

State DUI Laws: Washington D.C.

Legal Blood Alcohol Content Level: .08

Automatic Suspension of License for Failure of Blood Alcohol Test or Refusal to Submit to Test: Yes

Ignition Interlock Requirement upon Conviction: Yes

Felony Conviction for Repeat Offenses: Yes

District of Columbia Code

§ 50-1301.37. Suspension of license and registration for certain convictions; effect of proof of financial responsibility; vehicles owned or leased by the United States, a state, or a political subdivision thereof; suspension for foreign convictions [Formerly § 40-437]

(a) The license and registration of all vehicles registered in the name of any person who by a final order or judgment shall have been convicted of, or shall have forfeited any bond or collateral given to secure appearance for trial for a violation of any of the following provisions of law: (1) operating a motor vehicle while the individual's blood contains .08% or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of defendant's breath, consisting substantially of alveolar air, or while defendant's urine contains .10% or more, by weight, of alcohol, or while under the influence of intoxicating liquor or any drug or any combination thereof, or while the ability to operate a vehicle is impaired by the consumption of intoxicating liquor, or an individual under 21 years of age operating a motor vehicle when the individual's blood, breath, or urine contains any measurable amount of alcohol; (2) any homicide committed by means of a motor vehicle; (3) leaving the scene of an accident in which the motor vehicle driven by him was involved and in which there is personal injury, without giving assistance or making known his identity and address and the identity and address of the owner of said vehicle; (4) reckless driving involving personal injury; (5) any felony in the commission of which a motor vehicle is used; or (6) a conviction of, or forfeiture of bail or collateral for an offense in any state which, if committed in the District of Columbia, would be one of the offenses listed in clauses (1) through (5) of this subsection; shall be suspended by the Mayor and shall remain so suspended and shall not at any time thereafter be renewed, nor shall any other motor vehicle be thereafter registered in the name of such person as owner, except that: (1) if such owner has previously given or shall immediately give and thereafter maintain proof of financial responsibility for the future with respect to all such vehicles registered by such person as the owner, the Mayor shall not suspend such registration unless otherwise required or permitted by law; or (2) if a conviction arose out of the operation, with permission, of a vehicle owned by or leased to the United States, the District of Columbia, a state, or a political subdivision of a state or a municipality thereof, the Mayor shall not suspend the registration of any vehicle so owned or leased. If such person be not a resident of the District of Columbia, the privilege of operating any motor vehicle in the District of Columbia and the privilege of operation within the District of Columbia of any motor vehicle owned by him shall be suspended until he shall have furnished proof of financial responsibility for the future with respect to all such vehicles registered by such person as the owner, and such person shall not be allowed a license, nor shall such owner be allowed to register any vehicle in the District of Columbia, until he has complied with the requirements of this subchapter to the same extent that would be necessary if, at the time of the conviction or forfeiture, he had held a license or had been the owner of a vehicle registered in the District of Columbia.

(b) Upon receipt of a certification from any state that the operating privilege of a resident of the District of Columbia has been suspended or revoked pursuant to a law providing for such suspension or revocation for a conviction or forfeiture under circumstances which would require the Mayor to suspend a nonresident's operating privilege had the offense occurred in the District of Columbia, the Mayor shall suspend the license of such resident and the registration of all vehicles registered in his name.

§ 50-1403.01. Revocation or suspension; new permit after revocation; nonresidents; penalty for operation with revoked or suspended license [Formerly § 40-302]

(a) Except where for any violation of this subchapter revocation of the operator's permit is mandatory or where suspension or revocation is mandatory for accumulated point totals pursuant to Chapter 3 of Title 18 of the District of Columbia Municipal Regulations, the Mayor or his designated agent may revoke or suspend an operator's permit for any cause which he or his 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 5 days after its issuance unless the holder of the permit shall have filed within such period, written application with the Mayor of the District of Columbia for a review of his order or the order of his agent, and, if upon such review, the Mayor shall sustain such order, the same shall become effective immediately; provided further, that application to said Mayor for a review shall not operate as a stay of such order of the Mayor or his agent when the order has been issued revoking or suspending a permit on account of mental or physical incapacity, for driving while the individual's blood contains .08% or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the individual's breath, consisting substantially of alveolar air, or while the individual's urine contains .10% or more, by weight, of alcohol, or while under the influence of intoxicating liquor or any drug or any combination thereof, or while the ability to operate a vehicle is impaired by the consumption of intoxicating liquor; for manslaughter when an automobile is involved, or for operating a motor vehicle equipped with a smoke screen.

(b) In case the operator's permit of any individual is revoked no new permit shall be issued to such individual for at least 6 months after the revocation except in the discretion of the Mayor or his designated agent.

(c) The Mayor of the District of Columbia, or his designated agent, may suspend or revoke the right of any nonresident person as defined in § 50-1401.02, to operate a motor vehicle in the District of Columbia, for any cause he or his 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 10 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 subsection (a) of this section.

(d) Notwithstanding any other provision of this section, the provisions of the District of Columbia Administrative Procedure Act (§ 2-501 et seq.) and particularly those of § 2-509, shall apply to each proceeding, decision, or other administrative action specified in this subchapter.

(e) Any individual found guilty of operating a motor vehicle in the District during the period for which the individual's license is revoked or suspended, or for which his right to operate is suspended or revoked, shall, for each such offense, be fined not to exceed \$ 5,000 or imprisoned for not more than 1 year, or both.

§ 50-1403.03. Suspension of minor's motor vehicle operator's permit for alcohol violation [Formerly § 40-302.2]

(a) The Mayor shall suspend the motor vehicle operator's permit of a person under 21 years of age convicted of violating, or adjudicated in violation of § 25-130. The suspension shall be for the duration required by § 25-130. A copy of the conviction or adjudication shall be forwarded to the Mayor by the court or the administrative body authorized to adjudicate violations under Chapter 1 of Title 25.

(b) Any person found guilty of operating a motor vehicle in the District during the period for which the person's license or privilege is suspended, shall, for each offense, be fined not more than \$ 1,000, imprisoned for not more than 180 days, or both.

§ 50-1902. Implied consent to blood-alcohol content or blood-drug content tests; administration; accidents [Formerly § 40-502]

(a) Any person, other than one described in subsection (b) of this section, who operates a motor vehicle within the District shall be deemed to have given his or her consent, subject to the provisions of this chapter, to 2 chemical tests of the person's blood, urine, or breath, for the purpose of determining blood-alcohol content or the blood-drug content. The arresting police officer or any other appropriate law enforcement officer shall elect which chemical test shall be administered to the person; provided, that the person may object to a particular test on valid religious or medical grounds. The tests shall be administered at the direction of a police officer who, having arrested such person for violation of law, has reasonable grounds to believe the person to have been operating or in physical control of a motor vehicle within the District while that person's blood contains .08% or more, by weight, of alcohol, or .38 micrograms or more of alcohol are contained in 1 milliliter of that person's breath, consisting of substantially alveolar air, or that person's urine contains .10% or more, by weight, of alcohol, or while under the influence of intoxicating liquor or any drug or any combination thereof, or while the person's ability to operate a motor vehicle is impaired by the consumption of intoxicating liquor, or while that person's blood, urine, or breath contains any measurable amount of alcohol if the person is under 21 years of age.

(b) Any person who operates or who is in physical control of a motor vehicle within the District and who is involved in a motor vehicle accident shall submit, subject to the provisions of this chapter, to 2 chemical tests of the person's blood, urine, or breath for the purpose of determining blood-alcohol content or blood-drug content whenever a police officer arrests such person for a violation of law and has reasonable grounds to believe such person to have been operating or in physical control of a motor vehicle within the District while that person's blood contains .08% or more, by weight, of alcohol, or .38 micrograms or more of alcohol are contained in 1 milliliter of that person's breath, consisting of substantially alveolar air, or that person's urine contains .10% or more, by weight, of alcohol, or while under the influence of an intoxicating liquor or any drug or any combination thereof, or while the ability to operate a motor vehicle is impaired by the consumption of intoxicating liquor, or while that person's blood, urine, or breath contains any measurable amount of alcohol if the person is under 21 years of age. The arresting police officer or other appropriate law enforcement officer shall elect which chemical test shall be administered to the person; provided, that the person may object to a particular test on valid religious or medical grounds.

(c) The Mayor shall collect and maintain in aggregate form data on persons tested for blood-alcohol content pursuant to subsections (a) and (b) of this section. A report containing this information shall be transmitted to the Chairman of the Council by July 14, 2000. The report shall also:

- (1) Contain data on the age, sex, measured content of alcohol in blood, urine, or breath, number of test refusals for tested persons, and number of licenses revoked;
- (2) Compare the number of persons who were tested or refused to be tested in the one year period following April 13, 1999 with these statistics for the immediately preceding one year period; and
- (3) Contain the number of arrests made pursuant to § 50-2205.02(2), during the one year period following April 13, 1999 and for the one year period immediately preceding April 13, 1999.

§ 50-1903. Blood tests; physician or nurse to withdraw blood; additional test by private physician [Formerly § 40-503]

Only a physician or registered nurse acting at the request of a police officer may withdraw blood for the purpose of determining the alcoholic content or the drug content thereof. This limitation shall not apply to the taking of a breath or urine specimen. The person tested may, in addition to submitting to the 2 tests administered at the direction of a police officer, also submit to a chemical test or tests administered to him by a physician, registered nurse, or other person of his own choosing who is qualified to administer such test or tests. The failure or inability to obtain an additional test by a person shall not preclude the admission of the tests taken at the direction of a police officer.

§ 50-1904. Availability of test information [Formerly § 40-504]

Full information concerning the tests administered under this chapter shall be made available to the person from whom a specimen was obtained. Prior to administering the tests the police officer shall advise the operator of the motor vehicle about the requirements of this chapter.

§ 50-1905. Test refusal; penalty; incapacitated person; use of evidence [Formerly § 40-505]

(a) If a person under arrest refuses to submit to chemical testing as provided in § 50-1902(a) he shall be informed that failure to submit to such test will result in the revocation of his license. If such person, after having been so informed, still refuses to submit to chemical testing, no test shall be given, but the Mayor, upon receipt of a sworn report of the police officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways while the individual's blood contains .08% or more, by weight, of alcohol, or .38 micrograms or more of alcohol were contained in one milliliter of the individual's breath, consisting of substantially alveolar air, or defendant's urine contains .10% or more, by weight, of alcohol, or while under the influence of intoxicating liquor or any drug or any combination thereof, or while the person's ability to operate a motor vehicle is impaired by the consumption of intoxicating liquor, or while that person's blood, urine, or breath contains any measurable amount of alcohol if the person is under 21 years of age, and that the person had refused to submit to the 2 tests, shall revoke his license for a period of 12 months; or if the person is a resident without a license to operate a motor vehicle in the District, the Mayor shall deny to the person the issuance of a license for a period of 12 months after the date of the alleged violation, subject to review as hereinafter provided.

(b) Any person who is unconscious, or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by § 50-1902 and the 2 tests may be given; except, that if such person thereafter objects to the use of the evidence so secured, such evidence shall not be used and the license of such person shall be revoked, or, if he is a resident without a license, no license shall be issued to him for a period of 12

months.

(c) If the person under arrest refuses to submit to the test, or subsequently exercises the right to object to the use of the test results pursuant to subsection (b) of this section, evidence of such refusal shall be admissible in any civil or criminal proceeding arising as a result of the acts alleged to have been committed by the person prior to the arrest.

§ 50-1906. License revocation or denial order; hearing [Formerly § 40-506]

(a) Whenever any license has been revoked or denied under the provisions of this chapter, the reasons therefor shall be set forth in the order of revocation or denial, as the case may be. Such order shall take effect 5 days after service of notice on the person whose license is to be revoked or who is to be denied a license unless such person shall have filed within such period written application with the Mayor for a hearing. Such hearing by the Mayor shall cover the issues of:

(1) Whether a police officer had reasonable grounds to believe such person had been driving or was in actual control of a motor vehicle upon the public street or highway while the person's blood contains .08% or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the person's breath, consisting substantially of alveolar air, or while the person's urine contains .10% or more, by weight, of alcohol, or while under the influence of intoxicating liquor or any drug or any combination thereof, or while the person's ability to operate a motor vehicle is impaired by the consumption of intoxicating liquor; and

(2) Whether such person, having been placed under arrest, refused to submit to the test or tests, after having been informed of the consequences of such refusal.

(b) If, following the hearing provided in subsection (a) of this section, the Mayor shall sustain the order of revocation, the same shall become effective immediately.

§ 50-1907. Judicial review [Formerly § 40-507]

Any person aggrieved by a final order of the Mayor revoking his license or denying him a license under the authority of this chapter, may obtain a review thereof in accordance with § 2-510.

§ 50-2201.05. Fleeing from scene of accident; driving under the influence of liquor or drugs [Formerly § 40-716]

(a) (1) Any person operating a vehicle, who shall injure any person therewith, or who shall do substantial damage to property therewith and fail to stop and give assistance, together with his name, place of residence, including street and number, and the name and address of the owner of the vehicle so operated, to the person so injured, or to the owner of such property so damaged, or to the operator of such other vehicle, or to any bystander who shall request such information on behalf of the injured person, or, if such owner or operator is not present, then he shall report the information above required to a police station or to any police officer within the District immediately. In all cases of accidents resulting in injury to any person, the operator of the vehicle causing such injury shall also report the same to any police station or police officer within the District immediately.

(2) Any operator whose vehicle causes personal injury to an individual and who fails to conform to the above requirements shall, upon conviction of the 1st offense, be fined not more than \$ 500, or shall be imprisoned not more than 6 months, or both; and upon the conviction of his 2nd or subsequent offense, shall be fined not more than \$ 1,000,

or shall be imprisoned not more than 1 year, or both.

(3) Any operator whose vehicle causes substantial damage to any other vehicle or property and fails to conform to the above requirements, shall, upon conviction of the 1st offense, be fined not more than \$ 100, or be imprisoned not more than 30 days, or both; and for the 2nd or any subsequent offense, be fined not more than \$ 300, or be imprisoned not more than 90 days, or both.

(b) (1) No individual shall, when the individual's blood contains .08% or more, by weight, of alcohol (or when .38 micrograms or more of alcohol are contained in 1 milliliter of his breath, consisting of substantially alveolar air), or the individual's urine contains .10% or more, by weight, of alcohol, or under the influence of intoxicating liquor or any drug or any combination thereof, operate or be in physical control of any vehicle in the District. No individual under 21 years of age shall, when the individual's blood, breath, or urine contains any measurable amount of alcohol, operate or be in physical control of any vehicle in the District. Any individual violating any provision of this paragraph, upon conviction for the first offense, unless the individual has previously been convicted for a violation of paragraph (2) of this subsection, shall be fined \$ 300 and may be imprisoned for not more than 90 days. In addition, if the individual's blood contains at least .20%, but not more than .25%, by weight, of alcohol, the individual shall be imprisoned for an additional mandatory minimum period of 5 days, or if the level is more than .25%, by weight, of alcohol, for an additional mandatory minimum period of 10 days. The additional mandatory minimum period shall not be suspended by the court.

(B) Upon conviction for the second offense, or for the first offense following a previous conviction for a violation of paragraph (2) of this subsection, within a 15-year period, an individual shall be fined an amount not less \$ 1,000 and not more than \$ 5,000 and sentenced for a period of imprisonment of not less than 5 days, which must be imposed and not suspended, and not more than one year, or required to perform at least 30 days of community service in accordance with D.C. Code § 16-712. In addition, if the individual's blood contains at least .20%, but not more than .25%, by weight, of alcohol, the individual shall be imprisoned for an additional mandatory minimum period of 10 days, or if the level is more than .25%, by weight, of alcohol, for an additional mandatory minimum period of 20 days. The additional mandatory minimum period shall not be suspended by the court.

(C) Upon conviction for the third or any subsequent offense, or for the second offense following a previous conviction for a violation of paragraph (2) of this subsection, within a 15-year period, an individual shall be fined an amount not less than \$ 2,000 and not more than \$ 10,000 and either sentenced for a period of imprisonment of not less than 10 days, which must be imposed and not suspended, and not more than one year, or required to perform at least 60 days of community service in accordance with § 16-712. In addition, if the individual's blood contains at least .20%, but not more than .25%, by weight, of alcohol, the individual shall be imprisoned for an additional minimum mandatory period of 15 days, or if the level is more than .25%, by weight, of alcohol volume, for an additional mandatory minimum period of 25 days. The additional mandatory minimum period shall not be suspended by the court.

(D) In addition to the penalties otherwise authorized by this section, any individual convicted for a violation of paragraphs (1) and (2) of this subsection while transporting an individual 17 years of age or younger shall be fined an additional minimum of \$ 500 and not more than \$ 1000 and sentenced to perform 48 hours of community service benefiting children or, for a subsequent offense, 80 hours of community service in such program.

(2) No individual shall, while the individual's ability to operate a vehicle is impaired by the consumption of intoxicating liquor, operate or be in physical control of any vehicle in the District. Any individual violating any provision of this paragraph, upon conviction for the first offense, unless the individual has previously been convicted for a violation of paragraph (1) of this subsection, shall be fined not less than \$ 200 and not more than \$ 300 and may be imprisoned for

not more than 30 days; upon conviction for the second offense, or for the first offense following a previous conviction for a violation of paragraph (1) of this subsection, within a 15-year period, shall be fined an amount not less than \$ 300 and not more than \$ 500 and either sentenced for a period of imprisonment of not less than 5 days, which must be imposed and not suspended, and not more than one year or required to perform at least 30 days of community service in accordance with § 16-712; and, upon conviction for the third or any subsequent offense, or for the second offense following a previous conviction for a violation of paragraph (1) of this subsection, within a 15-year period, shall be fined an amount not less than \$ 1,000 and not more than \$ 5,000 and either sentenced for a period of imprisonment of not less than 10 days, which must be imposed and not suspended, and not more than one year or required to perform at least 60 days of community service in accordance with § 16-712.

(3) All fines imposed pursuant to this subsection shall be used exclusively for the enforcement and prosecution of the District traffic alcohol laws.

(4) Convictions under this subsection prior to September 14, 1982 shall constitute a prior offense under paragraph (1) of this subsection if the individual's previous conviction occurred within 15 years of the conviction pursuant to this act. A conviction of any individual or a finding of guilty in the case of a juvenile under the provisions of substantially similar laws of any other state or of the United States, shall be considered a conviction.

(5) The Attorney General of the District of Columbia, or his assistants, shall prosecute violations of this subsection, in the name of the District of Columbia. The Attorney General is authorized to request that a person who is charged with a violation of any provision of paragraph (1) of this subsection agree, as a condition to acceptance into a diversion program in lieu of prosecution, to pay the District of Columbia or its agents a reasonable fee for the costs to the District of the person's participation in the diversion program; provided, that the Attorney General shall set the fee by rule and at a level which the Attorney General determines will not unreasonably discourage persons from entering the diversion program. The Attorney General may reduce or waive the fee if it finds that the person is indigent. The Mayor shall determine the provider, the content, and eligibility requirements for any diversion program.

(6) Any person convicted of violating paragraphs (1) or (2) of this subsection who has previously been convicted of violating either provision within a 15-year period, shall receive an assessment of the person's degree of alcohol abuse and treatment, as appropriate.

(b-1) (1) A law enforcement officer who has reasonable grounds to believe that a person is or has been violating subsection (b) of this section, without making an arrest or issuing a violation notice, may request the person to submit to a preliminary breath test, to be administered by the officer, who shall use a device which the Mayor has by rule approved for that purpose.

(2) Before administering the test, the officer shall advise the person to be tested that the test is voluntary and that the results of the test will be used to aid in the officer's decision whether to arrest the person.

(3) The results of the preliminary breath test shall be used by the officer to aid in the decision whether to arrest the person. Except as provided in subsection (d) of this section, the results of the test shall not be used as evidence by the District in any prosecution, and shall not be admissible in any judicial proceeding.

(4) The results of the test may be used, and shall be admissible, in any judicial or other proceeding in which the validity of the arrest or the conduct of the officer is an issue.

(c) Any violation of any provision of law or regulation issued thereunder which is repealed or amended by this part, and any liability arising under such provisions or regulations may, if the violation occurred or the liability arose prior to such repeal or amendment, be prosecuted to the same extent as if this subchapter had not been enacted.

(c-1) (1) Except as provided in paragraph (2) of this subsection, when a law enforcement officer arrests a person for a violation of any provision of subsection (b) of this section, the officer shall cause the motor vehicle which the arrested person operated or controlled to be impounded.

(2) The officer shall not cause the vehicle to be impounded if:

(A) A registered owner of the vehicle authorizes the officer to release the vehicle to a person:

(i) Who is in the company of the arrested person;

(ii) Who has in his or her immediate possession a valid permit to operate a motor vehicle; and

(iii) Whom the officer determines to be in physical condition to operate the vehicle without violating subsection (b) of this section;

(B) A registered owner of the vehicle:

(i) Is present to take custody of the vehicle;

(ii) Has in his or her immediate possession a valid permit to operate a motor vehicle; and

(iii) Is determined by the officer to be in physical condition to operate the vehicle without violating subsection (b) of this section; or

(C) The arrested person authorizes the officer to release the vehicle to a person:

(i) Who is not in the company of the arrested person;

(ii) Who has in his or her immediate possession a valid permit to operate a motor vehicle;

(iii) Whom the officer determines to be in physical condition to operate the vehicle without violating subsection (b) of this section; and

(iv) Who shall take possession of the vehicle within a reasonable period of time from a public parking space to be determined by the arresting officer.

(3) (A) Except as provided in paragraph (4) of this subsection or in subparagraph (B) of this paragraph, an impounded vehicle shall be released:

(i) At any time to a registered owner of the vehicle, other than the arrested person; or

(ii) 24 hours after the arrest, to the arrested person.

(B) No vehicle shall be released to a person unless a law enforcement officer determines that the person is in physical condition to operate a motor vehicle without violating subsection (b) of this section.

(C) If the law enforcement officer has a reasonable doubt that the person is in the physical condition required by subparagraph (B) of this paragraph, the officer may direct that a chemical test be administered to determine the person's blood-alcohol or blood-drug content. The results of the test may not be used as evidence in any criminal proceeding. If the person refuses to submit to a chemical test, the officer may determine that the person does not meet the condition of subparagraph (B) of this paragraph.

(4) Any motor vehicle that is impounded shall be subject to an impoundment charge of \$ 50, which shall be paid prior to the release of the motor vehicle. Any motor vehicle that remains impounded and unclaimed for more than 72 hours shall be processed and handled as an abandoned vehicle, and shall be subject to any other charges and costs, including storage fees and relocation costs, as are otherwise provided and assessed by the Mayor.

(5) (A) Except as provided in subparagraph (B) of this paragraph, neither the District of Columbia nor any employee of the District of Columbia shall be liable for injury to persons or damage to property which results from any act or omission in the implementation of any provision of this subsection.

(B) An employee of the District of Columbia may be liable for injury or damage which results from the gross negligence of the employee. If the act or omission of the employee which constitutes gross negligence occurred while the employee was engaged in furthering the governmental interest of the District of Columbia, the District of Columbia may also be liable for the resulting injury or damage.

(d) The Mayor or his designated agent shall revoke the operator's permit or the privilege to drive a motor vehicle in the District of Columbia, or revoke both such permit and privilege, of any person who is convicted in the District of any of the following offenses:

(1) Operating or being in control of a vehicle while the individual's blood contains .08% or more, by weight, of alcohol, or while .38 micrograms or more of alcohol are contained in 1 milliliter of the individual's breath, consisting substantially of alveolar air, or while the individual's urine contains .10% or more, by weight, of alcohol, or while under the influence of intoxicating liquor or any drug or any combination thereof.

(2) Any homicide committed by means of a motor vehicle.

(3) Leaving the scene of an accident in which the motor vehicle driven by him was involved and in which there is bodily injury, without giving assistance or making known his identity and address and the identity and address of the owner of said vehicle.

(4) Reckless driving or operating or being in physical control of a vehicle while the ability to operate is impaired by the consumption of intoxicating liquor involving bodily injury.

(5) Any felony in the commission of which a motor vehicle is involved.

(e) Whenever a judgment of conviction of any offense set forth in subsection (d) of this section has become final, the clerk of the court in which the judgment was entered shall certify such conviction to the Mayor or his designated agent,

who shall thereupon take the action required by subsection (d) of this section. A judgment of conviction shall be deemed to have become final for the purposes of this subsection:

(1) If no appeal is taken from the judgment, upon the expiration of the time within which an appeal could have been taken; or

(2) If an appeal is taken from the judgment, the date upon which the judgment, having been sustained, can no longer be appealed from or reviewed on a writ of certiorari.

§ 50-2201.05a. Establishment of ignition interlock device program [Formerly § 40-716.1]

(a) The Mayor shall establish an Ignition Interlock Device Program, not later than January 1, 2002, applicable only to persons who have been convicted of a second or subsequent offense pursuant to § 50-2201.05(b)(1) and (b)(2).

(b) For the purpose of this section, "Ignition Interlock Device" means ignition equipment designed to prevent a motor vehicle from being operated by a person whose blood alcohol level exceeds the calibrated setting on the device.

(c) The Mayor shall adopt rules to implement the provisions of this section.

§ 50-2205.02. Prima facie evidence of intoxication [Formerly § 40-717.1]

If as a result of the operation of a vehicle, any person is tried in any court of competent jurisdiction within the District of Columbia for operating such vehicle while under the influence of any intoxicating liquor or while the ability to operate a vehicle is impaired by the consumption of intoxicating liquor in violation of § 50-2201.05(b), negligent homicide in violation of § 50-2203.01, or manslaughter committed in the operation of such vehicle in violation of § 22-2105 and in the course of such trial there is received in evidence, based upon a chemical test, competent proof to the effect that at the time of such operation:

(1) Defendant's blood contained less than .03%, by weight, of alcohol, or defendant's urine contained less than .04%, by weight, of alcohol, or that at the time of the test less than .14 micrograms of alcohol were contained in 1 milliliter of his or her breath, consisting of substantially alveolar air, this evidence shall not establish a presumption that the defendant was or was not, at the time, under the influence of intoxicating liquor, but it may be considered with other competent evidence in determining whether the defendant was under the influence of intoxicating liquor; and

(2) Defendant's blood contained .05 or more, by weight, of alcohol, or defendant's urine contained .06% or more, by weight, of alcohol, or that at the time of the test, .24 micrograms or more of alcohol were contained in 1 milliliter of his or her breath, consisting of substantially alveolar air, this evidence shall constitute prima facie proof that the defendant was, at the time, under the influence of intoxicating liquor and that, while the defendant was operating or in physical control of a vehicle, his or her ability to operate a vehicle was impaired by the consumption of intoxicating liquor.

§ 50-2205.03. Admissibility of test results [Formerly § 40-717.2]

An official copy of the results of any blood, urine, or breath test performed on a person by a technician or by a police officer shall be admissible as substantive evidence, without the presence or the testimony of the technician or of the police officer who administered the test, in any proceeding in which that person is charged with a violation of § 50-2201.05(b); provided, that the police officer or the technician certifies that the breath test was conducted in accordance

with the manufacturer's specifications, and that the equipment on which the breath test was conducted has been tested within the past 3 months and has been found to be accurate or, in the case of a blood or urine specimen, that the test of the specimen has been certified to be accurate by the chief toxicologist, Office of the Chief Medical Examiner or his or her designee; provided, further, that the person on whom any blood, urine, or breath test has been performed, or that person's attorney, may seek to compel the attendance and the testimony of the technician or of the police officer in any proceeding by stating, in writing, the reasons why the accuracy of the test result is in issue and by requesting, in writing, at least 15 days in advance of the proceeding, that such technician or such police officer appear and testify in the proceeding. Any such person upon whom a blood, urine, or breath test is performed, shall be informed, in writing, of the provisions of this section at the time that such person is charged. After having been informed, failure to give timely and proper notice shall constitute a waiver of the person's (on whom the test has been performed) right to the presence and testimony of the technician or the police officer.