

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification  
District of  
Columbia  
Official Code*

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To amend 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 or limousine within the District within the previous 5 years and no later than March 1, 2006, and who had registered a vehicle with the Department of Motor Vehicles for use as a taxicab or limousine within the District on or before March 1, 2006 notwithstanding residency outside the District, to continue to register a vehicle within the District for use as a taxicab or limousine within the District, to require that the non-resident be charged an additional registration fee of \$100, to establish the Out-Of-State Vehicle Registration Special Fund into which the additional registration fees shall be deposited, and to direct the uses to which these fees 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 Amendment Act of 2008”.

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 § 50-1501.02(c)(5)) is amended to read as follows:

Amend  
§ 50-1501.02

“(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 a resident of the District 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 at some point during the 5 years prior to the owner's first attempt to register a vehicle under this subparagraph; provided, that the license to operate a taxicab or limousine shall have been first issued no later than 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 or before March 1, 2006, while residing outside the District of Columbia;

“(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, no later than September 28 of the year prior to first registering a vehicle under this subparagraph, registered with the Office of Tax and Revenue for business taxes by completing a tax registration form; provided, that:

“(I) 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

“(II) 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 and limousine 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 requirements to register a vehicle within the District of Columbia under section

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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 of Columbia as established by the Revenue Funds Availability Act of 1975, effective January 22, 1976 (D.C. Law 1-42; 22 DCR 6318), except that fees collected under subsection (b-1) of this section shall be paid into the Out-of-State Vehicle Registration Special Fund as 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, or, if the Chairperson of the District of Columbia Taxicab Commission considers another use to be in the best interests of the proper regulation of the taxicab and limousine industries of the District of Columbia, to such other use.

“(2) Any revenues in excess of those required to be distributed in 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

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 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. 6. 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.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia