

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D. C. LAW 2-157

"Rental Vehicle Tax Reform Act of 1978"

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. 2-384, on first and second readings, November 28, 1978 and December 12, 1978 respectively. Following the signature of the Mayor on December 29, 1978, this legislation was assigned Act No. 2-326, published in the January 26, 1979, edition of the D.C. Register, (Vol. 25, page 6995) and transmitted to Congress on January 19, 1979 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 the following legislation as D.C. Law 2-157, effective March 6, 1979.


ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	19, 22, 23, 24, 25, 26, 29, 30, 31
February	1, 2, 5, 6, 7, 8, 9, 13, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28
March	1, 2, 5

C. LAW 2-157

AN ACT

2-326

EFFECTIVE
DATE MAR 06 1979

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 29, 1978

To require the registration of certain rental vehicles and rental utility trailers; to amend the District of Columbia Traffic Act; 1925; to amend the District of Columbia Sales Tax Act; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Rental Vehicle Tax Reform Act of 1978".

Sec. 2. For the purposes of this act:

(a) The term "jurisdiction" means any state, territory or possession of the United States, the District of Columbia, a foreign country or a state or province of a foreign country.

(b) The term "motor vehicle" means any vehicle propelled by an internal-combustion engine and designed to carry passengers: EXCEPT, That the term shall not include road rollers, farm tractors, trucks, motorcycles, motorized bicycles, vehicles with a seating capacity of ten (10) or more persons or vehicles propelled only upon stationary rails or tracks.

(c) The term "owner" means the person, corporation or firm that holds the legal title to a motor vehicle or utility trailer, the registration of which is required in the District of Columbia. If a motor vehicle is the subject of an agreement for the conditional sale or lease thereof to an operator of a rental fleet, with an immediate right of possession vested in the conditional vendee or lessee, the conditional vendee or lessee of said vehicle shall be deemed the owner for the purposes of this act. If a mortgagor of a motor vehicle is entitled to possession of said vehicle, such mortgagor shall be deemed to be the owner.

(d) The term "preceding year" means the period of twelve (12) consecutive months immediately prior to September 1st of the year immediately preceding the commencement of the registration or license year for which allocation registration, as provided in section 4 of this act, is sought.

(e) The term "rental fleet" or "fleet" means five (5) or more rental vehicles or five (5) or more utility trailers which a rental operator designates as a rental fleet.

(f) The term "rental operator" means an owner of five (5) or more rental vehicles or utility trailers who is engaged in the business of renting or leasing, or of

offering to rent or lease, to others, such vehicles or trailers without drivers.

(g) The term "rental transaction" means the renting or leasing of a rental vehicle or utility trailer and shall be deemed to occur in the jurisdiction where such vehicle or trailer first comes into possession of the person, firm or corporation renting or leasing said vehicle or trailer.

(n) The term "rental vehicle" means a motor vehicle owned by a rental operator and which is a part of a rental fleet. The term "rental vehicle" shall not include motor vehicles which are registered for commercial, livery, sightseeing or taxi purposes, nor shall the term include hearses.

(i) The term "utility trailer" means a vehicle without motor power intended or used for carrying property and drawn or intended to be drawn by a motor vehicle, whether such vehicle without motor power carries the weight of the property wholly on its own structure or whether a part of such weight rests upon or is carried by a motor vehicle. For the purposes of this act, the term "utility trailer" shall be deemed to include only those vehicles which are owned by a rental operator and which are part of a rental fleet.

Sec. 3. Rental fleets and utility trailers, owned by any person or firm engaging the business of renting such vehicle, shall be extended full interstate and intrastate privileges, provided the following:

(a) such vehicles or trailers are part of a rental fleet and are identifiable as being a part of such fleet; and

(b) such person or firm registers a portion of said vehicles or trailers as provided in section 4 of this act.

Sec. 4. (a) The Mayor of the District of Columbia shall institute a procedure whereby a rental operator shall register, with the District of Columbia Department of Transportation or its successor agency, a portion of the rental vehicles or utility trailers comprising a fleet. The number of vehicles or trailers to be registered shall be calculated according to the provisions of this section.

(b) Rental Vehicles - For the purpose of determining the number of rental vehicles within each rental fleet which are to be registered under this section, the following formula shall be used for each fleet:

(1) divide the gross revenue arising from all rental vehicle transactions occurring in the District of Columbia during the preceding year by the total gross revenue received in the preceding year from rental vehicle

transactions in all jurisdictions in which such vehicles are operated;

(2) multiply the percentage obtained in paragraph (1), above, by the total number of rental vehicles in the fleet. The resulting figure shall be the number of rental vehicles that shall be registered in the District of Columbia.

(c) Utility Trailers - Each rental operator in the District of Columbia who is engaged in the business of renting utility trailers shall register a number of such trailers equal to the average number of such trailers rented in the District of Columbia during the preceding year.

Sec. 5. Subsection (j) of section 6 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Code, sec. 40-603(j)) is amended by adding a new subparagraph "(5)" to read as follows:

"(5) Rental vehicles and utility trailers, as defined in section 2 of the Rental Vehicle Tax Reform Act of 1978."

Sec. 6. Subsection (2) of Section 125 of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 115; D.C. Code, sec. 47-2502) is amended as follows:

(a) by deleting the word "and" immediately following the word "transients;" in paragraph "(A)";

(b) by inserting the word "and" immediately following the word "sold;" in paragraph "(C)", and

(c) by adding a new paragraph "(D)" to read as follows:

"(D) rental or leasing of rental vehicles and utility trailers as defined in section 2 of the Rental Vehicle Tax Reform Act of 1978."

Sec. 7. The Mayor is authorized to promulgate such rules and regulations as are necessary to carry out the purposes of this act.

Sec. 8. This act shall take effect in accordance with the provisions of section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act.

RECORD OF OFFICIAL COUNCIL ACTION

Docket No: Bill 2-384

First Reading Action: November 28, 1978

VOICE VOTE: Adopted Unanimously (2 abs) Dixon, Wilson

Patsy E. Murray
Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLARK									
DEMON					SHACKLETON									

X—Inclined Vote A. B.—Absent N. Y.—Not Voting

Secretary to the Council

Amended First Reading Action: _____

VOICE VOTE: _____

Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLARK									
DEMON					SHACKLETON									

X—Inclined Vote A. B.—Absent N. Y.—Not Voting

Secretary to the Council

Final Reading or Emergency Action: December 12, 1978

VOICE VOTE: Adopted Unanimously (1 abs) Shackleton

Patsy E. Murray
Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.	COUNCIL MEMBER	AYE	NAY	N.Y.	A.B.
TUCKER					MASON					SPAULDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, J.					WINTER				
CLARKE					ROLARK									
DEMON					SHACKLETON									

X—Inclined Vote A. B.—Absent N. Y.—Not Voting

RECORD OF OFFICIAL COUNCIL ACTION (Page 2)

Docket No: Bill 2-384

Presented to the Mayor: DEC 15 1978

Paul Patricia Miller
Secretary to the Council

Action of the Mayor: 29 DEC 1978

Approved: Disapproved;
 Disapproved in part -- *Reference Document:
*Budget Actions.

Nector Washburn
Mayor of the District of Columbia
29 DEC 1978

Returned Without Action

Executive Secretary, D. C.

Enacted without Mayor's Signature

Secretary to the Council

Council Reenactment:

VOICE VOTE:

Secretary to the Council

ROLL CALL VOTE:

COUNCIL MEMBER	ATT.	NAT.	NOV.	ALL	COUNCIL MEMBER	ATT.	NAT.	NOV.	ALL	COUNCIL MEMBER	ATT.	NAT.	NOV.	ALL
TUCKER					MASON					SPALDING				
HARDY					MOORE, D.					WILSON				
BARRY					MOORE, L.					WINTER				
CLARKE					BOLARK									
DIXON					SEYMOUR									

Roll Call Vote Roll Call Vote Roll Call Vote

Secretary to the Council

Presented to the President:

Secretary to the Council

Action of the President:

Reenactment Approved
 Mayor's Veto Sustained

President of the U. S.

Submitted to the Congress:

Secretary to the Council

Senate Action:
Resolution Number:

House Action:
Resolution Number:

Secretary of the Senate

Clerk of the House