

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the District of Columbia Traffic Act of 1925 to clarify the definition of all-terrain vehicles or ATVs.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “All-Terrain Vehicle Clarification Emergency Declaration Resolution of 2018.”

Sec. 2 (a) D.C. Official Code § 50-2201.02(2) defines an all-terrain vehicle as “any motor vehicle with not less than 3 low-pressure tires, but not more than 6 low-pressure tires, designed primarily for off-road use and which has a seat or saddle designed to be straddled by the operator.” Thus, in prosecutions for the unlawful operation of an all-terrain vehicle, the vehicle having “low-pressure” tires is an element of the offense.

(b) Proving that an all-terrain vehicle’s tires were “low-pressure” can, in practice, be difficult. In prosecutions where the District was unable to recover the ATV itself, the District may instead rely on photographic or video evidence. Photographs and videos are, however, insufficient for determining tire pressure.

33 (c) This emergency legislation will clarify the definition by providing that a vehicle's
34 tires do not need to be low-pressure to qualify as an all-terrain vehicle.

35 Sec. 3. The Council of the District of Columbia determines that the circumstances
36 enumerated in section 2 constitute emergency circumstances making it necessary that the All-
37 Terrain Vehicle Clarification Emergency Amendment Act of 2018 be adopted after a single
38 reading.

39 Sec. 4. This resolution shall take effect immediately.