

AN ACT
D.C. ACT 19-658

Codification
District of Columbi:
Official Code
2001 Edition

Summer 2013

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 29, 2013

To amend the Compulsory/No Fault Motor Vehicle Insurance Act of 1982 to eliminate the requirement that a motorized bicycle be insured; to amend An Act To provide for the annual inspection of all motor vehicles in the District of Columbia to eliminate the requirement that a motorized bicycle be inspected; to amend 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 to remove motorized bicycles from its requirements; to amend the District of Columbia Traffic Act, 1925 to eliminate the requirement that an operator of a motorized bicycle have a driver’s license and to replace motorized bicycles with motor-driven cycles as an exception to the 40 miles per gallon and above exemption for the payment of excise taxes; to amend the District of Columbia Revenue Act of 1937 to eliminate the requirement that a motorized bicycle be registered; to amend Title 18 of the District of Columbia Municipal Regulations to delete moped from the waiver of meeting the requirements of the National Traffic and Motor Safety Act of 1966, to require of those riding motor-driven cycles some of the riding and safety standards required of those riding motorcycles, to revise the definitions of motorcycle, motor-driven cycle, and motorized bicycle, and to repeal the definition of moped.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Motorized Bicycle Amendment Act of 2012”.

Sec. 2. The Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2401 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 31-2402) is amended as follows:

(1) Paragraph (16) is amended to read as follows:

“(16) The term “motorcycle” means a motor vehicle that has a seat or saddle for the use of the operator and is designed to travel on no more than 3 wheels in contact with the ground. The term “motorcycle” does not include a 3-wheeled motor vehicle with a cab and windshield tractor, a motor-driven cycle, or a motorized bicycle unless operated at speeds in excess of 30 miles per hour.”.

Amend
§ 31-2402

ENROLLED ORIGINAL

(2) Paragraph (17) is amended to read as follows:

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

(b) Section 7(c-1) (D.C. Official Code § 31-2406(c-1)), is amended by striking the phrase “except for the operation of motorcycles” and inserting the phrase “except for the operation of motorcycles and motor-driven cycles” in its place.

Amend
§ 31-2406

Sec. 3. Section 8 of An Act To provide for the annual inspection of all motor vehicles in the District of Columbia, effective March 15, 1985 (D.C. Law 5-176; 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 a vehicle propelled by an internal-combustion engine, electricity, or steam. The term "motor vehicle" shall not include a traction engine, road roller, vehicle propelled only upon rails or tracks, personal assistive mobility device, as defined by section 2(12) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(12)), a battery-operated wheelchair when operated by a person with a disability, or a motorized bicycle.”.

Sec. 4. Section 1(9) 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 to read as follows:

Amend
§ 50-1201

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

Sec. 5. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.01 *et seq.*), is amended as follows:

(a) Section 6(j)(3)(J) (D.C. Official Code § 50-2201.03(j)(3)(J)) is amended by striking the phrase “motorized bicycles” and inserting the phrase “motor-driven cycles” in its place.

Amend
§ 50-2201.03

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

Amend
§ 50-1401.01

ENROLLED ORIGINAL

“(f) For purposes of this section and sections 8 and 13, the term "motor vehicle" means a vehicle propelled by an internal-combustion engine, electricity, or steam. The term "motor vehicle" shall not include a traction engine, road roller, vehicle propelled only upon rails or tracks, personal assistive mobility device, as defined by section 2(12), a battery-operated wheelchair when operated by a person with a disability, or a motorized bicycle.”.

Sec. 6. The District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01), is amended as follows:

(a) Section 1(1) (D.C. Official Code § 50-1501.01(1)) is amended to read as follows:

**Amend
§ 50-1501.01**

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

(b) Section 3(b)(5) (D.C. Official Code § 50-1501.03(b)(5)) is amended by striking the phrase “motorized bicycle” and inserting the phrase “ motor-driven cycle” in its place.

**Amend
§ 50-1501.03**

Sec. 7. Title 18 of the District of Columbia Municipal Regulations (18 DCMR) is amended as follows:

DCMR

(a) Section 413.6 (18 DCMR § 413.6) is amended by striking the phrase “motorized bicycle” and inserting the phrase “motor-driven cycle” in its place.

(b) Section 422.2 (18 DCMR § 422.2) is amended by striking the phrase “Motorized bicycles” and inserting the phrase “Motor-driven cycles” in its place.

(c) Section 601 (18 DCMR § 601.1 *et seq.*) is amended as follows:

(1) Subsection 601.4 (18 DCMR § 601.4) is amended to read as follows:

“601.4. Except as provided in § 601.5, vehicles registered in the District of Columbia shall be inspected periodically for exhaust emissions and compliance with this Title as follows:

“(a) Passenger vehicle: every two (2) years;

“(b) Motorcycle: every two (2) years;

“(c) Bus: semiannually; except as provided in (d);

“(d) Bus owned or leased by the Washington Metropolitan Area Transit

Authority: annually;

“(e) Taxicab and other public vehicles-for-hire: semiannually;

“(f) Motor-driven cycle: every two (2) years;

“(g) Repealed;

“(h) Commercial vehicle: annually;

“(i) Tow truck: annually;

“(j) Vehicle registered as a class F(I) historic motor vehicle: one (1) time, at time of registration, plus an inspection limited to confirming the odometer reading every two (2) years;

“(k) Vehicle registered as a class F(II) historic motor vehicle: one (1) time, at time of registration; and

“(l) All other motor vehicles: every two (2) years.”.

(2) Subsection 601.8 (18 DCMR § 601.8) is amended to read as follows:

“601.8 The fees for inspections shall be as follows:

“(a) Passenger vehicle, including historic motor vehicle: \$35;

“(b) Motor driven cycle: \$35;

“(c) Motorcycle: \$35;

“(d) Commercial vehicles and vehicles-for-hire, including all buses: \$35;

“(e) Trailers, based upon the manufacturer’s shipping weight: \$35;

“(f) Tow truck: \$35;

“(g) Salvage vehicle: \$35;

“(h) New vehicles for which an inspection is not required but for which a sticker is required: \$10; and

“(i) All other motor vehicles: \$35.”.

(d) Section 607 (18 DCMR § 607) is amended by striking the phrase “motorized bicycles” wherever it appears and inserting the phrase “motor-driven cycles” in its place.

(e) Section 700.9 (18 DCMR § 700.9) is amended by striking the phrase “; except that mopeds need not display such a certification of compliance”.

(f) Section 704 (18 DCMR 704 *et seq.*) is amended as follows:

(1) Subsection 704.1 (18 DCMR § 704.1) is amended by striking the phrase “motorized bicycle” and inserting the phrase “motor-driven cycle” in its place.

(2) Subsection 704.3 (18 DCMR § 704.3) is amended by striking the phrase “motorized bicycle” and inserting the phrase “motor-driven cycle” in its place.

(3) Subsection 704.4 (18 DCMR § 704.4) is amended by striking the phrase “motorized bicycle” and inserting the phrase “motor-driven cycle” in its place.

(g) Section 705.2 (18 DCMR § 705.2) is amended by striking the phrase “and motorized bicycles” and inserting the phrase “and motor-driven cycles” in its place.

(h) Section 706 (18 DCMR 706.1 *et seq.*) is amended as follows:

(1) Subsection 706.2 (18 DCMR § 706.2) is amended by striking the phrase “motorized bicycles” and inserting the phrase “motor-driven cycles” in its place.

(2) Subsection 706.4 (18 DCMR § 706.4) is repealed.

(3) Subsection 706.6 (18 DCMR § 706.6) is amended as follows:

(A) Strike the phrase “motorized bicycle” and insert the phrase motor-driven cycle” in its place.

(B) Add the sentence “Each new motorized bicycle sold and operated upon a street or highway shall carry on the rear, either as part of the tail lamp or separately, one (1) red reflector that meets the requirements of this section.” at the end.

(i) Subsection 715.4 (18 DCMR § 715.4) is amended by striking the phrase “motorized bicycle” and inserting the phrase “motor-driven cycle” in its place.

(j) Subsection 718.1 (18 DCMR § 718.1) is amended by striking the phrase “motorized bicycle” and inserting the phrase “motor-driven cycle” in its place.

(k) Subsection 720.3 (18 DCMR § 720.3) is amended by striking the phrase “motorized bicycles” and inserting the phrase “motor-driven cycles” in its place.

(l) Section 724.1 (18 DCMR § 724.1) is amended by striking the phrase “and motorized bicycles” in Row B1 of Column 1 and inserting the phrase “motor-driven cycles, and motorized bicycles” in its place.

(m) Section 733.1 (18 DCMR § 733.1) is amended by striking the phrase “motorized bicycles” and inserting the phrase “motor-driven cycles” in its place.

(n) Section 737 (18 DCMR § 737) is amended by striking the phrase “motorized bicycles” wherever it appears and inserting the phrase “motor-driven cycles” in its place.

(o) Section 2215 (18 DCMR § 2215) is amended as follows:

(1) The section heading is amended by striking the phrase “RIDING ON MOTORCYCLES” and inserting the phrase “RIDING ON MOTORCYCLES AND MOTOR-DRIVEN CYCLES” in its place.

(2) Subsections 2215.1, 2215.2, and 2215.3 (18 DCMR §§ 2215.1, 2215.2, and 2215.3) are amended to read as follows:

“2215.1 A person operating a motorcycle or motor-driven cycle shall ride only upon the permanent and regular seat attached, and the operator shall not carry any other person nor shall any other person ride on a motorcycle or motor-driven cycle unless the motorcycle or motor-driven cycle is designed to carry more than one person.

“2215.2 If a motorcycle or motor-driven cycle is equipped to carry more than one (1) person, the passenger may ride upon the permanent, regular seat if designed for two (2) persons, upon another seat firmly attached in a position to the rear or side of the motorcycle or motor-driven cycle and provided with foot rests and handgrips, or in a side car attached to the motorcycle.

“2215.3 No person shall operate or ride upon a motorcycle or motor-driven cycle unless wearing a protective helmet in the manner for which the helmet was designed and of a type approved by the Director. [See chapter 7].”

(p) Section 2400.8 (18 DCMR § 2400.8) is amended by striking the phrase “or motorized bicycle” wherever it appears and inserting the phrase “, motor-driven cycle, or motorized bicycle” in its place.

(q) Section 2405.1(h) (18 DCMR § 2405.1(h)) is amended to read as follows:

“(h) On the sidewalk; provided, that a motor-driven cycle may be parked on the sidewalk if it:

“(1) Is outside of the Central Business District, as defined by section 9901.1 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901.1);

“(2) Is not attached to any tree, tree box, or planting area; and

“(3) Does not block the path of pedestrians and maintains an ADA compliant clearance from any other obstruction, as defined in section 4.3 of the ADA Accessibility Guidelines.”.

(r) Section 2411.13 (18 DCMR § 2411.13) is amended by striking the phrase “motorized bicycle” and inserting the phrase “motor-driven cycle” in its place.

(s) Section 2600.1 (18 DCMR § 2600.1) is amended as follows:

(1) Strike the phrase “Motorized bicycles (See also violations for other vehicles) Operating unregistered minibike or motorized bicycle [§ 411.1] \$50” and insert the phrase “Motorized bicycles Operating in excess of 20 miles per hour [§ 9901] \$100” in its place.

(2) Insert the phrase “Motor-driven cycle (see also violations for other vehicles) Failure to wear protective helmet while riding a motor-driven cycle. [§ 2215] \$75 Improper riding on [§ 2215] \$25 Operating in excess of 30 miles per hour [§ 9901] \$100” in between the “Motorcycles” and “No bus streets” infractions.

(t) Section 4019.11 (18 DCMR § 4019.11) is amended by striking the phrase “motor scooter” and inserting the phrase “motor-driven cycle” in its place.

(u) Section 4023.5 (18 DCMR § 4023.5) is amended by striking the phrase “motor scooter.”.

(v) Section 9901 (18 DCMR § 9901) is amended as follows:

(1) The definition of “moped” is repealed.

(2) The definition of “motorcycle” is amended to read as follows:

“Motorcycle – a motor vehicle that has a seat or saddle for the use of the operator and has two (2) or three (3) wheels in contact with the ground. The term “motorcycle” does not include a tractor, a motor driven cycle or motorized bicycle unless operated at speeds in excess of thirty miles per hour (30 mph), or a three (3)-wheeled motor vehicle with a cab and windshield.”.

(3) The definition of the term “motor-driven cycle” is amended to read as follows:

“Motor-driven cycle – a motor vehicle that has:

“(a) A seat or saddle for the use of the operator and has:

“(b) Two (2) or three (3) wheels in contact with the ground;

“(c) A gas, electric, or hybrid motor with a maximum piston or rotor displacement of fifty cubic centimeters (50 cc), or its equivalent, which will propel the device unassisted at a maximum speed no greater than thirty miles per hour (30 mph). A motor-driven cycle shall be a motorcycle when operated at speeds in excess of thirty miles per hour (30 mph) and the operator shall be required to have on his or her possession a valid motorcycle endorsement; and

“(d) A direct or automatic power drive system which requires no clutch or gear shift operation by the operator after the drive system is engaged with the power unit.”.

(4) The definition of the term “Motorized Bicycle” is amended to read as follows:

“Motorized bicycle” – a vehicle that has:

“(a) A post mounted seat or saddle for each person that the device is designed and equipped to carry;

“(b) A vehicle with two (2) or three (3) wheels in contact with the ground, which are at least sixteen inches (16 in.) in diameter;

“(c) Fully operative pedals for human propulsion; and

“(d) A motor incapable of propelling the device at a speed of more than twenty miles per hour (20 mph) on level ground.

“A motorized bicycle shall be a motorcycle when operated by motor at speeds in excess of thirty miles per hour (30 mph) and the operator shall be required to have on his or her possession a valid motorcycle endorsement. A motorized bicycle shall be a motor-driven cycle when operated by motor at speeds in excess of twenty miles per hour (20 mph) and the operator shall be required to have on his or her possession a valid driver’s license.”.

Sec. 8. 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. 9. 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,

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approved December 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
APPROVED
January 29, 2013



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

Docket No. **B19-995**

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 12-04-12

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

BARRY

ROLL CALL VOTE – Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Catania	X				Orange	X			
Alexander	X				Cheh	X				Wells	X			
Barry				X	Evans	X								
Bowser	X				Graham	X								
Brown	X				McDuffie	X								

X – Indicate Vote

AB – Absent

NV – Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

1-18-13

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 12-18-12

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ALL PRESENT

ROLL CALL VOTE – Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Brown	X				McDuffie	X			
Alexander	X				Catania	X				Orange	X			
Barry	X				Cheh	X				Wells	X			
Bonds	X				Evans	X								
Bowser	X				Graham	X								

X – Indicate Vote

AB – Absent

NV – Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

1-18-13

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE – Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson					Brown					McDuffie				
Alexander					Catania					Orange				
Barry					Cheh					Wells				
Bonds					Evans									
Bowser					Graham									

X – Indicate Vote

AB – Absent

NV – Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

Date