

# SPECIAL ORDER



DISTRICT OF COLUMBIA

Title
<b>Traffic Enforcement Involving Non-Traditional Motor Vehicles</b>
Number
<b>SO-12-23</b>
Effective Date
<b>November 2, 2012</b>
Rescinds:
TB-08-02 (Traffic Enforcement Involving Non-Traditional Motor Vehicles), Effective Date November 19, 2008
Related to:
GO 303.01 (Traffic Enforcement) Effective Date April 30, 1992

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## I. BACKGROUND

The purpose of this Special Order is to advise members of the different types of non-traditional motor vehicles currently in use within the District of Columbia and of the enforcement actions required by the provisions of the D.C. Official Code and District of Columbia Municipal Regulations (DCMR). Additionally, this order serves to remind members of the pedestrian traffic regulations related to use of personal mobility devices such as Segways™.

For information regarding Police Segways™, members shall refer to GO-OPS-301.11 (Operation and Use of the Police Segway™).

## II. DEFINITIONS

When used in this directive, the following terms shall have the meaning designated:

1. All Terrain Vehicle (ATV) – Any motor vehicle with not less than three (3) low pressure tires, but not more than six (6) low pressure tires, designed primarily for off-road use and which has a seat or saddle designed to be straddled by the operator.
2. Dirt Bike – Any motorcycle designed primarily for off-road use.

3. Low Speed Vehicle – Any four (4) wheeled motor vehicle whose top speed is greater than twenty (20) miles per hour (mph), but not greater than twenty-five (25) mph.
4. Motorcycle – Any motor vehicle other than a motorized bicycle having either a tandem arrangement of two (2) wheels or a tricyclic arrangement of three (3) wheels and having a seat or saddle for the use of the operator, but not including a tractor.
5. Motorized Bicycle – Any two (2) or three (3) wheeled vehicle that has all of the following characteristics:
  - a. Wheels more than sixteen (16) inches in diameter;
  - b. Seat or saddle for operator;
  - c. Automatic transmission;
  - d. Piston displacement of not more than fifty (50) cubic centimeters;
  - e. Incapable of maximum speed of over thirty-five (35) mph on level ground; and;
  - f. Not more than one and one-half (1.5) brake horsepower (S.A.E. rating).

NOTE: If the two (2) - or three (3)-wheeled motor vehicle does not meet all of these characteristics, the vehicle is a motorcycle.

6. Personal Mobility Device (PMD) – Any motorized propulsion device designed to transport one (1) person; or a self balancing, two (2) non-tandem wheeled device, designed to transport only one (1) person with an electric propulsion system.

NOTE: Segways™ are considered PMDs.

7. Restricted Lanes – Traffic lanes where use is restricted according to class of vehicle occupancy or type of vehicle, for example: buses; carpools; taxicabs; motorcycles; bicycles; motorized bicycles; high occupancy vehicles (HOV); and vehicles transporting handicapped persons. (Title 18 DCMR § 9901)

### **III. REGULATIONS**

- A. Members shall enforce traffic regulations regarding non-traditional motor vehicles in accordance with the related D.C. Official Code, DCMR regulations, and GO-OPS-301.01 (Traffic Enforcement).

NOTE: Attachment A (Non-Traditional Motor Vehicles and DC Law) summarizes, for each of the vehicles listed in Part II above, the related D.C. Official Code and Title 18 DCMR sections and the inspection, licensing, insurance, registration, helmet, sidewalk, bike lane, and parking.

B. Members shall be aware that:

1. ATVs and Dirt Bikes are not permitted to be registered in the District of Columbia. It is a criminal offense to operate an ATV or Dirt Bike on public property [D.C. Official Code § 50-2201.04b].
2. In accordance with Federal Code of Regulations, 49 CFR § 571.500 (Low-speed Vehicles), each low-speed vehicle shall be equipped with:
  - a. Headlamps;
  - b. Front and rear turn signal lamps;
  - c. Taillamps;
  - d. Stop lamps;
  - e. Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear;
  - f. An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror;
  - g. A parking brake;
  - h. A windshield that conforms to the Federal motor vehicle safety standard on glazing materials (49 CFR § 571.205);
  - i. A VIN that conforms to the requirements of part 565 Vehicle Identification Number of this chapter; and
  - j. A Type 1 (e.g., lap belt) or Type 2 (e.g., lap belt and upper torso restraint) seat belt assembly conforming to Federal Motor Vehicle Safety Standard 49 CFR § 571.209, Seat belt assemblies, installed at each designated seating position.
3. The traffic lane closest to the right hand curb on the streets designated as a Restricted Lane is reserved for the use of buses, carpools, taxicabs, bicycles, motorized bikes, motorcycles, personal

mobility devices, or other designated vehicles during the hours and on the days indicated (Title 18 DCMR § 4005.1).

4. Many vehicles that resemble a traditional scooter are considered to be motorcycles (See Attachment B for pictures of vehicles that are motorcycles but do not resemble a traditional motorcycle).

#### IV. PROCEDURES

##### A. Non-Traditional Vehicles

When conducting traffic stops for non-traditional vehicles, members shall ensure that they:

1. Determine whether the non-traditional vehicle is permitted:
  - a. On the sidewalk; or
  - b. On a bike lane (only bicycles and motorized bicycles).
2. Ascertain whether the following legal requirements have been met (See Attachment A for specific vehicle requirements):
  - a. Inspection;

NOTE: The inspection sticker can be found on the motorcycle fork (the bar or bars connected to the handlebar). However, in some cases that may not be feasible, so it will be placed wherever there is a flat enough surface on the vehicle.

- b. Operator's license;
- c. Insurance;
- d. Registration; and
- e. When appropriate, helmet use.

##### B. Personal Mobility Devices and Bicycles

Members are reminded that:

1. A PMD shall **not** be operated within the District of Columbia:
  - a. By a person under sixteen (16) years of age;
  - b. Above the maximum speed limit of ten (10) mph;

- c. Upon a sidewalk within the Central Business District (CBD) (Attachment C);
  - d. By a person carrying any package, bundle, or other article that hinders the person from keeping both hands on the handlebars; or
  - e. On any roadway or sidewalk while the person is wearing a headset, headphone, or earphone, unless the device is used to improve the hearing of a person with a hearing impairment or covers or is inserted in one ear only [D.C. Official Code § 50-2201.04a].
2. There shall be no prohibition against any person riding a bicycle or personal 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 a personal 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 (Title 18 DCMR § 1201.09).
3. Any person riding a bicycle 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 the speed is safe for the conditions then existing on the sidewalk (Title 18 DCMR § 1201.10).

NOTE: Although 18 DCMR § 1201.10 provides that a person riding a PMD shall travel at a speed no greater than the posted speed limit of the adjacent roadway; provided that the speed is safe for the conditions then existing on the sidewalk; members are reminded that both D.C. Official Code § 50-2201.04a and 18 DCMR § 1200.11 provide that a person riding a PMD shall in no case travel above the maximum speed of ten (10) miles per hour.

4. Any person propelling a bicycle or operating a PMD 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 PMD operator must yield to pedestrians on the sidewalk or crosswalk (Title 18 DCMR § 1201.11).

5. The operator of a bicycle or PMD 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 the 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. (Title 18 DCMR § 1201.12).
6. No vehicles shall travel on bus streets except buses proceeding on designated bus routes, bicycles, personal mobility devices, or authorized emergency vehicles, except as otherwise provided in this section (Title 18 DCMR § 4006.1).

## V. CROSS REFERENCES

### A. General Orders

1. GO-OPS-301.01 (Traffic Enforcement)
2. GO-OPS-301.11 (Operation and Use of the Police Segway)

### B. D.C. Official Code

1. D.C. Official Code § 50-2201.04a (Operation of personal mobility devices)
2. D.C. Official Code § 50-2201.04b (Operation of all-terrain vehicles and dirt bikes)

### C. DCMR

1. Title 18 DCMR § 1201.09, § 1201.10, § 1201.11, and § 1201.12 (Safe Operations of Bicycles, and Motorized Bicycles)
2. Title 18 DCMR § 4005.1 (Restricted Lanes)
3. Title 18 DCMR § 4006.1 (Bus Streets)
4. Title 18 DCMR § 9901 (Definitions)

### D. Code of Federal Regulations

1. 49 CFR § 571.500 (Low-speed vehicles);
2. 49 CFR § 571.205 (Glazing materials); and
3. 49 CFR § 571.209 (Seat belt assemblies).

**VI. ATTACHMENTS**

1. Attachment A: Non-Traditional Motor Vehicles and DC Law
2. Attachment B: Examples of Motorcycles
3. Attachment C: Map of the DC Central Business District

A handwritten signature in black ink, reading "Cathy L. Lanier". The signature is written in a cursive, flowing style.

Cathy L. Lanier  
Chief of Police

CLL:PAB:MOC:JC

# Non-Traditional Motor Vehicles and DC Law

## Legal requirements to Register and Operate a Motor Vehicle



In the D.C. Code, motor vehicles are defined as vehicles propelled by an internal-combustion engine, electricity, or steam. [1] This definition encompasses non-traditional motor vehicles. Therefore, the four main requirements for the operation of motor vehicles all apply: registration, driver's license, inspection, and insurance. [2] All traffic laws, such as reckless driving, also apply, [3] except as discussed below.

## Safety Requirements

All motor vehicles in the District of Columbia must have a certification label that identifies the manufacturer, the date of manufacture, and the statement: "This vehicle conforms to all applicable Federal motor vehicle safety standards (FMVSS) in effect on the date of manufacture shown above." [4]

## Motorcycles vs. Motorized Bicycles

If the non-traditional vehicle has two or three wheels, it falls under one of two subcategories of motor vehicle: motorcycle or motorized bicycle.




Vehicle Type	Definition	Inspection Required	License Required	Insurance Required	Registration Required	Helmet Required	Permitted on Sidewalk	Permitted on Bike Lanes	Parking
Motorcycle	A motorcycle is any motor vehicle other than a motorized bicycle having either a tandem arrangement of two (2) wheels or a tricyclic arrangement of three (3) wheels and having a seat or saddle for the use of the operator, but not including a tractor. [5],	Yes, must be inspected for emissions every two (2) years. [6]	Yes, operator must pass a motorcycle demonstration test in DC or motorcycle demonstration course in VA or MD, and have an "M" endorsement on operator's license. [7]	Yes, must meet the Compulsory No-Fault Motor Vehicle Insurance Act limits. [8]	Yes; \$52. [9] Non-DC vehicles must meet their state's registration requirements.	Yes. [10]	No	No	Motor vehicles rules apply, except that some areas are reserved for motorcycles only
									
Motorized Bicycle	A motorized bicycle is a two or three wheeled vehicle with <b>all of the following characteristics</b> : 1) wheels 16 inches or more in diameter, 2) seat or saddle for the operator 3) automatic transmission, 4) piston displacement of not more than fifty (50) cubic centimeters, 5) incapable of maximum speed of over 35 miles per hour on level ground, and 6) not more than one and one-half (1.5) brake horsepower (S.A.E. rating). If the motor vehicle does not meet all of these characteristics, it is a motorcycle. [5]	Yes, must be inspected for emissions every two (2) years. [6]	Yes, operator must have a driver's license [12], but does not need an "M" endorsement.	Yes, must meet the Compulsory No-Fault Motor Vehicle Insurance Act limits. [8]	Yes; \$30. [9] Non-DC vehicles must meet their state's registration requirements.	No.	No.	Yes. [11]	May be parked in a bike rack or on a curb so as not to impede pedestrian traffic. [11]
									



# Non-Traditional Motor Vehicles and DC Law

## Additional Vehicles

If the non-traditional vehicle has two or three wheels, it falls under one of two subcategories of motor vehicle: motorcycle or motorized bicycle.

Vehicle Type	Definition	Inspection Required	License Required	Insurance Required	Registration Required	Helmet Required	Permitted on Sidewalk	Permitted on Bike Lanes	Parking
All-Terrain Vehicles and Dirt Bikes	An all-terrain vehicle ("ATV") is defined as any motor vehicle with not less than three low pressure tires, but not more than six low pressure tires, designed primarily for off-road use and which has a seat or saddle designed to be straddled by the operator. A dirt bike is defined as any motorcycle designed primarily for off-road use. [13]	N/A. It is a criminal offense to operate an ATV or a dirt bike on any public property in the District. ATVs and dirt bikes are not permitted to be registered in the District. [14]							
									
Low Speed Vehicles	Low speed vehicle means any four wheeled motor vehicle whose top speed is greater than 20 miles per hour, but not greater than 25 miles per hour. [15]	Yes [6]	Yes [12]	Yes [11]	Yes; \$72 [9] Non-DC vehicles must meet their state's registration requirements.	No	No	No	Motor vehicle rules apply.
									
Personal Mobility Devices (PMD)	Personal Mobility Devices ("PMD") means a motorized propulsion device designed to transport one person or a self-balancing, two non-tandem wheeled device, designed to transport only one person with an electric propulsion system. [15]	No. By definition, PMDs are not considered motor vehicles. [1]				No	Yes, except PMDs are generally not permitted on sidewalk space in the Central Business District. [16]	Yes	PMDs may be parked in a bike rack or on a curb so as not to impede pedestrian traffic.
									

# Non-Traditional Motor Vehicles and DC Law

## Notes

[1] D.C. Official Code § 50-1501.01; Specifically excluded from the definition of a motor vehicle for purposes of registration are , road rollers, farm tractors, vehicles propelled only upon rails or tracks, electric personal mobility devices (e.g. Segway), and battery-operated wheelchairs when operated by a person with a disability.

[2] D.C. Official Code §§ 50-1501.02, 50-1401.01 et seq., 50-1101; and 31-2403, respectively. Even when the vehicle is operated without turning on the engine, as can be done with some mopeds, the vehicle nevertheless is regulated as a motor vehicle.

[3] See, e.g., United States v. Stancil, 422 A.2d 1285 (D.C. 1980).

[4] 18 DMCR § 700.9.

[5] 18 DMCR § 9901.

[6] 18 DCMR § 601 et seq.

[7] 18 DCMR 107.13

[8] See D.C. Official Code 31-2401 et seq.

[9] D.C. Official Code § 50-1501.03.

[10] 18 DCMR § 2215.

[11] 18 DCMR §§ 1201.17 and 1209.

[12] See D.C. Official Code § 50-1401.01.

[13] D.C. Official Code § 50-2201.02

[14] D.C. Official Code § 50-2201.04b.

[15] D.C. Official Code § 50-2201.02 (12).

[16] 18 DCMR § 1201.9

Pictures of motorcycles courtesy of American Honda Motor Company, Inc. and Yamaha Motor Corporation; pictures of motorized bicycle courtesy of Piaggio USA, Inc. and the California Highway Patrol; picture of dirt bike courtesy of American Honda Motor Company, Inc.; picture of off-road vehicle courtesy of Yamaha Motor Corporation; picture of Gem Car courtesy of Global Electric Motorcars; Picture of Segway courtesy of Segway Inc.

## Examples of Motorcycles

Below are examples of motorcycles that resemble traditional scooters. Members are reminded to refer to the definition of a motorcycle and a motorized bicycle to determine the requirements for: inspections, licenses, insurance, registration, helmets, parking, and permitted use on sidewalks and bike lanes.



