

AN ACT

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Columbia
Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To reform the existing procedures for the removal and disposition of abandoned, dangerous, and other illegally parked or stored vehicles on public space or private property by reducing the time periods for the removal and disposition of such vehicles, streamlining the notice process, clarifying the procedures for reclaiming such vehicles, providing for criminal penalties for persons who place a reclaimed abandoned vehicle or a purchased salvage-only vehicles on public space and private property; and to amend the Revised Statutes of the District of Columbia, the District of Columbia Traffic Act, 1925, the District of Columbia Abandoned and Junk Vehicle Removal Amendment Act of 1989, the District of Columbia Motor Vehicle Parking Facility Act of 1942, An Act To prohibit parking vehicles upon public or private property in the District of Columbia without the consent of the owner of such property, and Title 18 of the District of Columbia Municipal Regulations to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Act of 2003".

Sec. 2. Definitions.

For purposes of this act, the terms:

(1) "Abandoned vehicle" means any motor vehicle, trailer, or semitrailer that is left, parked, or stored on public space for more than 48 hours or on private property for more than 30 days, and to which at least 2 of the following apply:

- (A) The vehicle is extensively damaged, including fire damage;
- (B) The vehicle is apparently inoperable, including a vehicle missing its transmission, motor, or one or more tires, and which is not undergoing emergency repair;
- (C) The vehicle serves as harborage for rats, vermin, and other pests; or
- (D) The vehicle does not display valid tags or a valid registration sticker.

(2) "Dangerous vehicle" means any motor vehicle, trailer, or semitrailer that, as a result of the presence of rats, vermin, or other pests, exposed glass or metal shards, or other dangerous condition poses an imminent hazard to the public health, safety, or welfare. Any motor vehicle, trailer, or semitrailer that is in a wrecked, dismantled, or irreparable condition, or destroyed by fire, is per se a dangerous vehicle.

(3) "Department" means the Department of Public Works.

(4) "Director" means the Director of the Department of Public Works.

(5) "Impounded" means any vehicle in the custody of the Department of Public Works or stored at a private storage facility at the direction of the Department as a result of the vehicle:

(A) Having been removed from its location for:

(i) Violating section 3;

(ii) Having 2 or more unsettled notices of infraction against it, as authorized by section 6(k) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(k)); or

(iii) Having been parked in violation of a traffic regulation other than overtime parking of less than 24 hours, as authorized by 18 DCMR §2421; or

(B) Having been transferred from the custody of the Metropolitan Police Department to the custody of the Department of Public Works.

(6) "Motor vehicle" or "vehicle" means any device designed to be propelled by an internal-combustion engine, electricity, or steam.

(7) "Physical characteristics of an abandoned vehicle" means any 2 of the conditions set forth in paragraph (1) of this section.

(8) "Private property" means real property, including real property owned or under the jurisdiction of the District of Columbia, other than public space.

(9) "Public space" means all the property owned or under the jurisdiction of the District of Columbia, between lines on a street, as such property lines are shown on the records of the Surveyor of the District of Columbia, and includes any roadway, tree space, sidewalk, or parking between such property lines.

(10) "Unclaimed vehicle" means an impounded motor vehicle not reclaimed within the applicable time periods set forth in section 8.

Sec. 3. Unlawful acts.

It shall be a violation of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.01 *et seq.*), for any person to park, leave unattended, or store:

(1) An abandoned or dangerous vehicle on public space;

(2) Any motor vehicle on private property without the consent of the property owner; or

(3) An abandoned or dangerous vehicle on private property, even with the consent of the property owner, unless the vehicle is:

(A) Kept in a lawful enclosed structure or building completely shielded from the view of individuals on the adjoining properties; or

(B) Lawfully stored or kept on the property of a business engaged in the lawful repair, storage, salvage, or disposal of vehicles.

Sec. 4. Removal of abandoned and dangerous vehicles from public space; penalties.

(a) The District government, or any towing company at the direction of the Department shall remove an abandoned or dangerous vehicle parked, left, or stored on public space in violation of section 3(1), as follows:

(1) An abandoned vehicle shall be removed 48 hours after a warning notice has been conspicuously placed on the vehicle. The warning notice shall be placed at the first sighting of a vehicle that meets the physical characteristics of an abandoned vehicle. The warning notice

shall indicate the date and time it was placed and the date and time that the District is authorized to remove, impound, or dispose of the vehicle if the vehicle is not moved. The notice shall also include a statement indicating the vehicle will not be towed if the owner or other authorized person certifies to the Department that the vehicle is undergoing emergency repair. The notice shall provide a telephone number, and website if any, that will inform the owner how to accomplish the certification.

(2) A dangerous vehicle shall be immediately removed without the placement of a warning notice.

(b) If more than one basis exists for removing a vehicle, whether stated in this act or in any other law or regulation, the shortest removal period shall apply, including removal without a warning notice.

(c) No vehicle shall be removed from public space pursuant to this section until a notice of infraction is conspicuously placed on the vehicle.

(d) Except as provided in this section, it shall be unlawful for any person, except the owner, a person authorized by the owner in writing, an employee of the District government in connection with the performance of official duties, or a tow crane operator who has valid authorization from the District government, to do any of the following:

(1) Tamper with, remove, or attempt to tamper with or remove any vehicle owned by another person;

(2) Tamper with, remove, or attempt to tamper with or remove any vehicle that is on public space and to which a District government warning notice that relates to the removal of the vehicle has been affixed; or

(3) Remove, mutilate, or attempt to remove or mutilate the warning notice.

(e) Any person violating the provisions of subsection (d) of this section, shall be prosecuted by the Office of the Corporation Counsel, and shall be punished by a fine of not more than \$500, imprisonment of not more than 90 days, or both.

Sec. 5. Removal of abandoned, dangerous, and unlawfully parked vehicles from private property.

The District government or any towing company at the direction of the Department shall remove a motor vehicle parked, left, or stored, on private property in violation of section 3(2) or (3), as follows:

(1) A vehicle parked, left, or stored without the consent of the property owner shall be removed immediately after a notice of infraction is issued and conspicuously placed on the vehicle.

(2) A dangerous vehicle shall be removed, with or without the consent of the property owner, immediately after a notice of infraction is issued and conspicuously placed on the vehicle.

(3)(A) An abandoned vehicle shall be removed, with or without the consent of the property owner, 45 days after a warning notice has been mailed by first class mail to the last known address of the property owner, as indicated on the records of the Office of Tax and Revenue. For the purposes of this subsection, notice may run concurrently with the period of time required to establish that the vehicle is abandoned, as defined in section 2.

(B) The warning notice shall, at a minimum, indicate the make and model of the vehicle, the date that the vehicle was observed on the property, and the date that the

District is authorized to remove, impound, or dispose of the vehicle if the vehicle remains unenclosed on the property.

(C) The warning notice shall be mailed after the first sighting of a vehicle that meets the physical characteristics of an abandoned vehicle. A notice of infraction shall be conspicuously placed on the vehicle prior to its removal. The notice shall also include a telephone number, and website if any, that will inform the owner how to contact the Department to certify that the vehicle is not abandoned.

Sec. 6. Post-removal disposition of certain vehicles without further notice.

Except for vehicles removed after traffic accidents, the Department may, without further notice, dispose of a dangerous vehicle or abandoned vehicle removed from the public space or private property pursuant to any District law or regulation if the vehicle does not display a valid vehicle identification number and recognizable registration.

Sec. 7. Impoundment of vehicles, notice to owners and lienholders.

(a) The Director is authorized to impound any vehicle removed from public space or private property pursuant to any District law or regulation. A vehicle subject to impoundment shall be taken to a District government impoundment facility, or a storage lot owned or operated by a towing company, as shall be determined by the Department.

(b) Except for vehicles disposed of pursuant to section 6, the Department shall send an impoundment notice, by first class mail, to the last known address of the owners of record of the vehicle, and any lienholders of record, as that information is indicated in the records of the Department of Motor Vehicles or in the records of the appropriate agency of the jurisdiction where the vehicle is registered. If the vehicle was seized from private property, notice shall also be sent, by first class mail, to the owner of that property, as indicated in the records of the Office of Tax and Revenue.

(c) The impoundment notice required by subsection (b) of this section shall be mailed no later than 5 days after the vehicle is received at an impoundment or storage facility and shall:

- (1) Describe the year, make, model, and vehicle identification number of each vehicle;
- (2) Indicate the reason why the vehicle was impounded;
- (3) If impounded for violating section 3, indicate the nature of the violation;
- (4) Advise the owner and lienholders of the procedures for reclaiming the vehicle and the applicable reclamation period for doing so; and
- (5) Warn the owner and lienholders that the vehicle will be sold, or otherwise disposed of, if those procedures are not completed by the expiration of the reclamation period.

(d) If the address of the owner or lienholders cannot be determined, the Department shall publish an impoundment notice in a newspaper of general circulation in the District within 10 days after a vehicle is received at an impoundment or storage facility. If the mailed notice is returned as undeliverable within 14 days after mailing, an impoundment notice shall also be published. The published notice may contain a listing of more than one vehicle and shall:

- (1) Describe the year, make, model, and vehicle identification number of the vehicle;
- (2) Provide a telephone number or website address that will inform the owner or lienholders of the vehicle reclamation procedures; and
- (3) Indicate the date by which the vehicle must be reclaimed.

(e) For the purposes of section 205 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2302.05), the mailing of the impoundment notice shall constitute service of the notice of infraction for violations of this act. The notice of infraction shall be considered issued, within the meaning of section 205, on the 5th day after the impoundment notice is mailed.

(f) The Director shall determine whether each impounded vehicle has been reported to law enforcement agencies as stolen, and shall record the vehicle identification number for each impounded vehicle in a database format that can be accessed by law enforcement personnel. The database shall be established by fiscal year 2005 at the latest.

Sec. 8. Vehicle reclamation periods.

(a) An impounded vehicle removed from public or private property pursuant to this act shall be reclaimed within 28 days after the impoundment notice sent pursuant to section 7(b).

(b) All other vehicles impounded pursuant to this act, or pursuant to any other law or regulation, shall be reclaimed within 28 days after the date of the impoundment notice sent pursuant to section 7(b).

(c) If the address of the owner and lienholders of an impounded vehicle is unknown, the vehicle shall be reclaimed within 14 days after the publication date of reclamation notices published pursuant to section 7(d).

Sec. 9. Procedures for reclaiming impounded vehicles; lien; penalties.

(a) An owner or lienholder, or a person duly authorized by either, may reclaim an impounded vehicle at any time prior to the expiration of the applicable reclamation period, by:

(1) Appearing at the Department of Motor Vehicles;

(2) Answering all outstanding notices of parking infractions for the vehicle, other than those tickets deemed admitted pursuant to section 305(d)(2) of the Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2303.05(d)(2));

(3) Attending a hearing, to be held within one working day of the answer, for all infractions that are denied;

(4) Paying any booting fee and all outstanding fines and penalties for infractions for which liability has been admitted, deemed admitted, or sustained after hearing;

(5) Furnishing proof of entitlement to possession of the vehicle;

(6) Paying to the District government, or the towing company, as directed by the Department, a towing fee of \$100 and a storage fee of \$20 per day; provided, that the towing fee shall be \$275 and a storage fee of \$20 per day shall be imposed if the size or the weight of the impounded vehicle requires the Department or an outside contractor to use special equipment to tow the vehicle.

(b) Fines and penalties due for parking tickets issued to a vehicle and the towing and storage fee charges due pursuant to subsection (a)(6) of this section shall constitute a continuing lien against the impounded motor vehicle. The lien thus created shall be an automatic lien, which is perfected as of the first date that the fines, penalties, or fees are due and shall be a prior and preferred claim over all other liens.

(c) Any person who has paid a fine for parking, storing, or leaving an abandoned or dangerous vehicle on public space, and who, after reclaiming the vehicle, thereafter again parks, stores, or leaves that vehicle on public space in violation of section 3(1), shall be prosecuted by

the Office of the Corporation Counsel, and shall be punished by a fine of not more than \$500, imprisonment of not more than 90 days, or both.

Sec. 10. Disposal of unclaimed vehicles; penalties; auction admission fees.

(a) The Department may, consistent with reasonable business practices, sell or otherwise dispose of an unclaimed vehicle.

(b) If an unclaimed vehicle is sold at a public auction or through other means pursuant to subsection (a) of this section, the purchaser shall take title to the vehicle free and clear of all liens and claims of ownership by others, receive a sales receipt, and be entitled, upon application and the payment of all applicable fees, to a certificate of title and registration; provided, that all other eligibility requirements are met.

(c) The Department shall retain from the proceeds of the sale or disposition of any vehicle an amount that represents reimbursement for the costs of sale, the costs of towing and storing the vehicle, the costs of furnishing notice and other related enforcement activities, the payment of such liens as were declared null and void, and the remainder shall be deposited into the General Fund.

(d) Except for vehicles enclosed on private property or located on the property of a business engaged in the lawful repair, storage, salvage, or disposal of vehicles, any person who purchases a vehicle that has been sold for salvage only from the Department, and who, thereafter, leaves, stores, or parks the vehicle on public space or private property, shall be guilty of a misdemeanor prosecuted by the Office of the Corporation Counsel, and shall be subject to a fine for each offense not to exceed \$5,000, imprisonment for a period not to exceed one year, or both.

(e) The Director is authorized to establish a non-refundable cost-based auction admission fee. The proceeds from this fee shall be used to offset the costs of all vehicle auctions held on that day, and the remainder shall be deposited into the General Fund.

Sec. 11. Owners and lienholders remedy.

An owner or lienholder who fails to reclaim a vehicle within the time prescribed shall nevertheless be entitled to recover the fair market value of any vehicle disposed of pursuant to this act if:

(1) The owner or lienholder requests a hearing with respect to the notices of infractions that provided the basis for the impoundment of the vehicle;

(2) The hearing is requested within 60 days after the issuance of the notices of infraction;

(3) A hearing examiner dismisses the notices of infraction or finds no liability; and

(4) The owner or lienholder establishes the vehicle's fair market value by a preponderance of the evidence; provided, that if the District has sold the vehicle, the price paid by a good faith purchaser, other than the owner, shall establish a rebuttable presumption of the fair market value of the vehicle.

Sec. 12. Rulemaking authority.

The Directors of the Department of Public Works ("DPW") and the Department of Motor Vehicles ("DMV") are authorized, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1986 (82 Stat. 1204; D.C. Official Code §

2-501 *et seq.*), to promulgate, amend or repeal rules, or establish or modify cost-based fees that are within the scope of their individual authority in order to implement the provisions of this act, through separate or joint rulemakings. If the District enters into contracts with towing companies, or other contractors, that provide for such companies to receive full or salvage title to unclaimed vehicles, the Director of DPW or the DMV may promulgate rules to implement the transfers consistent with the provisions of this act.

Sec. 13. Conforming amendments.

(a) Section 417(e) of the Revised Statutes of the District of Columbia, approved September 1, 1916 (D.C. Official Code §5-119.10(e)), is repealed.

(b) Section 6(k) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(k)), is amended as follows:

Amend
§ 5-119.10

(1) Paragraph (2) is amended by striking the first sentence and inserting a new sentence in its place to read as follows: "The notice, reclamation, and disposition procedures set forth in sections 6 through 10 of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Reform Act of 2003, shall apply to any vehicle impounded pursuant to this section."

Amend
§ 50-2201.03

(2) Paragraph (3) is repealed.

(3) Paragraph (4) is amended by striking the second and third sentences.

(c) The District of Columbia Abandoned and Junk Vehicle Removal Amendment Act of 1989, effective September 9, 1989 (D.C. Law 8-24; D.C. Official Code § 50-2401 *et seq.*), is amended as follows:

(1) Section 2 (D.C. Official Code § 50-2401) is amended to read as follows:

"Sec. 2. Definitions.

For the purposes of this act, the terms used shall have the same meaning as those defined in section 2 of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Reform Act of 2003."

Amend
§ 50-2401

(2) Section 3(a) (D.C. Official Code § 50-2402(a)) is amended as follows:

(A) The first sentence is amended as follows:

(i) Strike the phrase "any abandoned or junk vehicle" and insert the phrase "any abandoned or dangerous vehicle" in its place.

Amend
§ 50-2402

(ii) Strike the word "highway" and insert the word "space" in its place.

(B) Paragraph (1) is amended to read as follows:

"(1) Determine whether the vehicle is an abandoned or dangerous vehicle in accordance with section 2 of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Reform Act of 2003;"

(C) Paragraph (3) is amended to read as follows:

"(3) Place or mail, as applicable, the appropriate warning notice described in sections 4 and 5 of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Reform Act of 2003;"

(D) Paragraph (4) is amended by adding the phrase "or dangerous" after the word "abandoned".

(E) Paragraph (5) is amended to read as follows:

"(5) Mail the impoundment notice required by section 7(b) of the Removal and

Disposition of Abandoned and other Unlawfully Parked Vehicles Reform Act of 2003, to the owner and lienholders of any impounded vehicle;”.

(F) Paragraph (6) is amended to read as follows:

"(6) Sell or dispose of unclaimed impounded vehicles, including all items of personal property left therein, pursuant to section 10 of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Act of 2003;".

(G) Paragraphs (7) and (8) are repealed.

(3) Section 4 (D.C. Official Code § 50-2403) is repealed.

(d) Section 2(6) and (7) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 93, ch. 76; D.C. Official Code 50-2602(6) and (7)), is repealed.

Repeal § 50-2403

(e) An Act To prohibit parking vehicles upon public or private property in the District of Columbia without the consent of the owner of such property, approved January 15, 1942 (56 Stat. 5; D.C. Official Code § 50-2621 *et seq.*), is amended as follows:

(1) Sections 1, 1a, and 1b (D.C. Official Code §§ 50-2621, 50-2622, and 50-2623) are repealed.

(2) Section 2 (D.C. Official Code § 50-2624) is amended by striking the phrase "section 1" wherever it appears and inserting the phrase "the Removal and Disposition of Abandoned Unlawfully Parked Vehicles Reform Act of 2003" in its place.

Repeal §§ 50-2621, 50-2622, 50-2623 Amend § 50-2624

(f) Title 18 of the District of Columbia Municipal Regulations, is amended as follows:

(1) Subsection 2405.4 is repealed.

(2) Subsection 2411.1 is amended by adding a second and third sentence to read as follows: “Any vehicle that does not display a valid residential parking permit sticker and which remains parked on a residential parking permit street for more than seventy-two (72) hours shall be subject to removal. The notice, reclamation, and disposition procedures set forth in Sections 6 through 10 of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Reform Act of 2003 shall apply to any vehicle removed pursuant to this section.”.

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(3) Section 2421 is amended as follows:

(A) Subsection 2421.2 is amended to read as follows:

"2421.2 The notice, reclamation, and disposition procedures set forth in sections 6 through 10 of the Removal and Disposition of Abandoned and other Unlawfully Parked Vehicles Reform Act of 2003 shall apply to any vehicle impounded pursuant to this section."

(B) Subsections 2421.3, 2421.4, 2421.5, and 2421.6 are repealed.

(4) Section 2601.1 is amended as follows:

(A) The following new fines are added to read as follows:

"Abandoned vehicle on public space or private property.....	First Offense \$250
	Second offense same owner \$500
	Third and subsequent offense same owner \$1,000"
“Abandoned vehicle with solid waste or rat harborage.....	\$100 in addition to fine for Abandoned Vehicle”

"Dangerous vehicle on public space or

private property.....	First Offense \$250
	Second offense same owner \$500
	Third and subsequent offense same owner \$1,000"
“Dangerous vehicle with solid waste or rat harborage.....	\$100 in addition to fine for Abandoned Vehicle”
“Private Property, vehicle on without consent of property owner.....	First offense \$250
	Second offense same owner \$500
	Third and subsequent offense same owner \$1,000"

- (B) The fine entitled “Overtime 72 consecutive hours on roadway” is repealed.
- (C) The fine entitled "Public and Private property" is repealed.

Sec. 14. Effect of the repeal of provisions.

Any repeal of a law or regulation by this act shall not invalidate any enforcement action, adjudication, or any other action made or taken pursuant to such law or regulation.

Sec. 15. Applicability

This act shall apply to all vehicles impounded after its effective date. This act shall also apply to all vehicles impounded prior to its effective date provided that notice is sent to the owners and lien holders in accordance with the provisions of subsections 7(b) or (c), as is applicable.

Note, §§ 50-2403, 50-2621, 50-2622, 50-2623

Sec. 16. Fiscal impact statement.

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

Note, §§ 50-2403, 50-2621, 50-2622, 50-2623

Sec. 17. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of

Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia