

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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Columbia
Official Code*

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To amend, on a temporary basis, the District of Columbia Revenue Act of 1937 in a nonseverable manner to allow individuals who resided outside the District, who were licensed to operate a taxicab within the District, and who had registered a vehicle with the Department of Motor Vehicles for use as a taxicab within the District of Columbia notwithstanding residency outside the District, all as of March 1, 2006, to continue to register a single vehicle within the District for use as a taxicab within the District, to provide for an additional fee for this service, and to direct the uses to which this fee shall be put; and to amend Title 18 of the District of Columbia Municipal Regulations to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Non-Resident Taxi Drivers Registration Temporary Amendment Act of 2007”.

Sec. 2. Title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.01 *et seq.*), is amended as follows:

(a) Section 2(c)(5) (D.C. Official Code § 50-1501.01(c)(5)) is amended to read as follows:

Note,
§ 50-1501.01

“(5)(A) Is domiciled in the District of Columbia; except that the person need not be domiciled in the District of Columbia if:

“(i)(I) The owner is a partnership, corporation, association, or government entity;

“(II) The vehicle is housed in the District of Columbia;

“(III) The vehicle is provided to an employee of the owner for the employee’s use;

“(IV) The employee is domiciled in the District of Columbia; and

“(V) The owner submits an affidavit affirming compliance with this paragraph and agreeing that the address on the registration certificate and

in the Department of Motor Vehicles' records shall be the address of the operator and that the employee's address shall be considered the owner's address for the purpose of sending any notices required by any statute or regulation for that vehicle;

“(ii) The owner is a member of Congress and has a District of Columbia residence;

“(iii) The owner is a lessor and the vehicle is leased to a person domiciled in the District of Columbia; or

“(iv) The owner meets the requirements set forth in subparagraph (B) of this paragraph.

“(B) An owner of a vehicle need not be domiciled in the District of Columbia if:

“(i) The owner is an individual who holds a valid license to operate a taxicab or limousine within the District of Columbia;

“(ii) The owner held a valid license to operate a taxicab or limousine within the District of Columbia on March 1, 2006;

“(iii) The owner resided outside the District of Columbia on March 1, 2006;

“(iv) The owner had registered a vehicle with the Department of Motor Vehicles on March 1, 2006;

“(v) The owner has no other vehicle currently registered within the District of Columbia;

“(vi) The owner is registering the vehicle for use as a taxicab or limousine within the District of Columbia; and

(vii) The owner of the vehicle has, prior to registering the vehicle on or after June 21, 2007, but no later than September 28, 2007, registered with the Office of Tax and Revenue for business taxes by completing a tax registration form; provided, that:

“(I) Verification of such registration with the Office of Tax and Revenue must be provided to the Department of Motor Vehicles at the time the vehicle is registered;

“(II) The owner of the vehicle shall be permitted to register the vehicle for the 2007 year without having to undergo Clean Hands certification pursuant to D.C. Official Code §§ 47-2862 and 47-2863; and

“(III) The owner of the vehicle must meet the franchise tax filing and payment requirements as set forth in D.C. Official Code §§ 47-1805.02, 47-1807.02, and 47-1808.03 on a prospective basis for the 2007 year and subsequent years.”.

(b) Section 3 (D.C. Official Code § 50-1501.03) is amended as follows:

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

“(b-1) Non-resident taxi driver vehicle registration. In addition to any fees that may be due under any other statute or regulation, a driver who was exempted from the residency

Note,
§ 50-1501.03

requirements to register a vehicle within the District of Columbia under section 2(c)(5)(B) shall be charged an additional fee of \$100.”.

(2) Subsection (d) is amended to read as follows:

“(d) The proceeds from fees payable under this act shall be paid into the General Fund of the District as established by the Revenue Funds Availability Act of 1975, effective January 22, 1976 (D.C. Law 1-42; 22 DCR 6317), except that fees collected under subsection (b-1) of this section shall be paid into the Out-of-State Vehicle Registration Special Fund established by section 3a.”.

(c) A new section 3a is added to read as follows:

“Sec. 3a. Out-of-State Vehicle Registration Special Fund.

“(a)(1) There is established as a nonlapsing fund the Out-of-State Vehicle Registration Special Fund (“Fund”). The Fund shall be administered by the Office of the Director of the Department of Motor Vehicles.

“(2) All funds collected from the registration of a motor vehicle by a person not domiciled in the District of Columbia in excess of the funds that would have been collected from the registration of an equivalent motor vehicle by a person domiciled in the District of Columbia shall be deposited into the Fund.

“(3) All funds deposited into the Fund shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section, subject to authorization by Congress.

“(b)(1) The first \$25 of each registration fee deposited into the Fund shall be used for programs encouraging residents of the District of Columbia to pursue careers as a driver of a limousine or taxicab.

“(2) Any revenues in excess of those required to be distributed by paragraph (1) of this subsection shall be used by the Department of Motor Vehicles to defray the costs of operating the Fund, including such costs as may arise from determining whether an out-of-state vehicle is permitted to register in the District of Columbia at a higher rate than those charged to an equivalent vehicle owned by a District of Columbia resident; provided, that no revenues in excess of the actual costs of operating the Fund shall be used for this purpose.

“(3) Any revenues in excess of those required to be distributed by paragraphs (1) and (2) of this subsection shall be used for the operational or capital needs of the District of Columbia Taxicab Commission.”.

Sec. 3. Section 412.1(m) of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 412.1(m)) is amended to read as follows: DCMR

“(m) If a person is not domiciled in the District of Columbia, unless the owner is exempted from the domicile requirement under section 2(c)(5) of the District of Columbia

ENROLLED ORIGINAL

Revenue Act of 1937, approved August 17, 1937 (50 Stat. 680; D.C. Official Code § 50-1501.02(c)(5)).”.

Sec. 4. Nonseverability.

If any provision of section 2, or its application to any person or circumstance, is held to be unconstitutional, beyond the statutory authority of the Council, or otherwise invalid, then all provisions of this act shall be deemed invalid.

Sec. 5. Fiscal impact statement.

The Council adopts the May 23, 2007 fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

(a) 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.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia