMMITTEE AMENDMENT

The Committee amended the bill to strike the second title of the bill referred to the Committee. Since the hearing on this legislation, the City council passed and the Mayor signed into law legislation which effectuated the legislative intent of the original second title relating to issuance of identification cards upon request to those residents of the District who do not possess a motor vehicle operator's permit. Therefore, this title was no longer necessary.

HISTORY

Hearings on H.R. 5686 were held by the Subcommittee on Business, Commerce and Taxation on May 8, 1974. Witnesses included the Honorable Gilbert Gude; representatives of the District Government, National Retired Teachers Association, American Association of Retired Persons; and private citizens. No testimony was received or statements filed in opposition to the bill.

VOTE

The bill, H.R. 5686, was ordered favorably reported to the House on July 1, 1974, by a voice vote, a quorum being present.

CONCLUSION

The Committee on the District of Columbia believes that each of the proposed amendments will strengthen and improve the motor vehicle laws of the District and urge that H.R. 5686 be enacted.

COST

The D.C. Government indicates that there will be no cost involved in the adoption of Title I, approximately \$9500 loss of revenue involved in Title II, and virtually no cost involved in the adoption of Titles III and IV.

DISTRICT GOVERNMENT REPORTS

The reports of the Mayor-Commissioner of the District Government, dated May 7 and May 29, 1974, on H.R. 5686, together with his letter to the Speaker of the House, dated February 7, 1973, transmitting the proposed legislation, follow :

THE DISTRICT OF COLUMBIA,
Washington, D.C., May 7, 1974.

Hon. CHARLES C. DIGGS, Jr.,
*Chairman, Committee on the District of Columbia,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: The Government of the District of Columbia has for report H.R. 5686, a bill "To amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, of 1925, to authorize the issuance of special identification cards, and for other purposes."

H.R. 5686 is identical to draft legislation submitted to the Congress by the District Government on February 1973. Since our submission of this legislation, we have developed two additional proposals which should be included in the proposed "District of Columbia Motor Vehicle Act." These proposals, which we recommend be added to H.R. 5686 as a new Title V, are attached to this report.

The proposed Title V would amend existing law relating to the finality of court judgments arising out of motor vehicle accidents and the promulgation of traffic regulations. Section 502 of this proposed title would amend section 47 of the Motor Vehicle Safety Responsibility Act to permit the lifting of the suspension of a judgment debtor's license, registration, or operating privilege when the judgment on which such action was based has expired. Under existing law the license of a motorist whose license has been suspended because of the entry of a judgment against him must remain suspended and cannot be renewed until the judgment is satisfied. In many instances the judgment creditor is no longer available to be paid the judgment or cannot be located. As a consequence of the requirement that suspension files be maintained until satisfaction of the judgment, the Department of Motor Vehicles has now accumulated almost 6,000 cases in which the original judgment has expired without docketing and revival by the judgment creditor and the number is ever increasing. The proposed amendment would allow the termination of these inactive cases and thereby increase the operating efficiency of the Department of Motor Vehicles.

Section 502 of the proposed amendments would delete the requirement of present law that traffic regulations, when adopted, be printed in one or more daily newspapers. It is believed that such publication, which results in additional expense to the District Government, is no longer necessary in light of the publication requirements of the more recently enacted District of Columbia Administrative Procedure Act. The proposed amendment, however, retains the ten-day grace period of existing law which allows the public to become aware of and acquainted with the provisions of any new traffic regulation before any penalty for its violation may be enforced.

We urge favorable consideration of these proposed additional amendments to H.R. 5686.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor-Commissioner.

Attachment.

THE DISTRICT OF COLUMBIA,
Washington, D.C., May 29, 1974.

HON. W. S. STUCKEY, Jr.,

Chairman, Subcommittee on Business, Commerce, and Taxation, Committee on the District of Columbia, U.S. House of Representatives, Washington, D.C.

DEAR MR. STUCKEY: At the hearing of May 8, 1974 on H.R. 5686, the proposed "District of Columbia Motor Vehicle Act", the District Government was requested to furnish your Subcommittee with certain cost estimates and other information relating to the various proposals contained in the bill.

First, you inquired as to the probable loss of revenue to the District of Columbia should the proposal in section 401(7) of the bill relating to the transfer of motor vehicle identification tags from joint to single ownership be approved. Although many motorists inquire each year as to the removal of a name from the title to a jointly-owned motor vehicle, less than a hundred persons actually apply for such transfers because of the inequitable cost and cumbersome procedures involved. If license tags could be transferred to a newly-acquired vehicle upon the payment of a \$2.00 transfer fee, as authorized by the proposal, we anticipate approximately 250 such applications annually. In such cases the District would not collect a license fee of either \$30 or \$50, depending on the weight of the automobile. Based upon an average charge of \$40, therefore, the annual revenue loss is estimated at \$10,000, offset in part by the charging of a \$2.00 transfer fee for a total of \$9,500. Both neighboring jurisdictions of Maryland and Virginia handle joint ownership transfers as proposed in H.R. 5686.

Second, you requested an estimate of the costs to the District of issuing identification cars to residents as proposed by Title II of H.R. 5686. The District's budget request for fiscal year 1975 includes an increase of \$1,200 for implementation of the program. The added resources will be needed primarily for printing costs and supplies. The Department of Motor Vehicles has estimated that 2,500 identification cards will be issued during the next fiscal year at a cost of approximately 50 cents for each card. A total of 5,000 identification cards are expected to be issued in the first several years of program operation. The program costs will be recovered by the establishment and charging of a nominal fee to the applicant.

The cost to the District for the issuance of operators' permits pursuant to Title III of the bill would be minimal. The remaining proposals would entail no costs to the District Government.

Finally, inquiry was made as to the average amount of money involved in the approximately 6,000 dormant but outstanding judgments pending in the Department of Motor Vehicles. Under section 501 of Title V, as added to H.R. 5686 by the Subcommittee, these inactive cases would be terminated and removed from the files. A sampling of these judgments indicated a range from \$30 to \$50,000. Twenty-five percent were for amounts under \$100 and another 25% were for amounts between \$100 and \$200. Judgments in the amount of over \$500 account for 20% of the total and the remaining 30% were between \$200 and \$500.

I trust that this information will be useful to the Subcommittee in its further consideration of H.R. 5686.

Sincerely yours,

WALTER E. WASHINGTON,
Mayor-Commissioner.

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
Washington, D.C., February 7, 1973.

The Honorable SPEAKER,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: The Government of the District of Columbia has the honor to submit herewith a draft bill "To amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, 1925, to authorize the issuance of special identification cards, and for other purposes."

The purposes of this proposed legislation, to be cited as the "District of Columbia Motor Vehicle Act", may be summarized as follows:

Title I of the draft bill would amend the Motor Vehicle Safety Responsibility Act of the District of Columbia (68 Stat. 120; D.C. Code, title 40, ch. 4), and the

District of Columbia Traffic Act, 1925 (43 Stat. 1119; D.C. Code, title 40, ch. 6), to provide for hearings in cases involving the suspension or revocation of operators' permits and owners' registrations so as to permit effective application of the District of Columbia Administrative Procedure Act (82 Stat. 1204; D.C. Code, title 1, ch. 15).

Under the provisions of the Administrative Procedure Act, a contested case is defined as one in which the legal rights or privileges of any person are required by law to be determined after a hearing before the Commissioner or any agency of the District Government.

The Safety Responsibility Act does not provide for hearings prior to the suspension or revocation of privileges, and consequently hearings are not afforded in the practical administration of this law. The Act does provide for a "review" of any suspension or revocation, but this review procedure does not come within the definition of a contested case as contained in the Administrative Procedure Act.

A similar situation arises with regard to section 13 of the Traffic Act which provides that the Commissioner may, with or without a hearing, suspend or revoke the operator's permit or nonresident's operating privilege of any person. Therefore, a suspension or revocation under the Traffic Act is, as in the case of the Safety Responsibility Act, not a contested case, and, strictly speaking, no hearing is required in cases involving suspensions and revocations under the Traffic Act. The Traffic Act also provides only for a "review" by the Commissioner.

The proposed amendments to both the Traffic Act and the Safety Responsibility Act would require that any person whose right or privilege has been suspended under either or both Acts must be afforded an opportunity for a hearing, thus bringing such cases under the purview of the Administrative Procedure Act. The present provisions in both Acts providing for "review" procedures are omitted because a formal hearing as prescribed in the Administrative Procedure Act should provide all the due process protection necessary.

