



2018 MAY 31 PM 3:15
OFFICE OF THE
SECRETARY

MURIEL BOWSER
MAYOR

MAY 31 2018

The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for the consideration of the Council of the District of Columbia is the "All-Terrain Vehicle Clarification Emergency Amendment Act of 2018," and the accompanying emergency declaration, temporary version, and permanent version. This bill amends the "District of Columbia Traffic Act, 1925" to more succinctly define an "all-terrain vehicle" or "ATV" in order to support appropriate enforcement. Specifically, the bill eliminates the definitional element that ATVs have not less than three low-pressure tires, but not more than six low-pressure tires. Instead, the amended definition relies on the elements that ATVs are designed primarily for off-road use and have seats or saddles designed to be straddled by the operator. The amended provision does not significantly change the classification, but merely strengthens the definition.

Under the current definition, the District must be able to prove that a vehicle has low pressure tires in order to successfully prosecute crimes involving ATVs. For cases in which the District has photos or videos but not the actual ATV, the District cannot prove in court that a vehicle has low pressure tires. The District recently lost a trial because of this reason despite utilizing expert testimony, which will have a major impact on the District's ability to both charge and prosecute future criminal offenses under this statute when the ATV is not recovered. Clearly, the summer is the peak time for ATVs to be illegally and recklessly operated on District roads, endangering other drivers, cyclists, and pedestrians. This emergency legislation is necessary to help ensure public safety by providing an immediate remedy so that prosecutors will be able to again approve warrants for arrests.


I urge the Council to take immediate action on the enclosed legislation. Chief Peter Newsham and I are available to discuss any questions you may have.

Sincerely,

A handwritten signature in black ink that reads "Muriel Bowser".

Muriel Bowser

Enclosures


Chairman Phil Mendelson
at the request of the Mayor

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following bill, which was referred to the Committee on _____.

To amend the District of Columbia Traffic Act of 1925 to clarify the definition of all-terrain vehicles or ATVs.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this act may be cited as the “All-Terrain Vehicle Clarification Amendment Act of 2018.”

Sec. 2. Section 2(2) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(2)) is amended to read as follows:

“(2) “All-terrain vehicle” or “ATV” means any motor vehicle with 3 or more tires that is designed primarily for off-road use, and that has a seat or saddle designed to be straddled by the operator. The terms “all-terrain vehicle” and “ATV” shall not include golf carts, riding lawnmowers, or tractors.”.

Sec. 3. Fiscal impact statement.

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

35 Sec. 5. Effective date.

36 This act shall take effect following approval by the Mayor, a 30-day period of
37 congressional review as provided in section 602(c)(1) of the District of Columbia Home
38 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
39 206.02(c)(1)), and publication in the District of Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE



Legal Counsel Division

MEMORANDUM

TO: Alana Intrieri
Executive Director
Office of Policy and Legislative Affairs

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: May 25, 2018

SUBJECT: Legal Sufficiency Review – All-Terrain Vehicle Clarification Emergency,
Temporary, and Permanent Acts, and Emergency Declaration Resolution
(AE-18-292)

This is to Certify that this Office has reviewed the above-referenced proposed legislation and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.


Janet M. Robins