

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Department of Motor Vehicles**



**Public Hearing on**

**B22-618, the “Driver License Revocation Fairness Amendment Act”  
B22-659, the “Achieving Universal Transportation Opportunities Amendment Act”  
B22-661, the “Rear-Facing Car Seat Safety Amendment Act”  
B22-740, the “Electronic Proof of Automobile Insurance Amendment Act”**

Testimony of

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Before the

Committee on Transportation and the Environment  
Chairman Mary Cheh

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Room 500  
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Good morning, Chairperson Cheh, members, and staff of the Committee. I am Lucinda Babers, the Director of the Department of Motor Vehicles (DMV). I am pleased to testify before you today on four bills introduced by the Council.

B22-618 is the “Driver License Revocation Fairness Amendment Act.” According to the preamble, this Bill would require DMV to end the current practice of suspending or revoking driver licenses, operating permits, privileges to drive in the District, or automobile registration as punishment for low-income District residents for failure to pay debts from parking tickets, traffic tickets, court debt, or private debt. The Bill would also increase from 30 to 60 calendar days the time the doubling penalty is added to a moving violation; would allow customers unlimited time to challenge an infraction for failing to have insurance, operating a vehicle without insurance, or for distracted driving; would eliminate license/driving privilege suspensions for customers who are found liable after a moving violation hearing, but fail to pay the infraction; and would eliminate license/driving privilege suspensions for failure to pay judgments. Additionally, the Bill would eliminate Clean Hands (i.e., the payment of outstanding ticket and insurance debt) for residents obtaining or renewing a license; however, Clean Hands would still be applicable for non-residents. It should be noted, for clarity, DMV does not suspend or revoke licenses or vehicle registration for parking tickets. Further, there is a federal law which requires all motor vehicle agencies to revoke licenses for delinquent child support as determined by the Office of the Attorney General. In addition to this clarification, the Administration has concerns with this Bill.

The Bill requires that a license, for residents and non-residents, shall not be revoked or suspended for failure to pay a debt without a finding the person is able to pay, which is to be determined by including a “hardship form” with the pending suspension/revocation notice. It



further states if the hardship form is not returned timely (i.e., 10 days for a resident and 15 days for a non-resident), the suspension/revocation action will take effect. If the hardship form is returned timely, the Bill requires DMV to establish a settlement or payment plan. Since the Office of the Chief Financial Officer's (OCFO) Central Collection Unit (CCU) currently establishes ticket and insurance related settlements and payment plans, it is recommended the OCFO continues to have this responsibility as it relates to this Bill. Therefore, the "hardship form" should be an OCFO CCU document and not a DMV document. It should be noted the current CCU's law only allows payment options for tickets issued 90 days or more; therefore, this CCU law would need to be amended to eliminate this 90-day requirement.

The Bill also indicates DMV hearing examiners will be responsible for conducting inquiries as to whether a person has hardship related to ticket debt. However, the CCU already has this responsibility; therefore, it should not be an additional function of a DMV hearing examiner. If this functionality remains in the Bill, then one of two things may occur. Either mail and in-person adjudication requests may increase our wait time as hearing examiners determine hardship cases; or hearing examiners may automatically dismiss tickets, including the proposed hardship form, to mitigate any negative impact on customer wait time.

Further, in the Bill, there is also a disconnect between a person who submits a minor moving violation for a hearing and a person who simply seeks to pay the violation. If the person adjudicating the violation is found liable, then he/she cannot be suspended for failing to ever pay the violation. However, the person seeking to pay the violation can be suspended for failing to respond to the violation in a timely manner. We are not sure if this was the intent of the Bill, but we believe it is inconsistent and the person found liable after a hearing should have 30 days to



either pay the violation or indicate a financial hardship; failure to do either should result in a license/driver privilege suspension.

In terms of eliminating license/driver privilege suspensions for judgments, it should be noted most suspensions for judgments are a result of not having insurance. Otherwise, an insurance carrier would pay. Therefore, if there is no incentive for paying a judgment, then there is no incentive for having insurance. However, we all recognize the importance of ensuring all motorists operating in the District are adequately insured.

It should be noted the elimination of Clean Hands for obtaining and renewing a license will have an impact on the payment of not just minor moving violations, but also other outstanding tickets. Therefore, as written, the Bill eliminates Clean Hands for all residents and not just those with financial hardship.

Finally, in accordance with the American Association of Motor Vehicle Administrators (AAMVA) guidelines, failing to suspend a license for driving related offenses, which includes failure to pay or appear for a ticket, can lead to dire consequences related to driver safety. Therefore, as we make modifications to current law, we should seek to find ways to balance financial hardship with driver safety.

The Administration looks forward to working with your staff and the OCFO on modifying this Bill. As indicated in my testimony, we believe the basic components of this Bill are already primary functions of the CCU.

B22-659, the “Achieving Universal Transportation Opportunities Amendment Act” requires the Mayor to waive the original, renewal and replacement fees for an operator permit, learner permit, provisional permit, driver license or special identification card for applicants who are residents of the District of Columbia and are 65 years of age and older, recently released



from a correctional or detention facility or without a fixed, regular District residence. The Administration has concerns with this Bill.

Currently, DMV waives the \$20 original and renewal fees for a non-driver identification card for residents 65 years of age and older. This free identification for seniors helps many of them make the decision to give up the car keys and license when they are no longer safely able to drive. Additionally, residents recently released from a correctional or detention facility can, within six-months of their release, receive an original six-month, no fee non-driver identification card. Lastly, residents without a fixed, regular address are eligible to receive an original no fee non-driver identification card with proof of homelessness from a Department of Human Services certified organization.

There are several issues this Bill does not address. Currently, the Clean Hands Act of 1996 is not applicable to the issuance of an identification card; however, it is applicable to the issuance of a license. Therefore, it is not clear if this Bill would also waive the covered individuals, who receive a license, from also having to pay outstanding ticket and insurance debt. Additionally, it is problematic and unnecessary to assume everyone 65 years and older cannot afford the \$47 license fee. Finally, the Bill does not speak to whether knowledge and road test fees, which are currently \$10 per test, are also waived. The Administration looks forward to assisting in clarifying this Bill.

B22-661, the “Rear-Facing Car Seat Safety Amendment Act” requires that children under two years of age are restrained in a rear-facing seat unless the child weighs 40 or more pounds or measures 40 or more inches in length. The American Academy of Pediatrics (AAP) advises parents to keep toddlers in rear-facing car seats until age two, or until they exceed the height or weight limit for the car seat. The National Highway Traffic Safety Administration (NHTSA)



recommends that a child is kept in a rear-facing seat for as long as possible based on the height and weight of the safety seat. Based on this information, the Administration recommends this Bill be amended to reflect the recommendation of the AAP.

The listening public is reminded that free child car seat installation is available at the DMV Inspection Station, located at 1001 Half Street, SW, on Tuesdays through Saturdays during normal operational hours. Currently, the Inspection Station is operating on summer hours which are 6:00am to 2:00pm on Tuesdays, Thursdays, Fridays and Saturdays. On Wednesdays, the summer hours are 7:00am to 2:00pm.

Finally, B22-740, the “Electronic Proof of Automobile Insurance Amendment Act” provides that an automobile insurance identification card may be produced in electronic format and ensures such presentation to a law enforcement officer does not constitute consent for a broader search of the electronic device. The Administration has no objections to this Bill. We do request the Bill be amended to include the vehicle registration card. A digital registration card app that will be available for smart phones is pending rollout by DMV and the Office of the Chief Technology Officer; therefore, it is reasonable to also include the search exclusion for electronic vehicle registration cards. We would welcome working with your staff on this proposed modification.

Thank you for the opportunity to testify today, and I look forward to answering any questions the Committee may have.