The procedure of issuing an order of suspension or revocation under the Traffic Act to take effect five days after its issuance [ten days in the case of nonresidents] is amended to provide that the order shall take effect immediately, subject to a stay upon receipt of a petition for a hearing filed within five days of the date of the order [applicable to residents and nonresidents alike]. This procedure is consistent with that authorized under the Safety Responsibility Act (D.C. Code, sec. 40-420), and permits a person whose license is suspended or revoked to accept issuance of an order immediately and to begin the period of suspension or revocation on the date of issuance rather than wait an unnecessary five days [ten in the case of nonresidents].

Title II of the proposed legislation provides for the issuance of identification cards upon request to residents of the District of Columbia who do not possess a motor vehicle operator's permit. The card would expire every two years but would be renewable upon application and payment of the prescribed fee. Under this title the District of Columbia Council would be authorized to promulgate any rules and regulations deemed necessary to carry out the intent of this title, including the establishment of a fee commensurate with the cost of the District Government of issuing such cards. The State of Maryland presently issues such cards to its citizens upon payment of a \$2.00 fee. The card would be similar to a motor vehicle operator's permit, but would state plainly on its face that it does not entitle the person to whom it has been issued to operate a motor vehicle. We believe that this proposal would provide a genuine service to the residents and businesses of the District of Columbia without any additional cost to the District and without the necessity of additional personnel.

Title III of the bill authorizes the issuance, without charge, of motor vehicle operators' permits to police officers and firemen operating government-owned vehicles in official business. This proposal would relieve such individuals of the necessity and expense of securing licenses to operate specialized equipment and apparatus, and is similar to the authority afforded by section 40-301(a) (5) of the D.C. Code to members of the Armed Forces who operate official vehicles in the District of Columbia. Under this title the police or fire chief would have to certify that the applicant is qualified to operate the respective department's equipment. Also, the applicant would be examined by the Director of Motor Vehicles as to his knowledge of District traffic regulations.

Title IV of the draft legislation amends registration, tag, and transfer requirements of the Department of Motor Vehicles. The annual re-registration requirement is abolished for Federal and District Government-owned vehicles.

The present annual re-registration provides no advantages for either the United States or the District of Columbia and the elimination of this unnecessary requirement will save time and money now consumed in the annual registration of vehicles for the many Federal and District agencies and departments. Approximately 3,500 Federal- and District-owned vehicles would be involved.

Title IV would also permit the dropping of a name from a jointly-owned motor vehicle when the license tags are transferred to a newly-acquired vehicle. Present law allows the addition of a spouse's name to the registration when transferring tags to a new automobile, but does not permit the deletion of a joint owner's name. The proposed legislation would permit the remaining owner(s) to have the automobile tags to a newly-acquired vehicle transferred, allow the owner(s) to maintain the old tag number, and pay only a \$2.00 transfer fee to cover the administrative record changes involved. Although this proposal would involve some revenue loss, the Commissioner is of the view that the proposed legislation offers more equitable treatment to the public.

This title further makes certain technical changes in section 40-102 of the D.C. Code to conform existing law to the present Commissioner-Council form of the District Government.

For the various reasons stated, we believe that the enactment of each of the titles of the draft bill will complement and strengthen existing motor vehicle and traffic laws of the District and, accordingly, we urge favorable consideration of this proposed legislation by the Congress.

Sincerely yours,

WALTER E. WASHINGTON,
Commissioner.

SECTION-BY-SECTION ANALYSIS

TITLE I

Title I of H.R. 5686 would amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Traffic Act, 1925, to provide for hearings in cases involving the suspension or revocation of operators' permits and owners' registrations so as to permit effective application of the District of Columbia Administrative Procedure Act.

Under the provisions of the Administrative Procedure Act, a contested case is defined as one in which legal rights or privileges of any person are required by law to be determined after a hearing before the Commissioner or any agency of the District Government.

The proposed amendments to both the Traffic Act and the Safety Responsibility Act would require that any person whose right or privilege has been suspended under either or both Acts must be afforded an opportunity for a hearing, thus bringing such cases under the purview of the Administrative Procedure Act. The present provisions in both Acts providing for "review" procedures are omitted because a formal hearing as prescribed in the Administrative Procedure Act should provide all the due process protection necessary.

TITLE II

Title II would authorize the issuance, without charge, of motor vehicle operators' permits to police officers and firemen operating government-owned vehicles in official business. This proposal would relieve such individuals of the necessity and expense of securing licenses to operate specialized equipment and apparatus, and is similar to the authority afforded by section 40-301(a)(5) of the D.C. Code to members of the Armed Forces who operate official vehicles in the District of Columbia. Under this title the police or fire chief would have to certify that the applicant is qualified to operate the respective department's equipment. Also, the applicant would be examined by the Director of Motor Vehicles as to his knowledge of District traffic regulations.

TITLE III

Title III of H.R. 5686 would amend registration, tag, and transfer requirements of the Department of Motor Vehicles. The annual re-registration requirement is abolished for Federal and District Government-owned vehicles. The present annual re-registration provides no advantages for either the United States or the District of Columbia and the elimination of this unnecessary

requirement will save time and money now consumed in the annual registration of vehicles for the many Federal and District agencies and departments. Approximately 3,500 Federal- and District-owned vehicles would be involved.

Title III would permit the dropping of a name from a jointly-owned motor vehicle when the license tags are transferred to a newly-acquired vehicle. Present law allows the addition of a spouse's name to the registration when transferring tags to a new automobile, but does not permit the deletion of a joint owner's name. The proposed legislation would permit the remaining owner(s) to have the automobile tags to a newly-acquired vehicle transferred, allow the owner(s) to maintain the old tag number, and pay only a \$2.00 transfer fee to cover the administrative record changes involved. Although this proposal would involve some revenue loss, we believe that the proposed legislation offers more equitable treatment to the public.

This title further makes certain technical changes in section 40-102 of the D.C. Code to conform existing law to the present Commissioner-Council form of the District Government.

TITLE IV

Title IV would amend existing laws relating to the finality of court judgments arising out of motor vehicle accidents and the publication of traffic regulations. Section 502 of this title would amend the Motor Vehicle Safety Responsibility Act to permit the lifting of the suspension of a judgment debtor's license, registration, or operating privilege when the judgment on which such action was based has expired. Under existing law the license of a motorist whose license has been suspended because of the entry of a judgment against him must remain suspended and cannot be renewed until the judgment is satisfied. In many instances the judgment creditor is no longer available to be paid the judgment or cannot be located. As a consequence of the requirement that suspension files be maintained until satisfaction of the judgment, the Department of Motor Vehicles has now accumulated almost 6,000 cases in which the original judgment has expired without docketing and revival by the judgment creditor and the number is ever increasing. The proposed amendment would allow the termination of these inactive cases.

Furthermore, it appears inconsistent to punish someone when the court itself will not enforce the judgment. The plaintiff is protected since he has the right to revive the judgment. Thus, only the files of those plaintiffs actively pursuing their judgments will be kept open. It is felt that this amendment would not only promote efficiency within the Department of Motor Vehicles, but also would be more equitable to those who come within the purview of the Safety Responsibility Act.

Section 502 of title IV would delete the requirement of present law that traffic regulations, when adopted, be printed in one or more daily newspapers. It is believed that such publication, which results in additional expense to the District Government, is no longer necessary in light of the publication requirements of the more recently enacted District of Columbia Administrative Procedure Act. Title IV, however, retains the ten-day grace period of existing law which allows the public to become aware of and acquainted with the provisions of any new traffic regulation before any penalty for its violation may be enforced.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman) :

MOTOR VEHICLE SAFETY RESPONSIBILITY ACT OF THE DISTRICT OF COLUMBIA

* * * * *

[SEC. 4. COMMISSIONERS TO REVIEW ORDER OR ACT OF AGENT.—Any order or act of any agent of the Commissioners under the provisions of this Act shall be subject to review by the Commissioners. Application for review of any such order or act shall be in writing and shall set out in detail the reasons for such review. Such application shall be filed with the Commissioners within five days after the issuance of the order or occurrence of the Act in question.

[Any person whose license or motor-vehicle registration shall be denied, suspended, or revoked by the Commissioners under the provisions of this Act may, within thirty days after such denial, revocation, or suspension has been reviewed by the Commissioners and sustained by them, file in the District of Columbia Court of Appeals an application for the allowance of an appeal from the order or decision of the Commissioners. Appeal shall be as provided in the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501 to 1-1510).]

[For the purposes of this section, the phrase "review by the Commissioners" shall mean a review by the Board of Commissioners of the District of Columbia or a review by any board of review established by the Commissioners of the District of Columbia to review the order or act of any agent of the Commissioners pursuant to the provisions of this Act. No member of such board of review established by the Commissioners shall review any of his own orders or acts.]

SEC. 4. *HEARINGS BY COMMISSIONER.*—(a) Any person aggrieved by any order or act of the Commissioner under the provisions of this Act shall have the right to file a petition for a hearing in the manner prescribed by the Commissioner and it shall be the duty of the Commissioner to set the matter for hearing, to take testimony, and examine into the facts of the case to determine whether the order or act was done in accordance with the provisions of this Act. Such petition shall be in writing, shall set out in detail the reasons for such hearing, and shall be filed with the Commissioner within five days after such order or act.

(b) A petition for a hearing to the Commissioner shall operate as a stay of any order of suspension. Such stay shall be allowed for such period as will enable the Commissioner to afford the petitioner due notice and an opportunity for a hearing. In the event the initial order of suspension or revocation is sustained after such hearing, such order shall become effective immediately.

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SEC. 47. *SUSPENSION TO CONTINUE UNTIL JUDGMENTS PAID AND PROOF GIVEN.*—Such license, registration and nonresident's operating privilege shall remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied in full or to the extent hereinafter provided and until the said person gives proof of financial responsibility subject to the exemptions stated in sections 45, 46, and 50 of this Act, except that if the right to enforce such judgment by docketing and revival, or by revival, shall have expired without such docketing and revival, or if the judgment creditor fails to file notice of the docketing and revival of his judgment with the Commissioner, the suspension of the license or registration of the judgment debtor shall be terminated.

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DISTRICT OF COLUMBIA TRAFFIC ACT, 1925

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REGULATION OF TRAFFIC

SEC. 6. (a) * * *

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(h) All regulations promulgated under the authority of [the Traffic Acts and this Act, except those made by the Public Utilities Commission under powers given it by the Act of March 4, 1913, and these Acts, shall, when adopted, be printed in one or more of the daily newspapers published in the District, and] this Act shall be published in accordance with the requirements of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1-1501 et seq.), but no penalty shall be enforced for any violation of any such regulation which occurs within ten days after the date of such publication, except that whenever the [Commissioners of the] District of Columbia [deem] Council deems it advisable to make effective immediately any regulation relating to parking, diverting of vehicular traffic, or the closing of streets to such traffic, the regulation shall [be] become effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the regulation. The placing at or upon the public highway of any sign relating to parking or regulation of traffic,

except by the authority of the Commissioners of the District of Columbia or their designated agent, or of the joint board, is prohibited: *Provided*, That this restriction shall not apply to any such signs which do not purport to reserve space on the public highways and which the Public Utilities Commission may authorize under the provisions of this Act.

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OPERATORS PERMITS

SEC. 7. (a) (1) The Commissioners or their designated agent shall, upon application, the payment of a fee of \$12, and compliance with such regulations as the Commissioners or their designated agent may prescribe, issue a motor vehicle operator's permit valid for a period not in excess of four years, to any individual sixteen years of age or over who, after examination, in the opinion of the Commissioners or their designated agent, is mentally, morally, and physically qualified to operate a motor vehicle in such manner as not to jeopardize the safety of individuals or property. The Commissioners or their designated agent shall cause each applicant to be examined as to his knowledge of the traffic regulations of the District and shall require the applicant to give a practical demonstration evidence acceptable to the Commissioners or their designated agent, or product of his ability to operate a motor vehicle within a congested portion of the District, except that upon the renewal of any such operator's permit such examination and demonstration may be waived in the discretion of the Commissioners or their designated agent. Should the Commissioners or their designated agent believe that the issuance or reissuance of a permit in accordance with the provisions of this Act may prove a menace to public safety, they or their agent may refuse the issuance or reissuance thereof. No operator's permit issued to any individual under eighteen years of age shall authorize the operation by such individual while he is under the age of eighteen years of any motor vehicle other than a passenger vehicle or motorcycle or motor bicycle, used solely for purposes of pleasure and not for compensation.

(2) The Commissioners or their designated agent may, upon application and the payment of a fee of \$5, issue a learner's permit, valid for a period of sixty days, to any applicant for a motor vehicle operator's permit, sixteen years of age or over, who has successfully passed all parts of the examination other than the driving demonstration test. Such permit shall entitle the permittee, while having such permit in his immediate possession, to operate a passenger motor vehicle, used solely for purposes of pleasure and not for compensation, when accompanied by the holder of a valid motor vehicle operator's permit who is occupying a seat beside such permittee.

(3) Any pupil fifteen years of age or over enrolled in a high school or junior high school driver education and training course approved by the Commissioners or their designated agent may, without obtaining either an operator's or a learner's permit, operate a dual-control motor vehicle at such times as such pupil is under instruction and accompanied by a licensed motor-vehicle driving instructor: *Provided*, That such instructor shall at all times while he is engaged in such instruction have on his person a certificate from the principal or other person in charge of such school, stating that such instructor is officially designated to instruct pupils enrolled in such course, and whenever demand is made by a police officer such instructor shall display to him such certificate.

(4) In the event an operator's permit or a learner's permit issued under the authority of this section is lost or destroyed, or requires replacement for any reason other than through error or other act of the Commissioner not caused by the person to whom such permit was issued, such person may obtain a duplicate or replacement permit upon payment of a fee of \$2.

(5) Enlisted men of the Army, Navy, Marine Corps, and Coast Guard shall be issued, without charge, a permit to operate Government-owned vehicles, while engaged in official business, upon the presentation of a certificate from their commanding officers to the effect that they are assigned to operate a Government vehicle and are qualified to drive, and upon proving to the satisfaction of the director of vehicles and traffic that they are familiar with the traffic regulations of the District of Columbia.

(6) Notwithstanding the provisions of this subsection, the Commissioners or their designated agent may, upon compliance with such regulations as they or their designated agent may prescribe, extend for a period not in excess of six years the validity of the operator's permit of any person who is a resident of the

District and who is on active duty outside the District in the Armed Forces or the Merchant Marine of the United States and who was at the time of leaving the District the holder of a valid operator's permit.

(7) *Officers and members of any police force operating in the District of Columbia and of the Fire Department of the District shall be issued, without charge, a permit to operate government-owned vehicles, while engaged in the performance of official duties, upon the presentation of a certificate from the Chief of such police force or the Fire Chief, or their designated agents, to the effect that such officer or member is assigned to operate a government vehicle and is qualified to operate such vehicle, and upon being examined by the Commissioner as to his knowledge of the traffic regulations of the District of Columbia.*

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REVOCATION OR SUSPENSION OF OPERATORS' PERMITS

§13. (a) Except where for any violation of this Act revocation of the operator's permit is mandatory, the commissioners or their designated agent may with or without a prior hearing revoke or suspend an operator's permit for any cause which they or their agent may deem sufficient; *Provided*, That in each case where a permit is revoked or suspended the reasons therefor shall be set out in the order of revocation or suspension; *Provided further*, That such order shall take effect five days after its issuance unless the holder of the permit shall have filed within such period, written application with the Commissioners of the District of Columbia for a review of their order or the order of their agent, and, if upon such review, the commissioners shall sustain such order, the same shall become effective immediately; *Provided further*, That application to said commissioners for a review shall not operate as a stay of such order of the commissioners or their agent when the order has been issued revoking or suspending a permit on account of mental or physical incapacity, for driving under the influence of liquor or narcotic drugs; for manslaughter when an automobile is involved, or for operating a motor vehicle equipped with a smoke screen. An individual whose permit is denied, suspended, or revoked by the commissioners or their agent may, if application for a review by the commissioners of an order for revocation or suspension is not filed, or if an application for review by them is filed, after the commissioners' decision on the review, petition the District of Columbia Court of Appeals for a review of the order or decision in the manner provided by the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1-1501 to 1-1510).

§(b) In case the operator's permit of any individual is revoked no new permit shall be issued to such individual for at least six months after the revocation except in the discretion of the director.

§(c) The Commissioners of the District of Columbia, or their designated agent, may suspend or revoke the right of any nonresident person as defined in section 8 (title 6, sec. 245 (a), D.C. Code), to operate a motor vehicle in the District of Columbia, for any cause they or their agent may deem sufficient, and the proper authority at the place of issuance of the permit, or other authority to operate a motor vehicle, shall be notified of such suspension and the reason therefor, immediately; *Provided*, That such order of suspension or revocation shall take effect ten days after its issuance, and the same be subject to review and appeal in the manner and under the same conditions as are provided for such matters in section 13(a) (title 6, sec. 250(a), D.C. Code).

§(d) Any individual found guilty of operating a motor vehicle in the District during the period for which his operator's permit is revoked or suspended or for which his right to operate is suspended under this Act shall, for each such offense, be fined not less than \$100 nor more than \$500, or imprisoned not less than 30 days nor more than one year, or both.】

Sec. 13. (a) *As used in this section—*

(1) The term "Commissioner" means the Commissioner of the District of Columbia or his designated agent.

(2) The term "license" means any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of the District including: (A) any temporary license or instruction permit; (B) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and (C) any nonresident's operating privilege as defined herein.

(3) The term "nonresidents' operating privilege" means the privilege conferred upon a nonresident by the laws of the District pertaining to the operation by

such person of a motor vehicle, or the use of a vehicle owned by such person, in the District.

(b) The Commissioner is hereby authorized to suspend or revoke without a preliminary hearing the operator's permit of any person for any reason which he may deem sufficient.

(c) Whenever the operator's permit of any person is revoked or suspended, no new operator's permit shall be issued nor shall the operating privilege of any person be reinstated for at least six months after the revocation or suspension, except in the discretion of the Commissioner.

(d) Whenever the Commissioner suspends or revokes the operator's permit of any person, the reasons therefor shall be set out in the order of suspension or revocation.

(e) Any person denied an operator's permit or whose operator's permit has been suspended or revoked by the Commissioner, except where such revocation is mandatory under the provisions of this Act, shall have the right to file a petition for a hearing in the manner prescribed by the Commissioner, and it shall be the duty of the Commissioner to set the matter for hearing, to take testimony, and examine into the facts of the case to determine whether the petitioner is entitled to an operator's permit or is subject to suspension or revocation of such operator's permit under the provisions of this Act. Such petition shall be in writing, shall set out in detail the reasons for such hearing, and shall be filed with the Commissioner within five days after the person has been denied an operator's permit or an order of suspension or revocation has been issued.

(f) A petition for a hearing to the Commissioner shall operate as a stay of any order of suspension or revocation except when such order has been issued revoking or suspending the operator's permit of any person on account of mental or physical incapacity, or following a conviction for an offense for which mandatory revocation of a motor vehicle operator's permit is required under this Act. Such stay shall be allowed for such period as will enable the Commissioner to afford petitioner due notice and opportunity for a hearing. In the event the initial order of suspension or revocation is sustained after such hearing, such order of suspension or revocation shall become effective immediately.

(g) Any individual found guilty of operating a motor vehicle in the District during the period for which his motor vehicle operator's permit is revoked or suspended under this Act shall, for each such offense, be fined not less than \$100 nor more than \$500, or imprisoned not less than thirty days nor more than one year, or both.

DISTRICT OF COLUMBIA REVENUE ACT OF 1937

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TITLE IV—REGISTRATION FEES FOR MOTOR VEHICLES

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REGISTRATION

SEC. 2. (a) * * *

(b) The [Commissioners of the] District of Columbia Council by regulation shall provide for the issuance by the director—

(1) annually to any dealer, upon payment of the fee prescribed in section 3, of a registration certificate and identification tags bearing a distinguishing dealer's mark, for interchangeable use on motor vehicles and trailers in accordance with regulations promulgated by the [Commissioners] Council;

(2) [Annually, without charge,] of certificates of registration and identification tags, *without charge*, for all motor vehicles and trailers owned by the United States or by the District of Columbia, or officially used by any duly accredited representative of a foreign government];

