

AN ACT

Codification
District of
Columbia
Official Code

2001 Edition

2007 Winter
Supp.

West Group
Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Traffic Act, 1925 to define a personal mobility device and to clarify that a personal mobility device is not a motor vehicle; and to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Personal Mobility Device Amendment Act of 2006".

TITLE I. PERSONAL MOBILITY DEVICE.

Sec. 101. 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 as follows:

Amend
§ 50-2201.02

(1) Subsection (a) is amended to read as follows:

“(a) The term “motor vehicle” means all vehicles propelled by internal-combustion engines, electricity, or steam. The term “motor vehicle” shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, personal mobility devices, as defined by subsection (m) of this section, or a battery-operated wheelchair when operated by a person with a disability.”.

(2) A new subsection (m) is added to read as follows:

"(m) The term "Personal Mobility Device" or "PMD" means a motorized propulsion device designed to transport one person or a self-balancing, two non-tandem wheeled device, designed to transport only one person with an electric propulsion system, but excluding a battery-operated wheelchair.”.

(b) A new section 6a is added to read as follows:

"Sec. 6a. Regulations for personal mobility devices.”

"(a) The Mayor shall promulgate regulations governing the PMD, including:

(1) Exempting the personal mobility device from the regulations governing motor vehicles;

(2) Establishing a registration process, such as, for example, requiring that each PMD bear a serial number, valid registration tag, or valid registration plate;

(3) Establishing a fine schedule for violations of the PMD regulations; and

(4) Providing an adjudication process for violations of PMD law and regulations.

"(b) Regulations promulgated pursuant to this section shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, holidays, and days of Council recess. If the proposed rules are not approved within the 45-day period of review, the rules shall be deemed disapproved."

(c) Section 7(f) (D.C. Official Code § 50-1401.01(f)) is amended to read as follows:

Amend
§ 50-1401.01

"(f) For purposes of this section and sections 8 and 13, the term "motor vehicle" means all vehicles propelled by internal-combustion engines, electricity, or steam. The term "motor vehicle" shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, personal mobility devices, as defined by section 2(m), or a battery-operated wheelchair when operated by a person with a disability."

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

"Sec. 9a. Operation of personal mobility devices."

"A personal mobility device shall not be operated:

"(1) In the District if it has not been validly registered, unless it is validly registered in another jurisdiction, when required by applicable law of that jurisdiction, and bears readily visible evidence of being registered.

"(2) By a person under 16 years of age;

"(3) Above the maximum speed limit of 10 miles per hour;

"(4) Upon a sidewalk within the Central Business District, as defined by section 9901 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901);

"(5) By a person carrying any package, bundle, or other article that hinders the person from keeping both hands on the handlebars; or

"(6) On any roadway or sidewalk while the person is wearing a headset, headphone, or earphone, unless the device is used to improve the hearing of a person with a hearing impairment or covers or is inserted in one ear only."

TITLE II. CONFORMING AMENDMENTS

Sec. 201. Section 3(17) of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2402(17)), is amended to read as follows:

Amend
§ 31-2402

"(17) The term "motor vehicle" means any device propelled by an internal-combustion engine, electricity, or steam, including any non-operational vehicle that is being restored or repaired. The term "motor vehicle" does not include traction engines used exclusively for drawing vehicles in fields, road rollers, vehicles propelled only upon rails and tracks, personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

ENROLLED ORIGINAL

**Amend
§ 50-601**

Sec. 202. Section 1(6) of An Act To provide for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia, and for other purposes, approved April 22, 1960 (74 Stat. 69; D.C. Official Code § 50-601(6)), is amended to read as follows:

"(6) "Motor vehicle" means any automobile, mobile home, motorcycle, truck, truck tractor, trailer, semi-trailer, or bus. The term "motor vehicle" shall not include any boat trailer, any vehicle propelled or drawn exclusively by muscular power, any vehicle designed to run only on rails or tracks, a personal mobility device, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

**Amend
§ 50-1108**

Sec. 203. Section 8 of an Act to provide for the annual inspection of all motor vehicles in the District of Columbia, approved February 18, 1938 (52 Stat. 78; D.C. Official Code § 50-1108), is amended to read as follows:

"Sec. 8. As used in this act, the term "motor vehicle" means all vehicles propelled by internal-combustion engines, electricity, or steam. The term "motor vehicle" shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, personal assistive mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

**Amend
§ 50-1201**

Sec. 204. Section 1 of An Act To provide for the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers, and for other purposes, approved July 2, 1940 (54 Stat. 736; D.C. Official Code § 50-1201), is amended as follows:

(a) The lead-in language is amended by striking the phrase "That as used herein—" and inserting the phrase "For the purposes of this act, the term:" in its place.

(b) The undesignated paragraphs are designated paragraphs (1) through (8).

