

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Bicycle and Pedestrian Safety Amendment Act of 2016 to clarify what data the Mayor and the District Department of Transportation are required to publish relating to improving bicycle and pedestrian safety; to amend the District of Columbia Traffic Act, 1925 to remove penalties for parking an all-terrain vehicle or dirt bike on public property, to provide an exception to the prohibition on operating, parking, standing, or stopping an all-terrain vehicle or dirt bike on public property for when a person is in the process of immediately loading an all-terrain vehicle or dirt bike in or on a vehicle, trailer, or other storage container for the purpose of transporting the all-terrain vehicle or dirt bike to another jurisdiction or to private property in the District, to remove the requirement that workers must be present in a work zone in order for a civil fine to double for any motor vehicle moving infraction committed within a work zone, to provide that a person who fails to comply with certain requirements of the Ignition Interlock System Program shall be subject to criminal penalties, and to authorize the Mayor to require certain individuals to participate in the Ignition Interlock System Program; to amend the Anti-Drunk Driving Act of 1982 to clarify the penalties for when a person is convicted of certain driving offenses 3 times within a 5-year period; and to amend the Fiscal Year 1997 Budget Support Act of 1996 to clarify language relating to a person involved in a collision's access to photographs or video footage of the collision.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Bicycle and Pedestrian Safety Clarification Amendment Act of 2018".

Sec. 2. The Bicycle and Pedestrian Safety Amendment Act of 2016, effective October 8, 2016 (D.C. Law 21-155; D.C. Official Code *passim*), is amended as follows:

(a) Section 102(a) (D.C. Official Code § 50-1951.02(a)) is amended as follows:

(1) Paragraph (3) is amended to read as follows:

“(3) The location, by ward and block or intersection, of the collision;”.

(2) Paragraph (6) is amended to read as follows:

“(6) Available demographic information about the person or persons involved in the collision, which shall be aggregated and describe any injuries sustained in the collision using the term “minor”, “serious”, “critical”, or “fatal”; provided, that the Mayor shall not publish any personal information, including:

“(A) A person’s name, address, photograph, or social security number;
“(B) Individually identifiable health information, as that term is defined in
45 C.F.R. § 160.103; and

“(C) Any other information that could be used, on its own or in
combination with other information, to identify, contact, or locate a person involved in a
collision.”.

(3) Paragraph (7) is amended by striking the word “accident” and inserting the
word “crash” in its place.

(b) Section 103(a) (D.C. Official Code § 50-1951.03(a)) is amended to read as follows:

“(a) To the extent available, the Mayor shall publish online, at least once per quarter, the
following information related to all notices of infractions issued for moving infractions in the
preceding quarter:

“(1) The date and time of the moving infraction;

“(2) The location, by ward and block or intersection, where the moving infraction
occurred;

“(3) The agency that issued the notice of infraction;

“(4) Whether the notice of infraction was issued in person or by use of the
automated traffic enforcement program;

“(5) The violation;

“(6) The jurisdiction in which the motor vehicle involved in the moving infraction
is registered; and

“(7) The year, make, model, and type of the motor vehicle that committed the
moving infraction.”.

(c) Section 104(a) (D.C. Official Code § 50-1951.04(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “by ward, block or
intersection, and coordinates” and inserting the phrase “by ward and block or intersection” in its
place.

(2) Paragraph (5) is amended by striking the phrase “description of any” and
inserting the phrase “description of or plan showing any” in its place.

(d) Section 105(a)(1) (D.C. Official Code § 50-1951.05(a)(1)) is amended by striking the
phrase “by ward, block or intersection, and coordinates” and inserting the phrase “by ward and
block or intersection” in its place.

(e) Section 106 (D.C. Official Code § 50-1951.06) is amended as follows:

(1) The section heading is amended as follows:

(A) Strike the word “frequency” and insert the word “rate” in its place.

(B) Strike the word “pedestrians” and insert the phrase “pedestrians or
bicyclists” in its place.

(2) Paragraph (1) is amended by striking the word “pedestrians” and inserting the
phrase “pedestrians or bicyclists” in its place.

(3) Paragraph (3) is amended by striking the word “pedestrians” and inserting the
phrase “pedestrians or bicyclists” in its place.

(f) Section 107(a) (D.C. Official Code § 50-1951.07(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “where motor vehicles make left and right turns” and inserting the phrase “at intersections” in its place.

(2) Paragraph (3) is amended by striking the word “unsignalized” and inserting the word “uncontrolled” in its place.

(g) Section 609 (D.C. Official Code § 50-2302.01, note) is amended by striking the word “accident” and inserting the word “collision” in its place.

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

(a) Section 9b (D.C. Official Code § 50-2201.04b) is amended as follows:

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

“(a)(1) No person shall:

“(A) Operate an all-terrain vehicle or dirt bike on public property, including any public space in the District; or

“(B) Park, stand, or stop an all-terrain vehicle or dirt bike on public property, including any public space in the District.

“(2) Paragraph (1) of this subsection shall not apply to a person who is in the process of immediately loading an all-terrain vehicle or dirt bike in or on a vehicle, trailer, or other storage container for the purpose of transporting the all-terrain vehicle or dirt bike to another jurisdiction or to private property in the District.”.

(2) Subsection (c) is amended by striking the phrase “any provision of this section” and inserting the phrase “subsection (a)(1)(A) of this section” in its place.

(3) Subsection (d) is amended by striking the phrase “subsection (a)(1)” both times it appears and inserting the phrase “subsection (a)(1)(A)” in its place.

(4) Subsection (f) is amended by striking the phrase “operated or parked” and inserting the word “operated” in its place.

(b) Section 9c(a) (D.C. Official Code § 50-2201.04c(a)) is amended by striking the phrase “work zone, during any time when traffic is regulated or restricted through or around the zone, when work is actually being performed in the zone by workers acting in their official capacity,” and inserting the phrase “work zone,” in its place.

(c) Section 10a (D.C. Official Code § 50-2201.05a) is amended as follows:

(1) Subsection (b) is amended by striking the phrase “shall, as a condition of a restricted license, enroll” and inserting the phrase “shall enroll” in its place.

(2) A new subsection (b-1) is added to read as follows:

“(b-1) A person required to participate in the Program pursuant to section 13(a) shall enroll in the Program for a period of time to be determined by the Mayor.”.

(3) A new subsection (f) is added to read as follows:

“(f) A person violating subsection (c) of this section shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012,

effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than one year, or both.”.

(d) Section 13(a) (D.C. Official Code § 50-1403.01(a)) is amended as follows:

(1) Strike the phrase “suspend an operator’s permit” and insert the phrase “suspend an operator’s permit, or require participation in the Ignition Interlock System Program established by section 10a (“Program”),” in its place.

(2) Strike the phrase “suspended the reasons therefor shall be set out in the order of revocation or suspension” and inserting the phrase “suspended, or where a person is required to participate in the Program, the reasons therefor shall be set out in the order of revocation or suspension, or the order requiring participation in the Program” in its place.

(3) Strike the phrase “suspending a permit on account” and inserting the phrase “suspending a permit, or requiring participation in the Program, on account” in its place.

Sec. 4. The Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2206.01 *et seq.*), is amended as follows:

(a) Section 3d(d-1) (D.C. Official Code § 50-2206.13(d-1)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “permanently revoked without the ability to be reinstated” and inserting the phrase “revoked until such time as the Department may reinstate the person’s driver’s license or privilege to operate a motor vehicle in the District pursuant to paragraph (2) of this subsection” in its place.

(2) Paragraph (2) is amended by striking the phrase “Notwithstanding paragraph (1) of this subsection, a person” and inserting the phrase “A person” in its place.

(b) Section 3f(c-1) (D.C. Official Code § 50-2206.15(c-1)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “permanently revoked without the ability to be reinstated” and inserting the phrase “revoked until such time as the Department may reinstate the person’s driver’s license or privilege to operate a motor vehicle in the District pursuant to paragraph (2) of this subsection” in its place.

(2) Paragraph (2) is amended by striking the phrase “Notwithstanding paragraph (1) of this subsection, a person” and inserting the phrase “A person” in its place.

Sec. 5. Section 904(a) of the Fiscal Year 1997 Budget Support Act of 1996, effective October 8, 2016 (D.C. Law 21-155; D.C. Official Code § 50-2209.04(a)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase “all parties involved in the collision” and inserting the phrase “the person or persons involved in the collision” in its place.

(b) Paragraph (3) is amended by striking the word “party” and inserting the phrase “person involved in the collision” in its place.

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

ENROLLED ORIGINAL

Sec. 7. 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.

Chairman
Council of the District of Columbia

Mayor
District of Columbia