(3) *annually, without charge, of certificates of registration and identification tags for all motor vehicles and trailers officially used by any duly accredited representative of a foreign government;*

[3] (4) of duplicate registration certificates or duplicate identification tags, upon proof satisfactory to the director of loss, mutilation, or destruction thereof, upon payment of a fee of \$2 for each set of duplicate tags or \$1 for each duplicate registration certificate; and

[4] (5) to any person, upon payment of a fee of \$3, of a special use certificate and special use identification tags bearing a distinguishing mark, valid

for a period not exceeding twenty days, for use on a motor vehicle or trailer in accordance with regulations promulgated by the **Commissioners' Council**, except that in the event such certificate and tags are necessary for use in complying with vehicle inspection regulations made pursuant to the authority contained in section 7 of the Act approved February 18, 1938 (D.C. Code, sec. 40-207), prior to completion of the registration of such vehicle or trailer, the fee shall be \$2: *Provided*, That if any person be convicted of a violation of such regulations, the director may refuse thereafter to issue a special use certificate and special use identification tags to such person for a period of one year: *Provided further*, That the issuance of a special vehicle use certificate and special use identification tags for a motor vehicle or trailer shall not constitute a registration of such motor vehicle or trailer for any purpose.

(c) Every registration made under this title shall expire at midnight on the last day of the registration year for which the registration was made, unless the time be extended by the **Commissioners' Council**. Any such registration may be renewed for the ensuing registration year upon application made by the owner during the months of February and March, and upon payment of the fees required by law. During the month of March it shall be lawful to operate a motor vehicle or trailer registered for the ensuing registration year. For the purposes of this title, a registration year shall be deemed to begin on April 1 and end on March 31.

(d) Upon the sale or other transfer to another owner of any motor vehicle or trailer registered under this title, the registration thereof shall expire. The owner selling or otherwise transferring such vehicle or trailer may register another motor vehicle or trailer for the unexpired portion of the registration year upon payment of a fee of \$2 and a sum equal to the difference between the registration fee originally paid and the fee computed for such other motor vehicle or trailer under section 3, in case the latter is the greater. *In the case of joint ownership, upon consent of all the joint owners, such transfer may be made in the manner prescribed above to any person formerly a party to the joint ownership.* If a motor vehicle or trailer be registered in the name of an individual, the name of the spouse of such individual may be added to the registration as a joint owner, subject to applicable provisions of law relating to the titling of the motor vehicle or trailer. Upon the death of a joint owner of a motor vehicle or trailer registered under this title the registration thereof shall be transferred to the survivor or survivors and the fee for such transfer shall be \$2. When the only assets of a decedent's estate requiring administration consist of not more than two motor vehicles, the Commissioner of the District of Columbia may upon proof satisfactory to him that all debts and taxes owed by the decedent have been paid or provided for, transfer the title to such motor vehicles to the person or persons entitled thereto or their nominee; and in such case, no administration of the decedent's estate, or other proceedings, need be had. In the event that any of the persons entitled to the transfer of title hereunder shall be a minor, the custodian or the legal guardian of said minor may nominate transferees on behalf of such minor.

(e) The **Commissioners of the District of Columbia** **are** **Council** is authorized to prescribe such regulations as may be necessary to carry out the provisions of this title and shall prescribe such forms of application for registration and for a special use certificate, such forms of registration and special use certificate, such design of identification tags, and provide for the keeping of such records of registration and issuance of special use certificates and transfers of registration as will facilitate the identification and the regulation of motor vehicles and trailers operated in the District of Columbia.

(f) The **Commissioners of the District of Columbia** **are** **Council** is further authorized to prescribe regulations under which the director may revoke or suspend the registration of any dealer who shall cease to be a dealer as defined in this title, or who shall have violated the provisions of this title or the regulations promulgated thereunder by the **Commissioners' Council**, and to revoke or suspend and provide for the return to the director of all dealers' identification tags issued to such dealer, subject to review by the **Commissioners** under rules and regulations prescribed by them, *Commissioner or his designated representative.* Pending such review, any such order of revocation or suspension shall be stayed unless the **Commissioners' Commissioner** shall otherwise direct. No order of the director or the **Commissioners' Commissioner** hereunder shall be set aside or suspended by any court unless such order is arbitrary or capricious.