(c) A new paragraph (9) is added to read as follows:

"(9) "Motor vehicle" means all vehicles propelled by internal-combustion engines, electricity, or steam. The term "motor vehicle" shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

**Amend
§ 50-1301.02**

Sec. 205. Section 2(4) of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 120; D.C. Official Code § 50-1301.02(4)), is amended to read as follows:

ENROLLED ORIGINAL

"(4) Motor vehicle" means every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. The term "motor vehicle" shall not include personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

**Amend
§ 50-1501.01**

Sec. 206. Section 1(a) of Title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01(1)), is amended as follows:

"(a) The term "motor vehicle" means any vehicle propelled by internal-combustion engine, electricity, or steam, including any non-operational vehicle that is being restored or repaired. The term "motor vehicle" shall not include road rollers, farm tractors, vehicles propelled only upon stationary rails or tracks, personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

**Amend
§ 50-1505.01**

Sec. 207. Section 2(b) of the Rental Vehicle Tax Reform Act of 1978, effective March 6, 1979 (D.C. Law 2-157; D.C. Official Code § 50-1505.01(2)), is amended to read as follows:

"(b) The term "motor vehicle" means any device propelled by an internal-combustion engine, and designed to carry passengers. The term "motor vehicle" shall not include road rollers, farm tractors, trucks, motorcycles, motorized bicycles, vehicles with a seating capacity of 10 or more persons, vehicles propelled only upon rails and tracks, personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

**Amend
§ 50-1901**

Sec. 208. Section 1(8) of the District of Columbia Implied Consent Act, approved October 21, 1972 (86 Stat. 1016; D.C. Official Code § 50-1901(8)), is amended to read as follows:

"(8) The term "motor vehicle" means all vehicles propelled by internal combustion engines, electricity, or steam. The term "motor vehicle" shall not include personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

**Amend
§ 50-2301.02**

Sec. 209. Section 102(e-1) of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.02(5a)), is

amended as follows:

"(e-1) The term "motor vehicle" means all vehicles propelled by an internal-combustion engine, electricity, or steam. The term "motor vehicle" shall not include traction engines, road rollers, vehicles propelled only upon stationary rails or tracks, personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when a person with a disability."

Amend
§ 50-2602

Sec. 210. Section 2 of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 91; D.C. Official Code § 50-2602(5)), is amended as follows:

- (a) The undesignated paragraphs are designated as paragraphs (1) through (4).
- (b) A new paragraph (5) is added to read as follows:

"(5) The term "motor vehicle" means any device propelled by an internal combustion engine, electricity, or steam. The term "motor vehicle" shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, personal mobility devices, as defined by section 2(m) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), or a battery-operated wheelchair when operated by a person with a disability."

DCMR

Sec. 211. Title 18 of the District of Columbia Municipal Regulations (Vehicles and Traffic) is amended as follows:

- (a) Chapter 12 is amended as follows:

- (1) The heading is amended to read as follows:

§ 18-1200. Bicycles, Motorized Bicycles, and Personal Mobility Devices: General Provisions".

(2) Subsection 1200.4 is amended by adding the phrase "or personal mobility device." at the end.

(3) Subsection 1200.6 is amended by striking the phrase "bicycle, sidewalk bicycle, or an electric personal assistive mobility devices." and inserting the phrase "bicycle, sidewalk bicycle, or a personal mobility device." in its place.

- (4) Subsection 1200.8 is amended to read as follows:

"1200.8 No person, except for impoundment by the Mayor, shall tamper with any bicycle or personal mobility device that has been locked, placed in a rack, or otherwise secured. Any person found tampering with any bicycle or personal mobility device may be required to pay a fine of \$100."

- (5) Add a new subsection 1200.11 to read as follows:

"1200.11 No person shall travel above the maximum speed of 10 miles per hour while operating a personal mobility device. Any person traveling faster than the maximum speed of 10 miles per hour may be required to pay a fine."

(6) Subsection 1201.2 is amended to read as follows:

"1201.2 A person shall operate a bicycle, sidewalk bicycle or personal mobility device in a safe and non-hazardous manner so as not to endanger himself or herself or any other person."

(7) Subsections 1201.9, 1201.10, 1201.11, and 1201.12 are amended to read as follows:

"1201.9 There shall be no prohibition against any person riding a bicycle or personal mobility device upon a sidewalk within the District, so long as the rider does not create a hazard; provided, that no person shall ride a bicycle or operate a personal mobility device upon a sidewalk within the Central Business District except on those sidewalks expressly designated by Order of the Mayor, nor shall any person ride a bicycle upon a sidewalk in any area outside of the Central Business District if it is expressly prohibited by Order of the Mayor and appropriate signs to such effect are posted.

"1201.10 Any person riding a bicycle or personal mobility device upon a sidewalk shall yield the right-of-way to pedestrians, and shall travel at a speed no greater than the posted speed limit of the adjacent roadway; provided, that such speed is safe for the conditions then existing on the sidewalk.

"1201.11 A person propelling a bicycle or operating a personal mobility device upon and along a sidewalk or while crossing a roadway in a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, except that the bicyclist or personal mobility device operator must yield to pedestrians on the sidewalk or crosswalk.

"1201.12 The operator of a bicycle or personal mobility device emerging from, or entering an alley, driveway, or building, shall upon approaching a sidewalk, or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway, to the extent necessary to safely enter the flow of traffic."

(b) Subsection 2217.5 of Chapter 22 is amended by striking the phrase "electric personal assistive mobility devices," and inserting the phrase "personal mobility devices," in its place.

(c) Chapter 40 is amended as follows:

(1) Subsection 4005.1 is amended by striking the phrase "electric personal assistive mobility devices," and inserting the phrase "personal mobility devices," in its place.

(2) Subsection 4006.1 is amended by striking the phrase "electric personal assistive mobility devices," and inserting the phrase "personal mobility devices," in its place.

(d) Chapter 99 is amended as follows:

(A) Strike the phrase "Electric Personal Assistive Mobility Device" and insert the phrase "Personal Mobility Device" in its place.

(B) Add a new definition to read as follows:

"Personal Mobility Device" or "'PMD'" means a motorized propulsion device, designed to transport one person or a self-balancing, two non-tandem wheeled device, designed to transport only one person with an electric propulsion system, but excluding a battery-operated wheelchair.".

TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE

Sec. 301. 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. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 302. 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 11 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