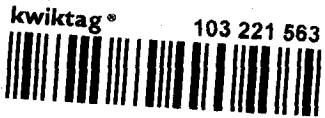


ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 10- 242

"Clean Air Compliance Fee Act of 1994".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 10-610 on first and second readings, November 1, 1994 and December 6, 1994, respectively. Following the signature of the Mayor on December 28, 1994, this legislation was assigned Act No. 10-387, and published in the January 6, 1995, edition of the D.C. Register (Vol. 42 page 86) and transmitted to Congress on February 3, 1995 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 10-242, effective March 21, 1995.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

Feb. 3,6,7,8,9,10,13,14,15,16,21,22,23,24,27,28

Mar. 1,2,3,6,7,8,9,10,13,14,15,16,17,20

AN ACT

D.C. ACT 10-387

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 28, 1994

New Subchapter IV
Chapter 27, Title 47

To comply with the emissions requirements of the Clean Air Act by discouraging single-occupant vehicle home-to-work travel and by encouraging car pools and transit use through the establishment of a fee at a rate of \$20 per month per space on employment parking spaces that are not subject to the collection of parking sales and use taxes for the service of parking and to amend the District of Columbia Sales Tax Act and the District of Columbia Use Tax Act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Clean Air Compliance Fee Act of 1994".

Sec. 2. Findings.

The Council of the District of Columbia finds that:

(1) Air pollution impairs the health and welfare of the citizens of the District of Columbia;

(2) Single-occupant automobile traffic is a substantial source of this pollution and the use of single-occupant automobiles for home-to-work travel has been increasing according to data from the Council of Governments;

(3) Despite the general availability of public transit and car pools, many individuals drive to work because free or subsidized parking is available;

(4) Pursuant to the federal Clean Air Act, the District of Columbia is a serious non-attainment jurisdiction and the government of the District of Columbia is required to reduce, eliminate, and control sources of air pollution; and

(5) By requiring payment from employment parking that is not subject to the parking sales and use tax and by allocating the revenues to the transit component of the District of Columbia's Clean Air Regulatory Program the District of Columbia will simultaneously discourage the use of single-occupancy vehicles for home-to-work travel while encouraging the use of car pools and transit, thereby reducing air pollution in compliance with requirements under the Clean Air Act.

New,
Section
47-2731

Sec. 3. Definitions.

For the purposes of this act, the term:

(1) "Employment parking" means the use of a parking space by a person, including owners, partners, employers, proprietors,

New,
Section
47-2732

employees, and independent contractors, to park to have access to employment, in association with their home-to-work travel.

(2) "Employment parking space" means a parking space, whether or not the parking space is identified or reserved for employment parking, in which employment parking by a motor vehicle occurs more than 2 days per week.

Sec. 4. Clean Air Act Compliance Fee.

(a) Pursuant to the federal Clean Air Act, which requires non-attainment jurisdictions such as the District of Columbia to reduce emissions of volatile organic compounds and nitrogen oxides to meet federal ambient air quality standards, there is hereby levied a fee on real property in the District of Columbia at a rate of \$20 per month per employment parking space for which sales and use tax for the service of parking is not collected pursuant to section 125(1) of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 115; D.C. Code § 47-2002(1)), or section 212(1) of the District of Columbia Use Tax Act, approved May 27, 1949 (63 Stat. 126; D.C. Code § 47-2202(1)).

(b) Owners of real property subject to the fee imposed by subsection (a) of this section may seek reimbursement of the fee from the users of employment parking spaces.

New
Section
47-2733

Sec. 5. Registration of employment parking spaces.

(a) Owners of real property in the District of Columbia shall register employment parking spaces on their property or on public space over which they control access in accordance with procedures established by the Mayor.

(b)(1) The Mayor may require persons referred to in subsection (a) of this section to supply the following information:

- (A) the total number of parking spaces owned or controlled;
- (B) the total number of employment parkings spaces; and
- (C) the total number of employment parking spaces for which sales and use tax for the service of parking is not collected pursuant to section 125(1) of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 115; D.C. Code § 47-2002(1)), or section 212(1) of the District of Columbia Use Tax Act, approved May 27, 1949 (63 Stat. 126; D.C. Code § 47-2202(1)).

(2) The Mayor may establish procedures to require persons referred to in subsection (a) of this section to produce or maintain records.

(c) Registration shall occur semiannually.

New
Section
47-2734

Sec. 6. Exemptions.

The following shall be exempt from the Clean Air Act Compliance Fee established in section 4 and the registration requirement established by section 5:

(1) Employment parking spaces used by members of the Senate unless the President Pro Tempore of the Senate notifies the Mayor, in writing, that the members of the Senate shall be subject to the fee;

(2) Employment parking spaces used by members of the House of Representatives unless the Speaker of the House of Representatives

New
Section
47-2735

ENROLLED ORIGINAL

notifies the Mayor, in writing, that the members of the House of Representatives shall be subject to the fee;

(3) Employment parking spaces owned or controlled by the Washington Metropolitan Area Transit Authority and used by its patrons to obtain access to the transit system;

(4) Employment parking spaces regulated by meters owned by the District of Columbia;

(5) Employment parking spaces owned or controlled by foreign governments and used for legation purposes; and

(6) Real property containing not more than 1 employment parking space.

Sec. 7. Rules of construction.

Nothing in this act shall be construed to impede upon the President's discretion under section 118 of the Clean Air Act, approved November 15, 1990 (104 Stat 2409; 42 U.S.C. 7418).

