

AN ACT

Bill 19-749
Act 19-562
effective
December 7,
2012

Codification
District of
Columbia
Official Code
2001 Edition

To amend An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, to clarify that electric vehicle charging station providers are not utilities; to amend the District of Columbia Revenue Act of 1937 to authorize the Department of Motor Vehicles to provide certain information to the electric company; to amend section 47-1508 of the District of Columbia Official Code to exempt solar energy and cogeneration energy systems from personal property tax; and to promote energy conservation by requiring commercial properties to keep doors and windows closed if air conditioning systems are in use.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Energy Innovation and Savings Amendment Act of 2012”.

Energy
Innovation
and Savings
Amendment
Act of 2012

TITLE I. PROMOTING CLEAN ENERGY.

SUBTITLE A. ELECTRIC VEHICLE CHARGING STATION PROVIDER REGULATION.

Sec. 101. Paragraph 1 of section 8 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 974; D.C. Official Code § 34-201, *passim*), is amended as follows:

(a) The 15th unnumbered paragraph, beginning with the phrase "The term 'electric company'" (D.C. Official Code § 34-207), is amended by adding the phrase “The term also excludes a person or entity that does not sell or distribute electricity and that owns or operates equipment used exclusively for the charging of electric vehicles.” at the end.

Amend
§ 34-207

(b) The 3rd unnumbered paragraph, beginning with the phrase "The term 'public utility'" (D.C. Official Code § 34-214), is amended by adding the phrase “The term "public utility" excludes a person or entity that owns or operates electric vehicle supply equipment but does not sell or distribute electricity, an electric vehicle charging station service company, or an electric vehicle charging station service provider.” at the end.

Amend
§ 34-214

Sec. 102 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 1 (D.C. Official Code § 50-1501.01) is amended by adding a new subsection (l) to read as follows:

Amend
§ 50-1501.01

“(l) “Electric vehicle” shall have the same meaning as provided in section 3(4) of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, approved September 17, 1976 (90 Stat. 1261; 15 U.S.C. § 2502(4)).”.

(b) Section 2 (D.C. Official Code § 50-1501.02) is amended by adding a new subsection (k) to read as follows:

Amend
§ 50-1501.02

“(k) The Department of Motor Vehicles shall, upon request, provide to the electric company a registered owner’s address, zip code, and make and model of electric vehicles registered in the District. This information shall be transferred to the electric company for use in planning for the availability and reliability of the electric power supply upon a vehicle being registered with the Department of Motor Vehicles; provided, that the electric company shall not publish or re-disclose to any persons, including affiliates of the electric company, information about the registered electric vehicle owner, nor can the transferred information be used for any purpose except as set forth in this section.”.

SUBTITLE B. CLEAN ENERGY INCENTIVES.

Sec. 111. Section 47-1508(a) of the District of Columbia Official Code is amended by adding new paragraphs (11) and (12) to read as follows:

**Amend
§ 47-1508**

“(11) Systems using exclusively solar energy as defined in § 34-1431(14)); provided, that, notwithstanding any other provision of law, the Chief Financial Officer shall transfer \$120,000 from the certified revenues deposited in the Renewable Energy Development Fund established by § 34-1436 to the unrestricted fund balance of the General Fund of the District of Columbia and shall recognize the \$120,000 as local funds revenue in fiscal year 2013 and in each subsequent fiscal year.

“(12) Beginning October 1, 2016, cogeneration systems, which shall mean systems that produce both:

“(A) Electric energy; and

“(B) Steam or forms of useful energy (such as heat) that are used for industrial, commercial, heating, or cooling purposes.”.

**New Chapter
17M-1,
Subtitle D-I,
Title 8**

TITLE II. ENERGY CONSERVATION.

Sec. 201. Definitions.

For the purposes of this title, the term:

**New
§ 8-1772.01**

(1) “Air conditioner” means an appliance, system, or mechanism designed to remove heat and humidity from ambient air for thermal comfort.

(2) “Chain of stores” means 2 or more stores located within the District that are engaged in the same general field of business under the same business name or that operate under common ownership or management or pursuant to a franchise agreement with the same franchisor.

(3) “Commercial property” means income-producing property as identified under zoning classifications that would allow for uses such as office buildings, retail stores, and service facilities pursuant to Chapter 7 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR § 700 *et seq.*); provided, that the term “commercial property” shall not include a small store, hotel, or restaurant.

(4) “Person” means:

(A) The owner or lessee of the portion of a commercial building or structure that is a retail or wholesale establishment that sells goods or provides services to consumers; and

(B) The record owner or lessee of any other portion of a commercial building or structure.

(5) “Small store” means a retail or wholesale establishment that sells goods or provides services to consumers and occupies less than 4,000 square feet of retail or wholesale space, excluding storage space, and is not one of a chain of stores.

Sec. 202. Commercial property energy conservation.

New
§ 8-1772.02

A commercial property shall keep exterior doors and windows closed when an air conditioner that cools the adjacent area is in operation, except:

(1) During a reasonable period of ingress and egress of people or the delivery or shipping of goods;

(2) Where the door is intended for vehicular access to or for a loading dock;

(3) When an emergency situation exists requiring an exterior door or window to be kept open; or

(4) When a commercial property implements an alternative strategy authorized by the Mayor through regulation as a reasonably equivalent means of conserving energy.

Sec. 203. Penalties.

New
§ 8-1772.03

(a) If the Mayor determines that a violation of this title has occurred, the person in violation shall be subject to the penalties set forth in this section.

(b) The Mayor shall impose a penalty on retail establishments in violation of this title, which shall be a class 4 infraction under the schedule of fines in Chapter 32 of Title 16 of the District of Columbia Municipal Regulations (16 DCMR § 3200 *et seq.*)

(c) Retail establishments shall not be fined more than once in a 24-hour period for a violation of section 202.

(d) If payment of any amounts due under this section is not received by or before the due date, a penalty shall be added as provided by the Mayor through rulemaking.

(e) A violation of this title shall be a civil infraction for purposes of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*) (“Civil Infractions Act”). Civil fines, penalties, and fees may be imposed as sanctions for an infraction of the provisions of this title, or the rules issued under authority of this title, pursuant to the Civil Infractions Act. Adjudication of infractions shall be pursuant to the Civil Infractions Act.

(f) The enforcement of this title shall be administered by the Director of the District Department of the Environment.

TITLE III. RULES.

Sec. 301. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act within 180 days of its effective date.

**Note, all
affected
sections**

TITLE IV. FISCAL IMPACT STATEMENT AND EFFECTIVE DATE.

Sec. 401. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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. 402. 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.