

Metropolitan Police Academy



12.2 Moving Violations

Approved 5/9/2023

Introduction

Enforcement of traffic laws and regulations are an important part of police work. Effectively enforcing such laws will help to provide a safe driving experience for all that use the roadways. Enforcement can also assist in reducing traffic crashes that cause personal injury and property damage. In addition, in some cases enforcement may even result in crime detection activity such as finding illicit drugs, weapons, and other illegal contraband.

12.2.1 Outline department regulations and policies on conducting traffic enforcement

The department's goals for traffic enforcement are to:

- Prevent traffic crashes.
- Promote greater traffic safety awareness by the public.
- Facilitate the effective flow of traffic.
- Ensure the convenience and safety of all users of public roadways, including pedestrians, bicyclists, and motorists.
- Target enforcement activities against those committing hazardous violations.
- Enforce traffic regulations in proportion to the occurrence of traffic crashes or citizen complaints.
- Assist employees of the Department of Public Works in the parking enforcement program.

In order to enforce traffic, a member must be on duty, uniformed, and operating a department vehicle equipped with emergency lights and sirens. Off-duty members may enforce traffic in their marked take-home vehicle or if they are operating a department vehicle equipped with emergency lights and sirens *and* if the violation is so grave that it poses an immediate threat to members and others. Off-duty members shall request assistance as soon as it is practical.

Government Employees and Postal Carriers

While conducting traffic enforcement, a member may encounter some unique situations involving apparent violations by government and postal employees. When an employee of DC government, the federal government, or the Postal Service commits a traffic violation, the member shall:

- Issue the appropriate NOI
- Prepare a PD Form 101 (Report of Violation of the Traffic Regulations by Operators of Vehicles Owned by the District of Columbia or the US Government)

An officer should not unduly delay the mail in order to issue an NOI. Warning NOIs may be issued but the PD 101 is still required.

If an arrest of a Postal employee who is carrying mail is necessary, a member *must* notify the US Postal Inspector's Office/US Postal Service immediately. In all cases, members are required to safeguard the mail until someone from the Postal Service arrives to take possession of it.

Defense Couriers and Vehicles Transporting Classified Information or Equipment

Oftentimes, sensitive and classified material is transported to or through the District of Columbia. The US Transportation Command, Defense Courier Division exists to provide secure, timely, and efficient transportation of sensitive material for the United States and its allies. Executive Order 12958 (issued April 17, 1995) protects information critical to our nation's security and makes maintaining information confidentiality the overriding priority of all actions involving courier material and its movement.

Based on the sensitive nature of defense material, it is important that shipments receive protection in the event of a vehicle crash or disablement. When incidents occur within the department's jurisdiction involving Defense Couriers and sensitive or classified information and/or equipment, members must support the mission of maintaining the security of the involved sensitive and classified material. During all contacts of this nature, officers should be aware that shipments that contain classified and sensitive items require special handling.

Defense Couriers often operate unmarked vehicles with US government tags and no other identifying markings. Defense Couriers are not armed but do possess a military identification card and a unique **Defense Courier Identification Badge**. Couriers may be dressed in military uniform or civilian clothing. All classified material will be secured in the cargo area of the vehicle in a secured cage.

If an incident occurs resulting in a courier being separated from his or her vehicle, members should check the emergency contact information that is pasted inside the cargo access doors on the courier's vehicle. In the event an incident occurs where a Defense Courier is unable to contact his or her home station, an officer *must* remain with the vehicle and have CIC contact **Courier Station Baltimore** as soon as possible to facilitate relief.

Officers should never unnecessarily delay or obstruct Defense Courier vehicles. However, courier vehicles and their drivers are subject to applicable laws and must comply with officer instructions when necessary. If couriers must be detained, members shall notify the CIC *immediately*.

In the event that suspected classified materials are exposed because of an incident, all individuals that have viewed the material should be identified and requested to remain on the scene until a Defense Courier can de-brief them and execute an **Inadvertent Disclosure Agreement**.

NOTE: Not all classified material is transported by Defense Couriers. In the rare event that you encounter US government personnel that inform you that they are carrying classified material but are no longer able to maintain control of the material for whatever reason, make the same notification and follow the same procedures just discussed.

12.2.2 Differentiate Warning NOIs from NOIs

When a Notice of Infraction (NOI) is issued, it should be clearly written with a black ballpoint pen. Each NOI must contain only one violation. If a motorist is to be cited for multiple violations, multiple NOIs must be prepared.

When preparing an NOI for a moving violation, you must:

1. Use a three-letter month abbreviation (e.g., Jan, Feb, Mar).

2. Use ante meridiem/post meridiem time (AM/PM).
3. List the violator's name in last name, first name, middle name format (i.e., Bradshaw, Johnathan William).
4. Include the individual's race and sex.
5. Abbreviate the vehicle make using the first four letters of the manufacturer's name (e.g., FORD, CHEV, HOND, HYUN). The exceptions to this rule are Mercury and Mercedes. In this case, Mercury vehicles are abbreviated MERC and Mercedes vehicles are abbreviated MERZ.
6. Enter the "RFS Code" (reason code) for the stop and the approximate duration of the stop. Below are the RFS categories:
 - a. 0001 – BOLO/LOOKOUT
 - b. 0002 – Call for service
 - c. 0003 – Information obtained from law enforcement officer
 - d. 0004 – Observed a weapon
 - e. 0005 - Response to Crash
 - f. 0006 - Suspicion of non-traffic criminal activity (self-initiated)
 - g. 0007 – Traffic violation: Observed moving violation
 - h. 0008 – Traffic violation: Observed equipment violation

NOTE: Codes are used to differentiate the **reason** for the stop, not what you may have observed because of the stop.

When issuing a written warning, write "WARNING" in bold letters across the spaces provided for the fine.

When issuing an NOI for a moving violation, there is a space for the violator to sign, though signing it is not required if the violator refuses to sign. In this case, write the word "refused" in the space provided and give the violator the C copy along with their driver's license, registration, and other documents. Signing is not an admission of guilt but an acknowledgment of receipt of the ticket.

NOI Requirements

NOIs *shall be* issued for any offense when, in the prudent judgment of the issuing member, the driver exhibited a flagrant disregard for the law and was likely to cause a crash or endanger the safety of pedestrians, bicyclists, or other motorists.

By direction **General Order 303.01 (Traffic Enforcement)**, members may not issue warning NOIs to a motorist who has:

- Committed a right turn on red violation
- Committed an offense which caused a crash
- Failed to yield the right of way to a pedestrian
- Committed any parking violation

In all other cases, the decision whether to issue the violator an NOI or a warning NOI must be based on the sound judgment of the officer making the traffic stop, considering whether the member feels that the issuance of a warning NOI is likely to change the driver's behavior.

It is important to remember that an officer's job is not simply to write tickets. It is an officer's job to identify when an infraction of the law has occurred and to use discretion that reasonably ensures that the infraction will not occur again. In some cases, this means issuing a warning for an honest mistake and in other cases it means issuing NOIs for all infractions that have occurred.

Officers should always remember that issuing tickets is not punitive but rather is designed to change the behavior that warranted the NOI in the first place.

Officers should refrain from writing an excessive number of tickets on one traffic stop. An officer must analyze each encounter and be guided by their training when deciding the appropriate course of action.

12.2.3 Identify department policy concerning verbal warnings

Members may not give a **verbal warning** unless there are exigent circumstances. For example, an officer receives a radio assignment requiring immediate response or the motorist was en route to the hospital for emergency treatment at the time the infraction occurred (e.g., a pregnant woman is about to deliver a baby or a passenger is physically ill). Members shall document the details of such a stop, including justification of the extreme circumstances, in Mark43 using an Incident Card.

12.2.4 Classify select violations of the various safety requirements

Child Restraint (DC Code § 50–1703)

This statute requires that:

- (a) "The operator of a motor vehicle may not transport any child of less than 3 years of age unless the child is properly restrained in a child restraint seat; provided, that, if the child weighs less than 40 pounds or measures less than 40 inches in length, and is under 2 years of age, the child shall be properly restrained in a rear-facing child restraint seat.
- (b) The operator of a motor vehicle shall not transport any child under 16 years of age unless the child is properly restrained in an approved child safety restraint system or restrained in a seat belt. Children under 8 years of age shall be properly seated in an installed infant, convertible (toddler) or booster child safety seat, according to the manufacturer's instructions. A booster seat shall only be used with both a lap and shoulder belt.
- (c) A parent or legal guardian may transport their own child without restraint herein if that person is transporting a number of their own children of less than 16 years of age which exceeds the number of passenger positions equipped with safety belts in the motor vehicle. However, an unrestrained child may not be transported in the front seat of a motor vehicle.

- (d) Automobile rental companies shall be required to inform each customer of the provisions of this chapter and provide educational materials to the customer. The educational materials shall be provided by the Department of Transportation.”

Definitions:

- **Child Restraint Seat** is defined as a motor vehicle seat or device to restrain a child which complies with applicable federal guidelines.
- **Properly Restrained** (using a child seat) is defined as meaning a child is secured in a child restraint seat that is an approved one and is correctly installed in the vehicle with the safety belt and using all the securing straps.
- **Properly Restrained** (using safety belts) is defined as meaning the lap portion of the seat belt is secured across the occupant’s lap. If the vehicle is equipped with a shoulder strap, the strap must come across the shoulder and be used in the manner for which it was designed.
- **Transport** is defined as meaning a child of less than sixteen (16) years of age is a passenger in the vehicle while the operator is in the driver’s position and the vehicle is either parked or in motion.
- **Motor Vehicle** is defined as any device propelled by an internal combustion engine, electricity, or steam (except traction engines used exclusively for drawing vehicles in fields, road rollers, and vehicles propelled only upon rails and tracks).

The following infractions involve minors:

T705 - Child less than three (3) years of age not restrained in an approved child safety seat (\$75 fine)

T705 - Child between three (3) and sixteen (16) years of age not restrained in an approved child safety seat or seat belt (\$75 fine)

The following vehicles are exempt from complying with the child restraint law:

- Vehicles used for livery
- Sightseeing vehicles
- Taxis
- Ambulances
- Funeral vehicles
- Farm vehicles
- Any device with more than three (3) wheels and has a seating capacity of more than eight passengers exclusive of the driver.

Use of Safety Belts Required (DC Code § 50–1802)

The District of Columbia mandates that “the driver and all passengers in a motor vehicle shall wear a properly adjusted seat belt while the driver is in control of the vehicle.” The driver is responsible for all passengers in the vehicle. In the case of a vehicle for-hire, passengers are responsible for their own seatbelts.

In addition, a “driver shall ensure that children 16 years of age and under have preference to seating positions with seat belts over persons [who are] over 16 years of age.

The following are exempt from compliance with the seatbelt requirement:

- “Riders in a motor vehicle manufactured prior to July 1, 1966;
- Riders who possess written verification from a licensed physician that the rider is unable to wear a safety belt for medical reasons;
- Riders who are passengers in a vehicle if all seating positions with seat belts in the vehicle are occupied by other persons.”

The operator of a taxi is *not* responsible for ensuring seat belt compliance of passengers. Rather, the passenger bears the responsibility to wear a seat belt. A “passenger” violation bears a \$50 fine and failure to comply with signage is \$100.

NOTE: The driver of a taxi is not exempt from the seatbelt law. He or she is just not responsible for the passenger’s compliance.

Distracted Driving Prevention (DC Code § 50–17A)

Definitions:

- **Distracted driving** is defined as “inattentive driving, while operating a motor vehicle that results in the unsafe operation of the vehicle where such inattention is caused by reading, writing, performing personal grooming, interacting with pets or unsecured cargo, using personal communication technologies, or engaging in any other activity which causes distractions.”
- **Use** is defined as “talking, placing, texting, or receiving a call, or attempting to place, text, or receive a call, on a wireless communications device, including a mobile telephone.”
- **Other electronic device** “includes but is not limited to, hand-held computers, pagers, and video games.

Restricted Use of Mobile Telephone and Other Electronic Devices (DC Code § 50–1731.04)

This law states that, “No person shall use a mobile telephone or other electronic device while operating a moving vehicle in the District of Columbia unless the telephone or device is equipped with a hands-free accessory.” In addition, “No person shall use headphones that cover both ears or earbuds in both ears while operating a motor vehicle in the District, except if the headphones or earbuds are being used to assist a hearing-impaired driver.”

Persons who possess a learner’s permit and those operating a moving school bus carrying passengers shall be prohibited from using a mobile telephone or other electronic device, including those with hands-free accessories, while operating a motor vehicle.

Code	Description	Effective Date	Fine	Law / Code / Regulation
T590	DISTRACTED DRIVING	07/01/04	\$100	DC Code § 50-1731.03
Distracted driving shall be prohibited.				

T591 DISTRACTED DRIVING USING CELL 07/01/04 \$100 DC Code § 50-1731.04
PHONE, OTHER DEVICE

(a) No person shall use a mobile telephone or other electronic device while operating a moving motor vehicle in the District of Columbia unless the telephone or device is equipped with a hands-free accessory.

(b) The provisions of this section *shall not apply* to the following:

- (1) Emergency use of a mobile telephone, including calls to 911 or 311, a hospital, an ambulance service provider, a fire department, a law enforcement agency, or a first-aid squad;
- (2) Use of a mobile telephone by law enforcement and emergency personnel or by a driver of an authorized emergency vehicle, acting within the scope of official duties; or

IMPORTANT: Though it is legal for an officer to talk on a cell phone while driving, it is the source of many citizen complaints. Officers should, when at all possible, legally park their vehicle until they conclude their phone conversation.

- (3) Initiating or terminating a telephone call, or turning the telephone on or off.

12.2.5 Classify regulations pertaining to emergency vehicles

Emergency Vehicle Regulations (18 DCMR § 18-2210)

Emergency vehicles include vehicles of any fire or police department, any ambulance, or any other vehicle used for the emergency care or preservation of life, health, and property as authorized by the Director of the Department of Transportation. These vehicles do not need to be owned by the government of the District of Columbia to qualify (e.g., ambulances owned by Children's National Medical Center used to make priority transports of patients between hospitals).

Each authorized emergency vehicle shall have distinctive markings. In addition, each emergency vehicle shall be equipped with a siren, exhaust whistle, or bell capable of giving a signal audible under normal conditions from a distance of not less than 500 feet and with at least one (1) lighted lamp displaying a red light capable of flashing alternately and visible from a distance of 500 feet to the front.

Whenever an emergency vehicle is equipped with a siren, the siren shall not be used except when the vehicle is being operated in response to an emergency call or when the vehicle is in the immediate pursuit of an actual or suspected violator of the law, in which case the driver of the vehicle shall sound the siren when necessary to warn pedestrians and other drivers of the approach of the vehicle.

Traffic Exceptions for Emergency Vehicles

Emergency vehicles are exempt from complying with traffic signs and signal devices under the following circumstances:

- When responding to an emergency call.
- When in pursuit of an actual or suspected violator of the law.
- When responding to, but not upon returning from, a fire alarm.

The driver of an authorized emergency vehicle may do any of the following when legally operating as an emergency vehicle:

- Park or stand irrespective of the provisions of DCMR.
- Proceed past a red or stop signal or stop sign but only after slowing down and stopping as may be necessary for safe operation.
- Exceed the speed limit so long as it does not endanger life or property (this “so long as” requirement does not apply to ambulances).
- Disregard regulations governing direction of movement or turning in a specified direction.

The exemptions noted above for authorized emergency vehicles shall apply only when the driver of the vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle as may be reasonably necessary. The driver of an authorized emergency vehicle is not relieved from the duty to drive with due regard for the safety of others.

When operating department vehicles with emergency warning devices activated, members shall comply with the following standards:

- When approaching an intersection controlled by electric signal devices or stop signs:
 - Members must stop before entering an intersection when a red signal is displayed, then proceed through when clear.
 - Members must slow to the maximum legal speed when a green signal or a flashing yellow signal is displayed.
 - Members must stop before entering an intersection when four-way pedestrian walk signals are displayed.
 - When approaching an intersection controlled by a stop sign, members shall stop before entering the intersection.
- When approaching an uncontrolled intersection or an intersection controlled by yield signs, members must slow to the maximum legal speed before entering the intersection and comply with all other requirements applicable to uncontrolled intersections or intersections controlled by yield signs.

Members must also keep in mind that although it is important to respond swiftly to emergencies, it is equally important to reach the destination safely. To this end, *extreme caution must be exercised* in the area of schools, intersections, and other such locations where a potential danger may arise to the public or to any member of the force.

Additionally, you could incur financial liability if a crash was to occur when you violated municipal regulations and departmental policy. *You are no good to anyone if you do not arrive safely!*

12.2.6 Classify select moving violations

As you learned in the parking enforcement lesson, traffic regulations in the district come from three (3) sources.

- DC Code
- Code of Federal Regulations
- DC Municipal Regulations (DCMR)

The following are some violations that you may encounter while on patrol. You have been given a current list containing all of the violations you are able to enforce with an NOI. You will be responsible for reading the list and researching each violation prior to issuing an NOI for that violation.

Code	Description	Effective Date	Fine	Law / Code / Regulation
T012	FAIL TO STOP OUT OF AN ALLEY The driver of a vehicle emerging from an alley, building, private road, or driveway shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, private road, or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic.	11/19/83	\$25	18 DCMR § 2207.1
T013	FAIL TO PAY ATTENTION WHILE OPERATING A VEHICLE An operator shall, when operating a vehicle, give full time and attention to the operation of the vehicle.	11/19/83	\$25	18 DCMR § 2213.4
T035	INTERFERE WITH TRAFFIC WHEN PULLING FROM CURB No person shall start a vehicle which is stopped, standing, or parked unless and until the movement can be made with reasonable safety.	06/01/10	\$100	18 DCMR § 2206.1
T048	OPERATE UNSAFE VEHICLE No person shall drive or move, or cause or knowingly permit to be driven or moved, on any street or highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, and no person shall do any act forbidden or fail to perform any act required under this chapter.	11/19/83	\$50	18 DCMR § 700.2
T057	FAIL TO SLOW AT AN INTERSECTION The driver of every vehicle shall, consistent with requirements of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing; when approaching and going around a curve; when approaching a hill crest; when traveling upon any narrow or winding roadway; and when special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions.	06/01/10	\$100	18 DCMR § 2200.5

Code	Description	Effective Date	Fine	Law / Code / Regulation
T058	FAIL TO KEEP IN LANE	06/01/10	\$100	18 DCMR § 2201
2201.8	No vehicle shall be driven over, across or within any dividing space, barrier or section, except through an opening in the physical barrier or dividing section or space or at a crossover or intersection or an unraised, paved dividing section with pavement markings only, unless otherwise directed by official traffic control devices.			
2201.9	The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon and the condition of the roadway.			
2201.10	The driver of any motor vehicle drawing another vehicle when traveling upon a roadway which is following another motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy the space in front of the drawing vehicle without danger, except that this shall not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.			
T059	CHANGE LANES WITHOUT CAUTION	06/01/10	\$100	18 DCMR § 2201.6(a)
	Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules, in addition to all other rules consistent with this subtitle shall apply:			
	(a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from that lane until the driver has first ascertained that such movement can be made with safety;			
T088	PASSING VEHICLE ON RIGHT	11/19/83	\$25	18 DCMR § 2202.5
	The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:			
	(a) When the vehicle overtaken is making or about to make a left turn;			
	(b) On a street or highway with unobstructed pavement not occupied by parked vehicles and of sufficient width for two (2) or more lines of moving vehicles in each direction; and			
	(c) On a one-way street or upon any roadway upon which traffic is restricted to one direction of movement; where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.			
T106	FAIL TO KEEP RIGHT	11/19/83	\$50	18 DCMR § 2201.1
	Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:			
	(a) When overtaking and passing another vehicle proceeding in the same direction under this section governing such movement;			
	(b) When an obstruction exists making it necessary to drive to the left of the center of the roadway; Provided, that any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard;			
	(c) Upon a roadway designated and signed for one-way traffic; or			
	(d) Upon a roadway divided into three (3) marked lanes for traffic under the applicable rules.			

Code	Description	Effective Date	Fine	Law / Code / Regulation
T112	DISOBEY TRAFFIC CONTROL DEVICE The driver of any vehicle shall obey the instructions of any official traffic control device applicable to the vehicle which has been placed in accordance with the provisions of this subtitle, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.	06/01/10	\$100	18 DCMR § 2000.4

T113	FAIL TO STOP PER REGULATIONS FACING RED SIGNAL A STEADY RED SIGNAL alone or the word "STOP" shall have the following meaning: (a) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection; (b) Stopped vehicles shall remain standing until green, green arrow, or flashing yellow is shown, except as provided in paragraph (c) of this subsection; and (c) A vehicle facing a steady red signal may cautiously enter the intersection to turn right after stopping. The vehicle shall yield right-of-way to pedestrians within an adjacent crosswalk and to other traffic lawfully using the intersection.	06/01/10	\$150	18 DCMR § 2103.7
-------------	--	-----------------	--------------	-------------------------

T115	FAIL TO GIVE HAND OR MECHANICAL TURN SIGNAL No person shall turn any vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway without giving an appropriate signal in the manner provided in this chapter if any other traffic may be affected by the movement.	06/01/10	\$100	18 DCMR §§2204.3
-------------	---	-----------------	--------------	-------------------------

Default Speed of 20mph on all DC streets – UNLESS OTHERWISE POSTED

T118	Up to 10 mph in excess of limit	06/12/20	\$50	§ 2200.1
T119	11 to 15 mph in excess of limit	06/12/20	\$100	§ 2200.1
T120	16 to 20 mph in excess of limit	06/12/20	\$150	§ 2200.1
T121	21 to 25 mph in excess of limit	06/12/20	\$200	§ 2200.1
T822	Over 25 mph in excess of limit on controlled access roadways	06/12/20	\$400	§ 2200
T823	Over 25 mph in excess of limit on non-controlled access roadways	06/12/20	\$500	§ 2200
T124	Minimum, driving too slowly	06/12/20	\$50	§ 2200.10

T125	DRIVE AT UNREASONABLE SPEED	06/01/10	\$100	18 DCMR § 2200.3
-------------	------------------------------------	-----------------	--------------	-------------------------

No person shall drive a vehicle on a street or highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.

T128	PASSING STOP SIGN WITHOUT COMING TO A FULL STOP Except when directed to proceed by a police officer, a police cadet or an official traffic control device, every driver of a vehicle approaching a STOP sign shall stop at a clearly marked stop line, but if none,	11/19/83	\$50	18 DCMR § 2208.3
-------------	---	-----------------	-------------	-------------------------

before entering the crosswalk on the near side of the intersection, or if no crosswalk, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersecting roadway.

T201	FAIL TO YIELD TO AN EMERGENCY VEHICLE	04/01/90	\$150	18 DCMR § 2210.1	Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this title, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
T206	FAIL TO CLEAR INTERSECTION	04/01/13	\$50	18 DCMR § 2201.11	No driver shall enter an intersection or marked crosswalk, unless the movement can be made such that the vehicle can completely clear the intersection without obstructing the passage of other vehicles or pedestrians, notwithstanding any official traffic control device indication to proceed. A vehicle shall not enter an intersection to turn right or left unless there is sufficient space on the roadway being entered to accommodate the vehicle.
T385	No Stopping, standing, or parking in bicycle lanes	06/12/20	\$65	18 DCMR § 2405.7	No vehicle may stop, stand, or park in bicycle lane. Provided that, stopping in a bicycle lane is only permitted when necessary to enter into a legal parking space or following directions from a police officer.
T539	VIOLATION OF RESTRICTION ON LEARNER'S PERMIT	06/01/10	\$100	18 DCMR § 102.9, 102.11 and 1100.9	102.9 No other person shall ride in or on a vehicle when the driver is under instruction, except as provided in § 102.11. 102.11 When any person in possession of a learner's permit is accompanied by a person holding a motor vehicle instructor's license, or when an unlicensed student is accompanied by an instructor holding a certificate described in § 102.7, not more than three (3) other persons may ride on the back seat of the vehicle, and then only for the sole purpose of receiving instruction. 1100.9 No person whose license to operate a motor vehicle is subject to any restriction or restrictions shall operate a motor vehicle in the District unless he or she, the motor vehicle, or both he or she and the motor vehicle, comply in every respect with the restriction(s).
T768	Improper use of restricted bicycle lanes	06/12/20	\$100	18 DCMR § 2220.7	No vehicle may enter a bicycle lane for any purpose other than when necessary. <ul style="list-style-type: none"> • Turning into a private road • Turning into alley or driveway • Turning into an intersecting roadway • To enter a legal parking space • To follow directions from a police officer • To comply with emergency vehicles

12.2.7 Issue an NOI for a moving violation

(Practice writing an NOI.)

12.2.8 Explain the procedure for adjudicating an NOI through the Bureau of Traffic Adjudication

The recipient of an NOI has the ability to contest the ticket. The request for a hearing is made to the Bureau of Traffic Adjudication (BTA). BTA is located at 955 L'Enfant Plaza SW, Washington, DC 20024 and its phone number is 202-737-4404.

When a ticket is contested and the officer appears for the hearing, he or she must be prepared to testify to the facts that resulted in the issuance of the NOI. Providing testimony in BTA is not significantly different from any other court room appearance. However, unlike a criminal case, a BTA hearing is civil in nature and requires a standard of proof that is known as a preponderance of the evidence. A preponderance of the evidence is a set of facts that shows it is more probable than not that the violation occurred and that the individual the NOI was issued to is the violator and is responsible for the violation.

Since the testimony at BTA must be based upon an officer's observations and/or investigation, these guidelines may assist:

- **Take notes** - At the time the ticket is issued, record any relevant information that is not captured on the front of the ticket in the notes section on its rear. For example, if the location of the stop differs from the location of the violation, the location on the front of the ticket must represent the location of the violation. The officer must also record the location of the stop on the rear of the ticket. The rear of the ticket is also a suitable location to record the interaction between the officer and the violator if anything significant occurred. Remember to bring your notebook to BTA if your notes are not recorded on the back of the NOI and to make a copy to present to the hearing examiner.
- **Review BWC footage** - If an officer is equipped with a BWC on a scene where an NOI is issued, it is a good practice to review that footage prior to appearing at BTA to refresh your memory of the incident.
- **Review any associated reports** - If there is a crash report, incident report, or any other official MPD document that is related to the issuance of the ticket, bring a copy of the report(s) to the hearing to present to the hearing examiner.

In order to establish a violation, the testimony must be clear and convincing. The hearing examiner should not have to ask for additional information. Also, you cannot ask permission to ask the respondent questions. You are a witness for the government and witnesses are not permitted to conduct cross examination.

Summary

It is important to remember that an officer's job is not simply to write tickets. It is an officer's job to identify when an infraction has occurred and, through use of discretion, reasonably ensure that the infraction will not occur again. In some cases this means issuing a warning for an honest mistake but in other cases it means issuing an NOI for all infractions that occurred. An officer must analyze each encounter and be guided by his or her training when deciding the appropriate course of action.

REFERENCES

Collateral for Moving Violations and Parking Violations	June 2020
GO 303.01 Traffic Enforcement	04/30/1992
District of Columbia Municipal Regulations	
District of Columbia Official Code	
Code of Federal Regulations	