

AN ACT

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District of
Columbia
Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, An Act To provide for the regulation of finance charges for the retail installment sales of motor vehicles in the District of Columbia and for other purposes, An Act To provide for the annual inspection of all motor vehicles in the District of Columbia, 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, the Motor Vehicle Safety Responsibility Act of the District of Columbia, the District of Columbia Revenue Act of 1937, the Rental Vehicle Tax Reform Act of 1978, the District of Columbia Implied Consent Act, the District of Columbia Traffic Adjudication Act of 1925, the District of Columbia Traffic Adjudication Act of 1978, the District of Columbia Motor Vehicle Parking Facility Act of 1942, and Title 18 of the District of Columbia Municipal Regulations, to define "electric personal assistive mobility device", to exempt electric personal assistive mobility devices from the definitions of "motor vehicle", to authorize the Mayor to promulgate regulations to exempt electric personal assistive mobility devices from the requirements pertaining to motor vehicles.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Amendment Act of 2002".

Sec. 2. 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, electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201(l)), and

battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

Sec. 3. 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:

Amend § 50-601

"(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, electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201(l)), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

Sec. 4. 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:

Amend § 50-1108

"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, electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201(l)), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

Sec. 5. 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:

Amend § 50-1201

- (a) The undesignated subsections are designated as subsections (a) through (i).
- (b) The newly designated subsection (i) is amended to read as follows:

"(i) "Motor vehicle" shall mean 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, electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201(l)), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

ENROLLED ORIGINAL

Sec. 6. 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:

**Amend
§ 50-1301.02**

"(4) Motor vehicle. -- Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. The term 'motor vehicle' shall not include electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201(l)), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

Sec. 7. 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 to read as follows:

**Amend
§ 50-1501.01**

"(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, electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201(l)), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

Sec. 8. 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:

**Amend
§ 50-1505.01**

"(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 ten or more persons, vehicles propelled only upon rails and tracks, electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201(l)), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

Sec. 9. 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:

**Amend
§ 50-1901**

"(8) The term "motor vehicle" means all vehicles propelled by internal combustion engines, electricity, or steam. The term "motor vehicle" shall not include electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201(l)), and

battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

Sec. 10. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201 *et seq.*), 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, electric personal assistive mobility devices, as defined by subsection (l) of this section, and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

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

"(l) "Electric Personal Assistive Mobility Device" or "EPAMD" means a device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 10 miles per hour or less."

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

New
§ 50-2201.03a

"Sec. 6a. Regulations for electric personal assistive mobility devices.

"(a) The Mayor shall promulgate regulations to exempt electric personal assistive mobility devices from the regulations governing motor vehicles.

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

New
§ 50-2201.04a

"Sec. 9a. Age requirement for operation of an electric personal assistive mobility device.

"No person under 16 years of age may operate an electric personal assistive mobility device in the District of Columbia."

(d) 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, electric personal assistive mobility devices, as defined by section 2(1), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

Sec. 11. 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 to read as follows:

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"(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, electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201(l)), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

**Amend
§ 50-2301.02**

Sec. 12. 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), is amended to read as follows:

(a) The undesignated paragraphs are designated as paragraphs (1) through (5).

(b) The newly designated paragraph (5) is amended to read as follows:

**Amend
§ 50-2602**

"(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, electric personal assistive mobility devices, as defined by section 2(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201(l)), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

Sec. 13. Title 18 of the District of Columbia Municipal Regulations (Vehicles and Traffic) is amended as follows:

(a) Chapter 12 is amended as follows:

(1) Subsection 1200.4 is amended to read as follows:

"1200.4 No operator's permit shall be required for the operation of a bicycle or an electric personal assistive mobility device."

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(2) Subsection 1200.6 is amended to read as follows:

"1200.6 No points shall accrue toward the loss or suspension of a motor vehicle operator's permit by reason of a violation committed while operating a bicycle, sidewalk bicycle, or an electric personal assistive mobility device."

(3) 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 electric personal assistive mobility device which has been locked, placed in a rack, or otherwise secured. Any person found tampering with any bicycle or electric personal assistive mobility device may be required to pay a fine of \$100."

(4) Subsections 1201.2, 1201.9, 1201.10, 1201.11, and 1201.12 are amended to read as follows:

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

"1201.9 There shall be no prohibition against any person riding a bicycle or electric personal assistive 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 an electric personal assistance 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 electric personal assistive 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 an electric personal assistive 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 electric personal assistive mobility device operator must yield to pedestrians on the sidewalk or crosswalk.

"1201.12 The operator of a bicycle or electric personal assistive 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 to read as follows:

"2217.5 No vehicle except buses proceeding on a designated bus route, bicycles, electric personal assistive mobility devices, and authorized emergency vehicles shall travel on those streets or portions of streets designated as bus streets or bus lanes except as provided in §§ 2217.6, 2217.7, 4005 and 4006."

(c) Chapter 40 is amended as follows:

(1) Subsection 4005.1 is amended to read as follows:

"4005.1 The traffic lane closest to the right hand curb on the streets listed in this subsection shall be designated a Restricted Lane and reserved for the use of buses, carpools, taxicabs, bicycles, motorized bikes, motorcycles, electric personal assistive mobility devices, or other designated vehicles during the hours and on the days indicated."

(2) Subsection 4006.1 is amended to read as follow:

ENROLLED ORIGINAL

"4006.1 No vehicles shall travel on bus streets except buses proceeding on designated bus routes, bicycles, electric personal assistive mobility devices, or authorized emergency vehicles, except as otherwise provided in this section."

(d) Chapter 99 is amended by adding the following new definition to section 9901:

"Electric Personal Assistive Mobility Device" or "EPAMD" means a device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 10 miles per hour or less."

Sec. 14. Sunset.

This act shall expire on October 1, 2005.

Sec. 15. Fiscal impact statement.

There is no fiscal impact associated with the provisions of the Motor Vehicle Electric Personal Assistive Mobility Device Amendment Act of 2002. Funds are sufficient in the FY 2003 through FY 2006 budget and financial plan to implement the proposed legislation.

Sec. 16. 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 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Note,
§§ 31-2402,
50-601,
50-1108,
50-1201,
50-1301.02,
50-1501.01,
50-1505.01,
50-1901,
50-2201.02,
50-2201.03a,
50-2201.04a,
50-1401.01,
50-2301.02,
50-2602

Chairman
Council of the District of Columbia

Mayor
District of Columbia