

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 5-176

"Motor Vehicle Definition Wheelchair  
Exception Amendment Act of 1984".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 5-382 on first and second readings, December 4, 1984 and December 18, 1984, respectively. Following the signature of the Mayor on January 11, 1985, this legislation was assigned Act No. 5-241, published in the February 8, 1985 edition of the D.C. Register, (Vol. 32 page 748) and transmitted to Congress January 23, 1985 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 5-176, effective March 15, 1985.

  
DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	23,24,25,28,29,30,31
February	1,4,5,6,7,19,20,21,22,25,26,27,28
March	1,4,5,6,7,8,11,12,13,14

D.C. ACT 5 - 241

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JAN 11 1985

To amend the District of Columbia Traffic Act, 1925, the District of Columbia Revenue Act of 1937, 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, 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, the District of Columbia Motor Vehicle Parking Facility Act of 1942, the District of Columbia Implied Consent Act, the District of Columbia Traffic Adjudication Act of 1978, the Rental Vehicle Tax Reform Act of 1978, and the Compulsory/No Fault Motor Vehicle Insurance Act of 1982 to amend or add a definition of motor vehicle to exclude battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Motor Vehicle Definition Wheelchair Exception Amendment Act of 1984".

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. Code, sec. 35-2102(17)), is amended to read as follows:

D.C. Code,  
sec. 35-2102  
(1985 supp.)

"(17) The term 'motor vehicle' means any device propelled by an internal-combustion engine, electricity, or steam. The term 'motor vehicle' does not include a motorcycle, traction engines used exclusively for drawing

vehicles in fields, road rollers, vehicles propelled only upon rails and tracks, and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

Sec. 3. Section 2(b) of the Rental Vehicle Tax Reform Act of 1978, effective March 6, 1979 (D.C. Law 2-157; D.C. Code, sec. 40-111(2)), is amended to read as follows:

D.C. Code, sec. 40-11 (1985 supp)

"(b) The term 'motor vehicle' means any vehicle 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 (10) or more persons, vehicles propelled only upon stationary rails and tracks, and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding ten (10) miles per hour."

Sec. 4. Section 102 of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Code, sec. 40-602), is amended by adding a new subsection (e-1) to read as follows:

D.C. Code, sec. 40-602 (1985 supp)

"(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, and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding ten (10) miles per hour."

Sec. 5. Section 1 of the District of Columbia Implied

D.C. Code, sec. 40-501 (1985 supp)

Consent Act, approved October 21, 1972 (86 Stat. 1016; D.C. Code, sec. 40-501), is amended by adding a new paragraph (8) 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 battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding ten miles per hour."

Sec. 6. 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. Code, sec. 40-1101(6)), is amended to read as follows:

D.C. Code,  
sec. 40-804  
(1985 supp.)

"(6) 'Motor vehicle' means any automobile, mobile home, motorcycle, truck, truck tractor, trailer, semitrailer, 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, and any battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

D.C. Code,  
sec. 40-110  
(1985 supp.)

Sec. 7. Section 2(d) of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 120; D.C. Code, sec. 40-402(4)), is amended to read as follows:

"(d) 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 battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding ten miles per hour."

Sec. 8. Section 2 of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 91; D.C. Code, sec. 40-804), is amended by adding a new definition to the end to read as follows:

D.C. Code,  
sec. 40-40  
(1985 supp)

"The term 'motor vehicle' means any vehicle 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, and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding ten miles per hour."

Sec. 9. 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. Code, sec. 40-1001), is amended by adding a new definition to the end to read as follows:

D.C. Code,  
sec. 40-100  
(1985 supp.)

"'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, and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding ten miles per hour."

Sec. 10. 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. Code, sec. 40-201 et seq.), is amended by adding a new section 8 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, and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

New,  
D.C. Code,  
sec. 40-20  
(1985 supp)

Sec. 11. Section 1(a) of title 4 of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Code, sec. 40-101(1)), is amended to read as follows:

"(a) The term 'motor vehicle' means any vehicle propelled by an internal combustion engine, electricity, or steam. The term 'motor vehicle' shall not include road rollers, farm tractors, vehicles propelled only upon stationary rails or tracks, and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding ten miles per hour."

D.C. Code,  
sec. 40-10  
(1985 supp.)

Sec. 12. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Code, sec. 40-701 et seq.), is amended as follows:

D.C. Code,  
sec. 40-70  
(1985 supp.)

(a) Section 2(a) (D.C. Code, sec. 40-702(1)) 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, and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

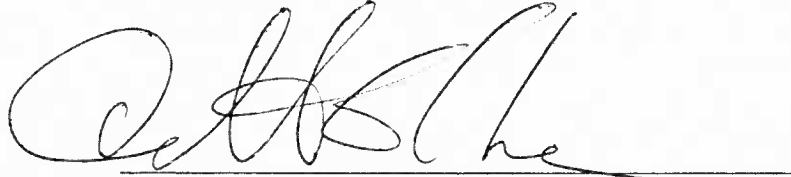
(b) Section 7 (D.C. Code, sec. 40-301) is amended by adding a new subsection (f) to read as follows:

D.C. Code,  
sec. 40-30  
(1985 supp

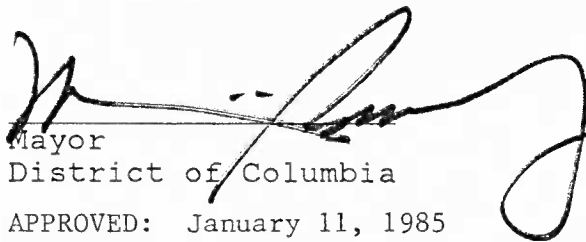
"(f) For purposes of sections 7, 8, and 13 of this act the term 'motor vehicle' means all vehicles propelled by internal combustion engines, electricity, or steam. The term 'motor vehicle' shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

Sec. 13. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act,

approved December 24, 1973 (87 Stat. 813; D.C. Code, sec.  
1-233(c)(1)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED: January 11, 1985





**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Council Period Five — Second Session**

**RECORD OF OFFICIAL COUNCIL VOTE**

DOCKET NO: B5-382

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 12-04-84

VOICE VOTE: Unanimous

Recorded vote on request

Absent: Smith

ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( / / )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith  
 Secretary to the Council

12/26/84  
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-18-84

VOICE VOTE: Unanimous

Recorded vote on request

Absent: Winter

ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( / / )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith  
 Secretary to the Council

12/26/84  
 Date

Item on Consent Calendar

ACTION & DATE: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Recorded vote on request

Absent: \_\_\_\_\_

ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( / / )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date