

ENROLLMENT(S)

(5)

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 12-153

"International Fuel Tax Agreement Amendment Act of 1998"

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. 12-422 on first and second readings, April 7, 1998 and May 5, 1998, respectively. Following the signature of the Mayor on May 22, 1998, pursuant to Section 404(e) of "the Act", and was assigned Act No. 12-370 and published in the June 26, 1998, edition of the D.C. Register (Vol. 45 page 4074) and transmitted to Congress on June 16, 1998 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 12-153, effective September 18, 1998.



LINDA W. CROPP
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

June 16,17,18,19,22,23,24,25

July 14,15,16,17,20,21,22,23,24,27,28,29,30,31,

Sept. 8,9,10,11,14,15,16,17

AN ACT

D.C. ACT 12-370

*Codification
District of
Columbia
Code
1999 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 22, 1998

To amend Chapter 23 of Title 47 of the District of Columbia Code to provide for membership in the International Fuel Tax Association, Incorporated, pursuant to the federally mandated reciprocal reporting requirements of section 31705(a) of An Act To revise, codify, and enact without substantive change certain general and permanent laws, related to transportation as subtitles II, III, and V-X of title 49, United States Code, "Transportation", and to make other technical improvements in the Code (49 U.S.C. § 31705).

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "International Fuel Tax Agreement Amendment Act of 1998."

Sec. 2. Chapter 23 of Title 47 of the District of Columbia Code is amended as follows:

- (a) The table of contents to the chapter is amended as follows:
 - (1) The existing section headings are designated as "Subchapter I. General."
 - (2) A new subchapter II designation is added to read as follows:
"Subchapter II. International Fuel Tax Agreement.

- "Sec.
- "47-2351. Reciprocal agreements.
- "47-2352. Registration.
- "47-2353. Auditing.
- "47-2354. Fees."

- (b) A new section 47-2301.1 is added to read as follows:
"§ 47-2301.1. Subchapter subject to the International Fuel Tax Agreement.

**New Section
47-2301.1**

"The provisions of this subchapter shall be subject to the provisions of the International Fuel Tax Agreement as required by subchapter II of this chapter."

- (c) Section 47-2302 is amended by adding new paragraphs (13) through (23) to read as follows:

**Section
47-2302**

"(13) The term "established place of business" means a physical structure owned, leased, or rented by the fleet registrant and used as his or her main office. The physical structure

ENROLLED ORIGINAL

shall be designated by a street number or road location, be opened during normal business hours, and have located within it:

"(A) A telephone or telephones publicly listed in the name of the fleet registrant;

"(B) A person or persons conducting the fleet registrant's business; and

"(C) The operational records of the fleet.

"(14) The term "fleet" means one or more apportionable vehicles.

"(15) The term "GVWR" means Gross Vehicle Weight Rating, specified by the manufacturer as the loaded weight of a single vehicle.

"(16) The term "International Fuel Tax Agreement" or "IFTA" means the interstate agreement on collecting and distributing fuel use taxes paid by motor carriers, developed under the auspices of the National Governors' Association.

"(17) The term "jurisdictional base" means the jurisdiction that an apportioned operator lists as his or her established place of business for the purpose of complying with the IFTA.

"(18) The term "member jurisdiction" means a jurisdiction that is a member of the International Fuel Tax Association.

"(19) The term "motor carrier" means an individual, partnership, or corporation engaged in the transportation of goods or persons.

"(20) The term "owner" means any person, firm, or corporation other than the lienholder holding legal title to a vehicle.

"(21) The term "properly registered vehicle" means a vehicle which has been registered in full compliance with the laws of all jurisdictions in which it is intended to operate.

"(22) The term "reciprocity" means the reciprocal granting of rights and privileges to vehicles properly registered under the IFTA and to vehicles not so registered if such vehicles are subject to separate reciprocity agreements, arrangements, declarations, or understandings.

"(23) The term "trip pass" means the official document or permit issued to a motor carrier for a single interjurisdictional movement."

(d) A new subchapter II is added to read as follows:

"Subchapter II. International Fuel Tax Agreements.

"§ 47-2351. Reciprocal agreements.

"(a) The Mayor is authorized to enter into reciprocal agreements on behalf of the District with the duly authorized representatives of any jurisdiction of the United States or of a foreign country to satisfy the requirements of the IFTA. The Mayor is expressly authorized to enter into the IFTA and become a member of the International Fuel Tax Association, Inc., or such other organization that may, from time to time, be created to implement the reporting requirements of the IFTA.

"(b) The IFTA and any other agreements associated with the IFTA that are entered into

New
Subchapter
II,
Chapter 23,
Title 47

New Section
47-2351

by the Mayor shall take precedence over any District law or regulation that may be in conflict with such agreements.

"(c) The District, as a member jurisdiction to the IFTA, shall provide reciprocity to motor vehicle carriers that are engaged in interjurisdictional movement and intrajurisdictional movement, and are properly registered with another member jurisdiction.

"§ 47-2352. Registration.

New Section
47-2352

"(a) The Mayor shall implement a program for a uniform system of licensing and payment of fuel taxes by interjurisdictional motor carriers fleets consistent with the IFTA.

"(b) All commercial vehicles with a GVWR of over 10,000 pounds and engaged in the interjurisdictional transport of goods or passengers shall be eligible for uniform licensing and payment of fuel taxes.

"(c) Vehicles exhibiting the following characteristics shall declare a jurisdictional base and obtain the apportioned credentials issued under the terms of the IFTA:

- "(1) Vehicles with two axles and a GVWR of 26,000 pounds or more; or
- "(2) Vehicles with three or more axles.

"(d) Any vehicle required or eligible to obtain registration under the IFTA that lists the District as the established place of business must declare the District of Columbia as its jurisdictional base pursuant to the IFTA.

"(e) Vehicles qualifying for registration for the IFTA under subsection (b) of this section, but not apportioned or covered by reciprocity, and engaged in interjurisdictional movement, shall acquire a trip pass prior to entering the District.

"§ 47-2353. Auditing.

New Section
47-2353

"The Mayor shall adopt audit procedures consistent with the IFTA to review the uniform mileage schedules and fleet records of apportioned operators that declare the District their jurisdictional base. The audit procedures shall involve at least 15% of the IFTA apportioned vehicles whose operators declare the District as their jurisdictional base over a 5-year period.

"§ 47-2354. Fees.

New Section
47-2354

"The Mayor shall establish a registration fee schedule for commercial vehicles to carry out the purpose of this subchapter. The money generated from the fees shall be placed in a designated account and used to offset the cost of implementing the provisions of this subchapter."

Sec. 3. Withdrawal from the compact.

The District of Columbia hereby withdraws from participation in the compact on Taxation of Motor Fuels Consumed by Interstate Buses, approved April 14, 1965 (P.L. 89-11; 79 Stat. 58; D.C. Code § 47-2301, note).

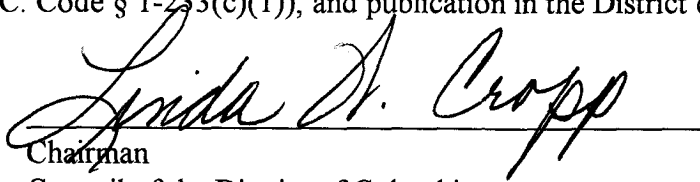
Note, Sections
47-2301,
47-2351

Sec. 4. Fiscal Impact Statement.

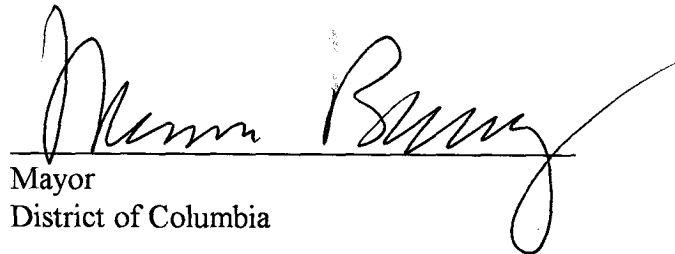
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233 (c)(3)).

Sec. 5. 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), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), 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. Code § 1-233(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: May 22, 1998



COUNCIL PERIOD TWELVE
RECORD OF OFFICIAL COUNCIL VOTE

B12-422

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE _____

ADOPTED FIRST READING, 4-7-98

VOICE VOTE
RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

CHAVOUS AND JARVIS

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

[Signature] 13, 1998
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE _____

ADOPTED FINAL READING, 5-5-98

VOICE VOTE
RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

ALL PRESENT

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
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X - Indicates Vote

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NV - Present not voting

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AN ACT

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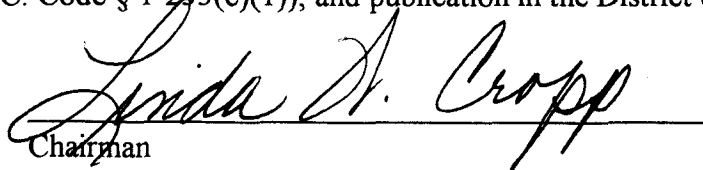
Note, Sections
47-2301,
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Sec. 4. Fiscal Impact Statement.

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. Code § 1-233 (c)(3)).

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Chairman
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Mayor
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B12-422

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APPROVED

ABSENT _____

CHAVOUS AND JARVIS

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
Ambrose					Jarvis					Thomas, Sr.				
Brazil					Mason									
Catania					Patterson									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

[Signature] 13, 1998
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 5-5-98

VOICE VOTE
RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

ALL PRESENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Chavous					Schwartz				
Allen					Evans					Smith, Jr.				
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X - Indicates Vote

AB - Absent

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CERTIFICATION RECORD

[Signature]
Secretary to the Council

[Signature] 13, 1998
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