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**Before the Committee on Transportation and the Environment
Council of the District of Columbia**

Performance Oversight Hearing Regarding the Department of Motor Vehicles

February 12, 2026

Legal Aid DC¹ appreciates the Department of Motor Vehicles' ("DMV") implementation of the Automated Traffic Enforcement ("ATE") ticket amnesty program offered last summer. Legal Aid's client community is comprised of low-income District residents, and for those who drive, ticket amnesty can mean the difference between affording a meal, paying rent, or maintaining automobile insurance. While the pilot program provided temporary relief from the significant financial burden of ATE tickets, Legal Aid recommends amending DMV regulations and laws to further mitigate the inequitable impacts of ATE fines and to ensure that amnesty participants retain their adjudicatory rights. In summary, Legal Aid offers the following recommendations, which are discussed in greater detail below:

¹ Legal Aid DC was formed in 1932 to "provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs." Legal Aid is the oldest and largest general civil legal services program in the District of Columbia. Over the last 92 years, Legal Aid staff and volunteers have been making justice real – in individual and systemic ways – for tens of thousands of persons living in poverty in the District. The largest part of our work is comprised of individual representation in housing, domestic violence/family, public benefits, and consumer law. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal justice system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. More information about Legal Aid can be obtained from our website, www.LegalAidDC.org.

1. Ensure that amnesty participants retain their adjudication rights, even when they receive a reduction in the cost of a ticket;
2. Amend DMV regulations to incorporate an ability-to-pay determination within DMV adjudication;
3. Expand the categories of public benefits that qualify an individual for the ATE ticket amnesty program;
4. Provide 100 percent forgiveness for any ATE tickets valued at \$100 or less; and
5. Urge the Committee on Transportation and the Environment to hold a hearing on ticket amnesty legislation.

Legal Aid submits these recommendations for the DMV's and this Committee's consideration and emphasizes that the adoption of these reforms will increase the likelihood that the DMV achieves its stated goal of promoting equity in both the forgiveness of ATE violations and its adjudicatory processes more broadly.

Recipients of Partial Ticket Amnesty Should Not Have to Give Up Due Process Rights

Legal Aid recommends that the DMV repeal DCMR § 3006.7(d)(2) in order to ensure judicial fairness in the proposed ticket amnesty program. Individuals who qualify for amnesty should not be required to surrender their adjudication rights as a condition of receiving relief. As a matter of due process, a recipient of a reduced fine should retain the ability to request a hearing regarding any remaining balance owed. However, § 3006.7(d)(2) mandates that individuals who receive a ticket reduction forfeit their right to adjudication. In addition to undermining due process, this requirement conflicts with the program's stated purpose of promoting equity for SNAP recipients and other low-income District residents who may qualify for amnesty. Low-income District residents who receive partial ticket amnesty may still be unable to pay the remaining balance. They deserve to retain their due process rights and pursue full amnesty.

Assess the Ability to Pay of Applicants for Adjudication

DMV regulations should be amended to establish an adjudicatory process that meaningfully considers an individual's ability to pay. Other jurisdictions provide effective models. For example, San Francisco incorporates ability-to-pay determinations broadly, including consideration of means-tested public benefits; residents may submit a photograph of a SNAP or TANF card as proof of indigency.² Since 2016, the California

² See Superior Court of California, County of San Francisco, <https://sf.courts.ca.gov/divisions/traffic/cant-afford-pay/cant-afford-pay-paper-option>.

Judicial Council and Superior Courts have also offered an online tool that allows individuals to look up a citation, answer a series of straightforward questions, and request a reduction in the amount owed.³ Users may additionally request a payment plan, additional time to pay, or community service. Given California's well-established framework, the DC DMV should adopt and model its ability-to-pay regulations on California Rule of Court 4.335.⁴

Regardless of whether an individual qualifies for ticket amnesty, the DMV's Adjudication Division should offer DC drivers the option to submit an ability-to-pay request through an online portal and ensure that adjudicators consider the individual's financial circumstances when resolving citations.

Expand the Public Benefits Used to Determine Income Eligibility for the Program

The DMV should expand the types of proxies for income used to determine eligibility for the program and automate eligibility by improving Department of Human Services to DMV communication. Expansion of the types of benefits programs that allow for amnesty eligibility would likely increase participation in the amnesty program, which was a challenge in last year's program according to the Lab.⁵ Further, the DMV should amend DC MR 3006.7(c)(3) to include, by reference, the criteria in D.C. Code § 15–712 (a)(1)(A)-(B), which courts use to make a determination for fee waivers for low income residents. These are proven proxies for income eligibility in the District, and would allow for an increased diversity of residents who may receive a fee reduction through the proposed lottery.

The DMV Should Forgive 100% of \$100 or Less Qualifying Tickets

³ California Courts, Judicial Branch of California, <https://courts.ca.gov/programs-initiatives/criminal-justice-services/mycitations-cant-afford-pay-your-ticket>.

⁴ California Courts, Judicial Branch of California, https://courts.ca.gov/cms/rules/index/four/rule4_335.

⁵ The Lab DC, *Can traffic fine reductions improve equity and maintain safety?* <https://thelabprojects.dc.gov/can-traffic-fine-reductions-improve-equity-and-maintain-safety> (“The program received fewer applications over the summer than expected. In response, our team conducted user research with residents from households that receive SNAP. We heard that residents might not have learned about the program because they don't always open envelopes with tickets if they feel they won't be able to pay them.”).

Research shows that DC residents consistently have the lowest share of unpaid Automated Traffic Enforcement (ATE) tickets compared to neighboring jurisdictions. While the DMV amnesty program appropriately recognized that low-income District residents often struggle to pay fines and fees, that financial hardship should not be mistaken for unwillingness to pay. The DMV can better address this issue by amending DCMR 3006.7(d) to allow 100 percent forgiveness of tickets valued at \$100 or less for qualifying participants. Specifically, in future amnesty programs, the DMV should expand relief for a small subset of eligible low-income residents by providing full forgiveness for tickets valued at \$100 or less, rather than limiting amnesty to a 50 percent reduction.

The Transportation and Environment Committee Should Hold a Hearing on Ticket Amnesty Legislation

Legal Aid also urges this Committee to hold a hearing on B26-0417, the *Ticket Amnesty Act of 2025*. As introduced, the bill would require a six-month amnesty program to begin immediately upon enactment, mirroring the 2025 program promulgated by the DMV. The bill is consistent with recommendations from the Mayor's Task Force on Automated Traffic Enforcement Equity and Safety, and the recognition of the Task Force that DC's adoption of ticket amnesty is beneficial for low-income DC drivers.⁶ We concur with the Mayor's Task Force and respectfully request that ticket amnesty be further strengthened in accordance with the recommendations outlined in this testimony.

Conclusion

Legal Aid DC appreciates the DMV's consideration of our suggestions and commends the DMV's efforts to respond to the findings of the Mayor's Task Force on Automated Traffic Enforcement Equity and Safety by creating increased fairness in light of the harmful effects of ATEs on low-income DC residents.

⁶ District of Columbia Mayor's Task Force on Automated Traffic Enforcement Equity and Safety, Report (2024),
<https://static1.squarespace.com/static/5d2361aa11fed60001f7ab3a/t/665a08e4a8eef700a496d9ff/1717176548745/Task+Force+Report+on+Automated+Traffic+Enforcement+Equity+and+Safety.pdf>.