

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the District of Columbia Traffic Act, 1925 and Title 18 of the District of Columbia Municipal Regulations to eliminate the road test exemption for a motorized bicycle license, to increase penalties for reckless driving, to prohibit the operation of an all-terrain vehicle or dirt bike on public property including any public space in the District; and to amend the District of Columbia Municipal Regulations to clarify that certain restrictions applicable to the use of motor vehicles also apply to the use of motorized bicycles.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Non-Traditional Motor Vehicles Safety Amendment Act of 2004".

Sec. 2. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.01 *passim*), is amended as follows:

(a) Section 2 (D.C. Official Code § 50-2201.02) is amended by adding 2 new paragraphs (13) and (14) to read as follows:

Amend
§ 50-2201.02

"(13) The term "all-terrain vehicle" or "ATV" means any motor vehicle with not less than 3 low pressure tires, but not more than six low pressure tires, designed primarily for off-road use and which has a seat or saddle designed to be straddled by the operator. The terms "all-terrain vehicle" and "ATV" shall not include golf carts, riding lawnmowers, or tractors.

"(14) The term "dirt bike" means any motorcycle designed primarily for off-road use."

(b) Section 7(a)(1)(B)(ii) (D.C. Official Code § 50-1401.01(a)(1)(B)(ii)) is amended by striking the phrase "Mayor. No practical demonstration shall be required for a motorized bicycle permit; and" and inserting the phrase "Mayor; and" in its place.

Amend
§ 50-1401.01

(c) Section 9(c) (D.C. Official Code § 50-2201.04(c)) is amended to read as follows:

Amend
§ 50-2201.04

"(c) Any individual violating any provision of this section where the offense constitutes reckless driving shall upon conviction for the 1st offense be fined not more than \$500 or imprisoned not more than 3 months, or both; upon conviction for the 2nd offense committed within a 2-year period shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both; and upon conviction for the 3rd or any subsequent offense committed within a 2-year period of the 1st offense shall be fined not more than \$3,000 or imprisoned not more than 1 year, or both."

(d) A new section 9b is added to read as follows:

"Sec. 9b. Operation of all-terrain vehicles and dirt bikes.

"(a) No person shall operate at any time an all-terrain vehicle or dirt bike on public property including any public space in the District.

"(b) All-terrain vehicles or dirt bikes shall not be registered with the Department of Motor Vehicles.

"(c) Any individual violating any provision of this section shall upon conviction be fined not more than \$1,000 or imprisoned not more than 30 days, or both. All such prosecutions shall be in the Superior Court of the District of Columbia upon information filed by the Attorney General of the District of Columbia or any of his assistants in the name of the District of Columbia."

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Sec. 3. Title 18 of the District of Columbia Municipal Regulations (Vehicles and Traffic) is amended as follows:

(a) Chapter 1 is amended as follows:

(1) Section 104.3 is amended by striking the phrase "Provided, that no demonstration shall be required for a motorized bicycle license".

(2) Sections 107.14 and 107.15 are repealed.

(b) Section 601.7 is amended by striking the phrase "three (3)" and inserting the phrase "two (2)" in its place.

(c) Section 1201.17 is amended to read as follows:

"1201.17 All provisions of this section shall be equally applicable to the operation and riding of motorized bicycles, except as specifically provided in this chapter; provided, that nothing in this chapter shall be construed as to limit the applicability of Chapters 1, 4, 5, 6, and 7 with respect to the licensing, registration, inspection, or equipment of motorized bicycles or motorcycles."

Sec. 4. 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. 812; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. 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

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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