New
Section
47-2736

Sec. 8. Special agreements with the federal government.

The Mayor is authorized to enter into agreements with the legislative, judicial, and executive branches of the federal government regarding compliance and enforcement where issues of national security would otherwise preclude enforcement of this act.

New
Section
47-2737

Sec. 9. Payment.

The fee established in section 4 shall be due and payable semiannually, as prescribed by the Mayor.

New
Section
47-2738

Sec. 10. Penalties and enforcement.

(a) Failure to register an employment parking space shall subject the property to a penalty of \$240 per employment parking space per 6-month registration period.

(b) If the fee is not paid within the time prescribed by the Mayor, there shall be added to the fee a penalty of 10% of the unpaid amount plus interest of 1% per month or portion of a month until the payment is made. The amount of the unpaid fee plus any penalties and interest due shall constitute a lien against the property from the time it is due and payable, having priority over other liens, secured or otherwise, and shall also constitute a personal debt of the real property owner.

(c) The Mayor, for purposes of determining the total number of employment parking spaces owned or controlled by an owner of real property and for determining the amount of fees due from a real property owner, shall have authority to require a property owner to provide and maintain books and records, may examine any relevant books, papers, records, or memoranda of any person that bear upon the matters required to be included in the registration and may summon any person to appear and produce books, records, papers, or memoranda that bear upon the matters to be included in the registration and give testimony or answer interrogatories under oath.

New
Section
47-2739

(1) The Mayor may administer the oath to any person summoned to give testimony or answer interrogatories. The summons may be served by any member of the Metropolitan Police Department.

(2) If any person who was personally summoned neglects or refuses to obey the summons, the Mayor may report the fact to the

Superior Court of the District of Columbia)("Court") and the Court may compel obedience to the summons to the same extent that a witness may be compelled to obey a subpoena of that Court.

(d) The Mayor may enforce the provisions of this act pursuant to the District of Columbia Air Pollution Control Act of 1984, approved March 15, 1985 (D.C. Law 5-165; D.C. Code § 6-905) against any real property owner who produces or maintains false records, or who fails to pay the fee or maintain and produce records as required by the Mayor authorized under this act.

Sec. 11. Allocation of Clean Air Compliance Fee.

All fees, interest, penalties, and other charges collected pursuant to this act shall be used to defray the cost of the transit component of the District of Columbia's Clean Air Regulatory Program.

New
Section
47-2740

Sec. 12. Rulemaking.

Pursuant to title 1 of the District of Columbia Administrative Procedures Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, § 1-1501 *et seq.*), the Mayor is authorized to issue any rules that may be necessary to implement the provisions of this act. The Council requests that the Mayor amend the District of Columbia State Implementation Plan to ensure that the District receives credit for reductions in volatile organic compounds and nitrogen oxides, in fulfillment of the District's federally mandated requirement to reduce ozone creating pollutants.

Note
Section
47-2731

Sec. 13. Conforming amendment.

Section 2(b)(2) of the Stable and Reliable Source of Revenues for WMATA Act of 1982, effective April 30, 1982 (D.C. Law 4-103; D.C. Code § 1-2466), is amended by adding a new subparagraph (H) to read as follows:

Section
1-2466

"(H) Section 4 of the Clean Air Act Compliance Fee Act of 1994."

Sec. 14. Sales and use tax amendments.

(a) Section 114(a)(17) of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 113; D.C. Code § 47-2001(n)(1)(Q)), is amended by inserting the phrase "or the delivery of any newspapers" after the word "issued".

Section
47-2001

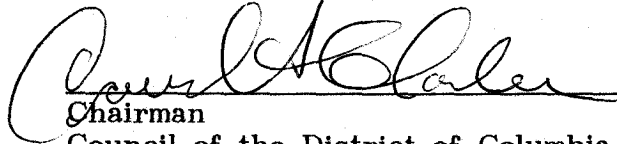
(b) Section 201(a)(15) of the District of Columbia Use Tax Act, approved May 27, 1949 (63 Stat. 124; D.C. Code § 47-2201(a)(1)(O)), is amended by inserting the phrase "or the delivery of any newspapers" after the word "issued".

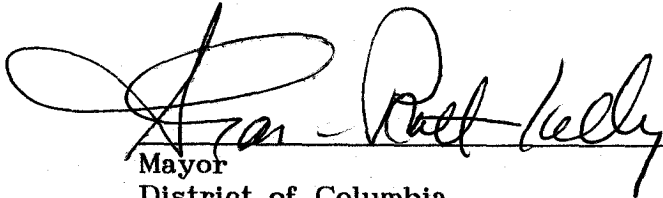
Section
47-2201

Sec. 15. Effective date.

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in § 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District of

**Columbia Statutes-at-Large, or the District of Columbia Municipal
Regulations.**


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: December 28, 1994



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Ten

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B10-610

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 7-5-94

VOICE VOTE: Approved

Recorded vote on request: Barry and Thomas

Absent:

ROLL CALL VOTE - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 10 rows of member names (CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.).

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council (Signature)

Date: December 19, 1994

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-6-94

VOICE VOTE: Approved

Recorded vote on request

Absent: Barry, Jarvis, Ray and Thomas

ROLL CALL VOTE - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 10 rows of member names (CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.).

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council (Signature)

Date: December 19, 1994

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE - RESULT

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. and 10 rows of member names (CHMN. CLARKE, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, SMITH, JR., THOMAS, SR.).

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date