

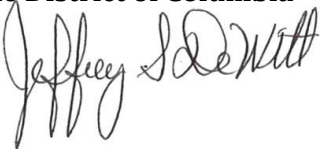
Government of the District of Columbia  
Office of the Chief Financial Officer



Jeffrey S. DeWitt  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jeffrey S. DeWitt  
Chief Financial Officer 

**DATE:** November 27, 2018

**SUBJECT:** Fiscal Impact Statement – Repeat Parking Violations Amendment Act of 2018

**REFERENCE:** Bill 22-619, Draft Committee Print as shared with the Office of Revenue Analysis on November 20, 2018

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**Conclusion**

Funds are not sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. The bill's implementation will cost \$108,000 in fiscal year 2019 and \$138,000 over the four-year financial plan period.

**Background**

The Department of Motor Vehicles (DMV) is required to send a follow-up notice to any person who received and failed to pay a parking or moving violation.<sup>1</sup> Before sending this notice, DMV must review the violation and ensure that it was properly issued. If a violation has conflicting vehicle or tag information, DMV must dismiss it. The bill prohibits DMV from dismissing violations with mismatched vehicle or tag information if the violation includes sufficient additional information such as a description of the vehicle or photograph that affirms the violation. The bill also prohibits a hearing examiner from dismissing a violation because the violation is missing vehicle or infraction information.<sup>2</sup>

If a parking enforcement officer issues a parking violation to a mobile vending truck that is required to display a Mobile Roadway Vending permit,<sup>3</sup> the bill requires the Mayor to file a copy of the violation with the Department of Consumer and Regulatory Affairs (DCRA). The bill makes the

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<sup>1</sup> This notice must be sent not more than fifty days after the notice of violation was issued.

<sup>2</sup> Except for information required by Notice of Infraction, effective June 26, 2009 (18 DCMR § 3000.1).

<sup>3</sup> Vending Locations: Mobile Roadway Vending Locations: General, effective September 20, 2013 (24 DCMR § 533.2).

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FIS: Bill 22-619, "Repeat Parking Violations Amendment Act of 2018," Draft Committee Print as shared with the Office of Revenue Analysis on November 20, 2018

failure to display a Mobile Roadway Vending permit a class 5 infraction,<sup>4</sup> which is punishable by a fine of \$50 for a first offense up to \$400 for a fourth and subsequent offenses.

The bill authorizes the Mayor to establish Repeat Parking Violation Pilot Zones (Pilot Zone) that allow parking enforcement officers to issue enhanced penalties for repeat parking violators. An individual that receives two parking violations in a Pilot Zone can be issued a fine that is three times that which is provided by law.<sup>5</sup> An individual issued three or more violations in a Pilot Zone can be issued a fine that is four times that which is provided by law. Within one year of the bill's effective date, the Mayor should submit a report to the Council that discusses efforts to mitigate repeat parking violators and details the number of violations subject to enhanced penalties in Pilot Zones.

### **Financial Plan Impact**

Funds are not sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill.

DMV does not receive photographs related to tickets in order to use those to evaluate whether a ticket should be dismissed for conflicting vehicle or tag information. Also, the bill prohibits a DMV hearing examiner from dismissing a ticket if vehicle or violation information is missing, except for certain information prescribed in regulations. The prescribed information includes a vehicle description, so DMV is unlikely to change its practices related to ticket dismissal.

DCRA does not currently receive violations from outside agencies and does not have a system to receive them from the Department of Public Works (DPW) or the District Department of Transportation (DDOT) and track them for enforcement of Mobile Roadway Vending licenses. DCRA will need to develop a system that will cost \$100,000 in fiscal year 2019 and \$10,000 annually thereafter to maintain.

DDOT will establish the Pilot Zones and DPW will enforce the violations. DDOT requires \$8,000 in fiscal year 2019 to develop signage for the zones. DPW will be limited in its ability to issue enhanced penalties in the zone because conviction information for a first offense will not be known until those tickets are fully adjudicated. Adjudication can take months with all the options DMV offers to violators for appeal.

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<sup>4</sup> Vending Business License Infractions, effective September 20, 2013 (16 DCMR § 3313.4).

<sup>5</sup> Parking and Other Non-Moving Infractions, effective September 30, 2016 (24 DCMR § 2601).