

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 47.**  
**TAXATION, LICENSING, PERMITS,**  
**ASSESSMENTS, AND FEES.**

**CHAPTER 20.**  
**GROSS SALES TAX.**

**2001 Edition**

# DISTRICT OF COLUMBIA OFFICIAL CODE

## CHAPTER 20. GROSS SALES TAX.

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# CHAPTER 20. GROSS SALES TAX.

*Refs & Annos*

*HISTORICAL AND STATUTORY NOTES*

*Effect of Amendments*

D.C. Law 14-213 made technical corrections in items § 47-2002.03 and § 47- 2002.04.

*Legislative History of Laws*

For Law 14-213, see notes following § 47-820.

## **§ 47-2001. DEFINITIONS.**

(a) [Repealed].

(a-1) "Additional charges" means the excess of the sale or charge receipts received by a room remarketer over the net charges.

(a-2) "Armored car service" means picking up and delivering money, receipts, or other valuable items with personnel and equipment to protect the properties while in transit. The term "armored car service" shall not include coin rolling or change-room services; provided, that these charges are separately stated.

(b) "Business" includes any activity engaged in by any person or caused to be engaged in by him with the object of gain, benefit, or advantage, either direct or indirect.

(b-1) "Cigar" means any roll for smoking, other than a cigarette as defined in § 47-2401(1), made wholly or in part of tobacco, and where the wrapper or cover of the roll is made of natural leaf tobacco or any substance containing tobacco.

(c) "Collector" means the Collector of Taxes of the District or his duly authorized representatives.

(d) "Mayor" means the Mayor of the District of Columbia or his duly authorized representative or representatives.

(e) "District" means the District of Columbia.

(f) "Engaging in business" means commencing, conducting, or continuing in business, as well as liquidating a business when the liquidator thereof holds himself out to the public as conducting such a business.

(g) "Food or drink" means items sold for human or animal ingestion that are consumed for their taste or nutritional value. These items include, but are not limited to, baby foods and formula; baked goods; baking soda, baking powder, and baking mixes; bouillon; cereal and cereal products; cocoa and cocoa products; coffee and coffee substitutes; condiments; cooking wines; cough drops; edible cake decorations; egg and egg products; fish and fish products, including shellfish; fruit, fruit products, and fruit juices; gelatin; honey; ice cream; meat and meat products; milk and milk products; nondairy creamers; oleomargarine; pasta and pasta products; poultry and poultry products; powdered drinks, including health and diet drinks; salad dressings; salt and salt substitutes; sauces and gravies; snack foods; soups; spices and herbs; sugar and sugar products; syrup and syrup substitutes; tea and tea substitutes; vegetables, vegetable products, and vegetable juices; vitamins; water; yogurt; pet foods; flavored extracts; ice; and any combination of these items. The term "food or drink" does not include spirituous or malt liquors, beers, and wines; drugs, medicines or pharmaceuticals; chewing tobacco; toothpaste; or mouthwash.

(g-1) "Food or drink prepared for immediate consumption" includes, but is not limited to, food or drink in a heated state (except heated baked goods whose heated state is solely a result of baking); sandwiches suitable for immediate consumption; prepared salads; salad bars; party platters; cold drinks dispensed in or with a cup or glass either by a retailer or on a self-service basis by the consumer; frozen yogurt, ice cream, or ice milk sold in quantities of less than one pint; and all food or drink, served by, or sold in or by, restaurants, lunch counters, cafeterias, hotels, caterers, boarding houses, carryout shops or like places of business.

(g-2) Repealed.

(h) "Gross receipts" means the total amount of the sales prices of the retail sales of vendors, valued in money, whether received in money or otherwise.

(h-1) "Net charges" means the sale or charge receipts for any room or rooms, lodgings, or accommodations furnished to transients, received from a room remarketer by the operator of a hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration.

(h-2) "Nexus-vendor" means a vendor that has a physical presence within the District of Columbia, such as property or retail outlets, selling via the internet property or rendering services to a purchaser in the District.

(h-3) "Other tobacco products" means any product containing tobacco that is intended or expected to be consumed, other than a cigarette, cigar, premium cigar, or pipe tobacco.

(i) "Person" includes an individual, partnership, society, club, association, joint-stock company, corporation, estate, receiver, trustee, assignee, or referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals acting as a unit.

(i-1) "Premium cigar" means any cigar with a retail cost of \$ 2.00 or more, or packaged units of cigars averaging \$ 2.00 or more per packaged cigar at retail.

(i-2)(1) "Private investigation service" means an investigation being conducted for purposes of providing information related to:

- (A) A crime or wrong committed, assumed to have been committed, or threatened to be committed;
- (B) The identity, habits, conduct, movement, location, affiliations, associations, transactions, reputation, or character of any person;
- (C) The credibility of a witness or of any other individual;
- (D) The location of a missing individual;
- (E) The location or recovery of lost or stolen property;
- (F) The origin, cause of, or responsibility for a fire, accident, damage to or loss of property, or injury to an individual, regardless of who conducts the investigation;
- (G) The affiliation, connection, or relation of any person with an organization or other person;
- (H) The activities, conduct, efficiency, loyalty, or honesty of any employee, agent, contractor, or subcontractor;
- (I) The financial standing, creditworthiness, or financial responsibility of any person;
- (J) Securing evidence for use before any investigating committee, board of award, or board of arbitration, or for use in a trial of any civil or criminal cause;
- (K) Providing uniformed or non-uniformed personal protection;
- (L) Conducting polygraph testing;
- (M) Conducting background checks on prospective employees or tenants; or
- (N) Conducting background checks on individuals by or at the request of an insurance company for workers' compensation purposes.

(2) The term "private investigation service" shall not include private-process service, unless the service goes beyond service of process to a missing person investigation.

(j) "Purchaser" includes a person who purchases property or to whom is rendered services, receipts from which are taxable under this chapter.

(k) "Purchaser's certificate" means a certificate signed by a purchaser and in such form as the Mayor shall prescribe, stating the purpose to which the purchaser intends to put the subject of the sale, or the status or character of the purchaser.

(l) "Retailer" includes:

- (1) Every person engaged in the business of making sales at retail;
- (2) Every person engaged in the business of making retail sales at auction of tangible personal property owned by the person or others; and
- (3) Every person engaged in the business of making sales for storage, use, or other consumption, or in the business of making sales at auction of tangible personal property owned by the person or others for storage, use, or other consumption.

(m) "Retail establishment" means any premises in which the business of selling tangible personal property is conducted or in or from which any retail sales are made.

(n)(1) "Retail sale" and "sale at retail" mean the sale in any quantity or quantities of any tangible personal property or service, including any such sales effected via the internet by a nexus-vendor, taxable under the terms of this chapter. These terms mean all sales of tangible personal property to any person for any purpose other than those in which the purpose of the purchaser is to resell the property so transferred in the form in which the same is, or is to be, received by him, or to use or incorporate the property so transferred as a material or part of other tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining. For the purpose of the tax imposed by this chapter, these terms shall include, but not be limited to, the following:

(A)(i) Sales of food or drink prepared for immediate consumption as defined in subsection (g-1) of this section; and

(ii) Sales of food or drink when sold from vending machines;

(iii) Repealed;

(iv) Sales of soft drinks.

(B) Any production, fabrication, or printing of tangible personal property on special order for a consideration;

(C) The sale or charge, to include net charges and additional charges, for any room or rooms, lodgings, or accommodations furnished to transients by any hotel, room remarketer, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration.

(D) The sale of natural or artificial gas, oil, electricity, solid fuel, or steam;

(E) The sale of material used in the construction, and of materials used in the repair or alteration, of real property, which materials, upon completion of such construction, alterations, or repairs, become real property, regardless of whether or not such real property is to be sold or resold, however, this section shall not apply to the sale of material for the purpose of subsequently transporting the property outside the District for use solely outside the District;

(F) The sale or charges for possession or use of any article of tangible personal property granted under a lease or contract, regardless of the length of time of such lease or contract or whether such lease or contract is oral or written; in such event, for the purposes of this chapter, such lease or contract shall be considered the sale of such article and the tax shall be computed and paid by the vendor upon the rental paid; provided, however, that the gross proceeds from the rental of films, records, or any type of sound transcribing to theaters and radio and television broadcasting stations shall not be considered a retail sale;

(G)(i) The sale of or charges to subscribers for local telephone service. The inclusion of such sales and charges in the definition of the terms "retail sale" and "sale at retail" shall not authorize any tax to be imposed under this chapter on so much of any amount paid for the installation of any instrument, wire, pole, switchboard, apparatus, or equipment as is properly attributable to such installation.

(ii) The term "local telephone service" means:

(I) The access to a local telephone system, and the privilege of telephonic quality communication with substantially all persons having telephone or radio telephone stations constituting a part of such local telephone system; and

(II) Any facility or service provided in connection with a service described in clause (I) of this sub-subparagraph. The term "local telephone service" does not include any service which is a "toll telephone service" or a "private communication service" as defined in sub-subparagraphs (iii) and (iv) of this subparagraph.

(iii) The term "toll telephone service" means:

(I) A telephonic quality communication for which there is a toll charge which varies in amount with the distance and elapsed transmission time of each individual communication and the charge is paid within the United States; and

(II) A service which entitles the subscriber, upon payment of a periodic charge (determined as a flat amount or upon the basis of total elapsed transmission time), to the privilege of an unlimited number of telephonic communications to or from all or a substantial portion of the persons having telephone or radio telephone stations in a specified area which is outside the local telephone system area in which the station provided with this service is located.

(iv) The term "private communication service" means:

(I) The communication service furnished to a subscriber which entitles the subscriber to exclusive or priority use of any communication channel or groups of channels, or to the use of an intercommunication system for the subscriber's stations, regardless of whether such channel, or groups of channels, or intercommunication system may be connected through switching with a service described in sub-subparagraph (ii) or (iii) of this subparagraph;

(II) Switching capacity, extension lines and stations, or other associated services which are provided in connection with, and are necessary or unique to the use of, channels, or systems described in clause (I) of this sub-subparagraph; and

(III) The channel mileage which connects a telephone station located outside a local telephone system area with a central office in such local telephone system, except that such term does not include any communication service unless a separate charge is made for such service;

(H) The sale of or charges for admission to public events, except live performances of ballet, dance, or choral performances, concerts (instrumental and vocal), plays (with and without music), operas and readings and exhibitions of paintings, sculpture, photography, graphic and craft arts, but including movies, circuses, burlesque shows, sporting events, and performances or exhibitions of any other type or nature; provided, that any casual or isolated sale of or charge for admission made by a semipublic institution not regularly engaged in asking such sales or charges shall not be considered a retail sale or sale at retail;

(I) The sale of or charges for the service of repairing, altering, mending, or fitting tangible personal property, or applying or installing tangible personal property as a repair or replacement part of other tangible personal property, whether or not such service is performed by other means of coin-operated equipment or by any other means, and whether or not any tangible personal property is transferred in conjunction with such service;

(J) The sale of or charges for copying, photocopying, reproducing, duplicating, addressing, and mailing services and for public stenographic services;

(K) The sale of or charges for the service of laundering, dry cleaning, or pressing of any kind of tangible personal property, except when such service is performed by means of self-service, coin-operated equipment, and the rental of textiles to commercial users when the essential part of the rental includes the recurring service of laundering or cleaning thereof;

(L) The sale of or charge for the service of parking, storing, or keeping motor vehicles or trailers, except that:

(i) Where a sale or charge for the service described in this subparagraph is made to a District resident who is a tenant in an apartment house or the owner of a condominium unit or a cooperative unit in which he or she resides, and the motor vehicle or trailer of the tenant or owner is parked, stored or kept on the same premises on which the tenant or owner has his or her place of residence, except as otherwise provided in this paragraph the sale or charge is exempt from the tax imposed by this subparagraph. The exemption shall not extend to a tenant or owner whose motor vehicle or trailer is used for commercial purposes or whose occupancy of the building is for commercial purposes; or

(ii)(I) Where the sale or charge for the service is made to a District resident who possesses and shows to those providing the service a parking sales tax exemption card issued and signed by the Mayor or his or her duly authorized representative pursuant to sub-subparagraph (iii) of this subparagraph, the sale or charge is exempt from the tax imposed by this paragraph;

(II) This exemption shall extend only to those District residents using the service for the purpose of keeping their vehicles or trailers near their place of residence and shall not extend to a resident whose motor vehicle or trailer is used for commercial purposes, as ascertained by the Mayor or his or her duly authorized representative;

(iii) Upon application by a District resident, the Mayor shall issue to him or her a parking sales tax exemption card; provided, that the resident:

(I) Possesses a District motor vehicle or trailer registration certificate and identification tag for the motor vehicle or trailer to be parked, if so required by § 50-1501.02(a);

(II) Has registered the vehicle or trailer to a residential address in the District, if a registration certificate is required by § 50-1501.02(a), which address is located within one-half mile of the address of the business or operation providing the service; and

(III) Provides the Mayor the name and address of the business or operation to provide the service;

(iv) The parking sales tax exemption card shall state the name and address of the person to whom it is issued, the name and address of the business or operation to provide the service, and any other information, including a photograph, deemed necessary by the Mayor;

(iv-l)(I) Where the sale or charge for service is made by a valet parking service business, the sale or charge for service shall be exempt from the tax imposed by this sub-subparagraph.

(II) For the purposes of this sub-subparagraph, the term "valet parking service business" means a corporation, partnership, business entity, or proprietor who takes temporary control of a motor vehicle of a person attending any restaurant, business, activity, or event to

park, store, or retrieve the vehicle. The term "valet parking service business" shall not include a garage, parking lot, or parking facility that provides parking services by parking lot attendants.

(v) For the purpose of this paragraph, the term:

(I) "Motor vehicle" means any vehicle propelled by an internal-combustion engine or by electricity or steam, except road rollers, farm tractors, and vehicles propelled only upon stationary rails or tracks; and

(II) "Trailer" means a vehicle without motor power intended or used for carrying property or persons and drawn or intended to be drawn by a motor vehicle, whether such vehicle without motor power carries the weight of the property or persons wholly on its own structure or whether a part of such weight rests upon or is carried by a motor vehicle;

(M) The sale of or charges for the service of real property maintenance and landscaping.

(i)(I) For the purposes of this paragraph, the term "real property maintenance" means any activity that keeps the land or the premises of a building clean, orderly, and functional, including the performance of minor adjustments, maintenance, or repairs which include: floor, wall, and ceiling cleaning; pest control; window cleaning; servicing inground and in building swimming pools; exterior building cleaning; parking lot, garage, and recreation area maintenance; exterior and interior trash removal; restroom cleaning and stocking; lighting maintenance; chimney and duct cleaning; and ground maintenance; but does not include; painting, wallpapering, or other services performed as part of construction or major repairs; or services performed under an employee-employer relationship.

(II) The term "real property maintenance" shall not include the exterior or interior trash removal of recyclable material. For the purposes of this sub-sub-subparagraph, the term "recyclable material" means material that would otherwise become municipal solid waste and is shown by the provider of the interior or exterior trash removal that the material has been collected, separated, or processed to be returned into commerce as a raw material or product, or has been sold to a company in the business of separating or processing recyclable materials.

(ii) For the purposes of this paragraph, the term "landscaping" means the activity of arranging or modifying areas of land and natural scenery for an improved or aesthetic effect; the addition, removal, or arrangement of natural forms, features, and plantings; the addition, removal, or modification of retaining walls, ponds, sprinkler systems, or other landscape construction services; and other services provided by landscape designers or landscape architects such as consultation, research, preparation of general or specific design or detail plans, studies, specifications or supervision, or any other professional services or functions associated with landscaping;

(N) The sale of or charges for data processing and information services.

(i) For the purposes of this paragraph, the term "data processing service" means the processing of information for the compilation and production of records of transactions; the maintenance, input, and retrieval of information; the provision of direct access to computer equipment to process, examine, or acquire information stored in or accessible to the computer equipment; the specification of computer hardware configurations, the evaluation of technical processing characteristics, computer programming or software, provided in conjunction with and to support the sale, lease, operation, or application of computer equipment or systems; word processing, payroll and business accounting, and computerized data and information storage and manipulation; the input of inventory control data for a company; the maintenance of records of employee work time; filing payroll tax returns; the preparation of W-2 forms; the computation and preparation of payroll checks; and any system or application programming or software.

(ii) For the purposes of this paragraph, the term "information service" means the furnishing of general or specialized news or current information, including financial information, by printed, mimeographed, electronic, or electrical transmission, or by wire, cable, radio waves, microwaves, satellite, fiber optics, or any other method in existence or which may be devised; electronic data retrieval or research, including newsletters, real estate listings, or financial, investment, circulation, credit, stock market, or bond rating reports; mailing lists; abstracts of title; news clipping services; wire services; scouting reports; surveys; bad check lists; and broadcast rating services; but does not include: information sold to a newspaper or a radio or television station licensed by the Federal Communication Commission, if the information is gathered or purchased for direct use in newspapers or radio or television broadcasts; charges to a person by a financial institution for account balance information; or information gathered or compiled on behalf of a particular client, if the information is of a proprietary nature to that client and may not be sold to others by the person who compiled the information, except for a subsequent sale of the information by the client for whom the information was gathered or



compiled.

(iii) The term "data processing services" does not include a service provided by a member of an affiliated group of corporations to other corporate members of the group. Data processing services shall be exempt from sales tax if the service is rendered by a member of the affiliated group of corporations, has not been purchased with a certificate of resale or exemption by the corporation that provides the service, is rendered for the purpose of expense allocation, and is not for the profit of the corporation providing the service. For the purposes of this sub-subparagraph, the term "affiliated group" shall have the same meaning as defined in 26 U.S.C. § 1504(a);

(O) The sale of or charge for any newspaper or publication;

(P)(i) The sale of or charges for stationary two-way radio services, telegraph services, teletypewriter services, and teleconferencing services. The sale of or charges for services listed in this subparagraph shall not be considered sales of or charges for private communication services as defined in subparagraph (G)(iv) of this paragraph;

(ii) The sale of or charges for "900", "976", "915", and other "900"-type telecommunication services;

(iii) The sale of or charges for telephone answering services, including automated services and services provided by human operators;

(iv) The sale of or charges for telephone services rendered by means of coin-operated telephones; and

(v) The sale of or charges for services enumerated in sub-subparagraphs (i) through (iv) of this subparagraph shall not include sales of or charges for services that are subject to tax under § 47-2501 or Chapter 39 of this title;

(Q) The sale of or charge for any delivery in the District for which a separate charge is made, except merchandise delivered for resale for which a District of Columbia certificate of resale has been issued or the delivery of any newspapers;

(R) The sale of or charge for the service of procuring, offering, or attempting to procure in the District job seekers for employers or employment for job seekers, including employment advice, counseling, testing, resume preparation and any other related services;

(S) The sale of or charge for the service of placing a job seeker with an employer in the District;

(T) The sale of a prepaid telephone calling card, even if no card has been issued. Notwithstanding any other provision of law, any sale of a prepaid telephone calling card on or after October 1, 1997, shall be deemed the sale of tangible personal property subject only to such taxes as are imposed on the sale of food for immediate consumption as defined under subsection (g-1) of this section, even where no card has been issued. Gross receipts or charges from the sale of the telecommunication service purchased through the use of a prepaid telephone calling card, even if no card has been issued, shall not be subject to the taxes imposed under § 47-2501 et seq.; or § 47-3901 et seq.; or

(U) The sale of or charges for armored car service, private investigation service, and security service; provided, that an armored-car-services vendor may reasonably apportion any charges for any out-of-state delivery component, including the apportionment of distance, time, or number of stops within and outside of the District; provided further, that application of the sales and use tax to charges for security services is controlled by the delivery point of the services; provided further, that the reimbursement of incidental expenses paid to a third party and incurred in connection with providing a taxable private detective service shall not be included.

(2) The terms "retail sale" and "sale at retail" shall not include the following:

(A) Sales of transportation and communication services other than sales of data processing services, information services, local telephone service, or any service enumerated in paragraph (1)(P) of this subsection;

(B) Professional, insurance, or personal service transactions which involve sales as inconsequential elements for which no separate charges are made, except as otherwise provided in paragraph (1) of this subsection;

(C) Any sale in which the only transaction in the District is the mere execution of the contract of sale and in which the tangible personal property sold is not in the District at the time of the execution and is not sold by a nexus-vendor; provided, however, that nothing contained in this subsection shall be construed to be an exemption from the tax imposed under Chapter 22 of this title;

(D) Sales to a common carrier or sleeping car company by a corporation all of whose capital stock is owned by 1 or more common carriers or sleeping car companies of tangible personal property, procured or acquired by such corporation outside the District, which consists of repair or replacement parts used for the maintenance or repair of any train operating principally without the

District in the course of interstate commerce, or commerce between the District and a state, provided such sales are made in connection with the furnishing of terminal services pursuant to a written agreement entered into before January 1, 1963;

(E) Sales of food or drink of a type that constitute "eligible foods", as defined in 7 CFR § 271.2, or food purchased for animal ingestion, without regard to whether such food or drink is purchased with food stamps, except sales of food or drink prepared for immediate consumption and soft drinks;

(F) Sales of Internet access service--

(i) For the purposes of this subparagraph, the term "Internet access service" means a service that enables users to access content, information, electronic mail, or other services offered over the Internet and may also include access to proprietary content, information, and other services as part of a package of Internet access services offered to consumers.

(ii) "Internet access service" shall not include the sale of or charges for data processing and information services as defined in paragraph (1)(N)(i) and (ii) of this subsection that do not enable users to access content, information, electronic mail, or other services offered over the Internet.

(iii) "Internet access service" shall not include telecommunication services as defined in paragraph (1)(P) of this subsection or Chapter 39 of this title;

(G) Sales within the District of Columbia by Qualified High Technology Companies of intangible property or services otherwise taxable as a retail sale or sale at retail, including Internet-related services and sales, including website design, maintenance, hosting, or operation; Internet-related consulting, advertising, or promotion services; the development, rental, lease, or sale of Internet-related applications, connectivity, digital content, or products and services; advertising space and design; graphic design; banner advertising; subscription services; downloads from databases; services that involve the provision of strategic advice for Internet use and presence; Internet website design and maintenance services; Internet website assessment and diagnostic services; the use of proprietary content, information, and other services as part of a package of Internet advice and consulting services. This paragraph shall not apply to telecommunication service providers.

(H) Sales of valet parking services by a valet parking service business, as defined in paragraph (1)(L)(iv-l)(II) of this subsection;

(I) Fees retained by a retail establishment under [§ 8-102.03(b)(1)]; or

(J) Sales of cigarettes, as defined in § 47-2401(1A).

(o) "Return" includes any return filed or required to be filed as herein provided.

(o-1) "Room remarketer " means any person, other than the operator of a hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration, having any right, access, ability, or authority, through an internet transaction or any other means whatsoever, to offer, reserve, book, arrange for, remarket, distribute, broker, resell, or facilitate the transfer of rooms the occupancy of which is subject to tax under this chapter and also having any right, access, ability or authority to determine the sale or charge for the rooms, lodgings, or accommodations.

(p)(1) "Sales price" means the total amount paid by a purchaser to a vendor as consideration for a retail sale, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

(A) The cost of the property sold;

(B) The cost of materials used, labor or service cost, interest charged, losses, or any other expenses;

(C) The cost of transportation of the property prior to its sale at retail. The total amount of the sales price includes all of the following:

(i) Any services that are a part of the sale; and

(ii) Any amount for which credit is given to the purchaser by the vendor; or

(D) Amounts charged for any cover, minimum, entertainment, or other service in hotels, restaurants, cafes, bars, and other establishments where meals, food or drink, or other like tangible personal property is furnished for a consideration.

(2) The term "sales price" does not include any of the following:

(A) Cash discounts allowed and taken on sales;

(B) The amount charged for property returned by purchasers to vendors upon rescission of contracts of sale when the entire amounts charged therefor are refunded either in cash or credit, and when the property is returned within 90 days from the date of sale;

(C) The amount separately charged for labor or services rendered in installing or applying the property sold, except as provided in subsection (n)(1) of this section;

(D) The amount of reimbursement of tax paid by the purchaser to the vendor under this chapter; or

(E) Transportation charges separately stated, if the transportation occurs after the sale of the property is made.

(q) "Sale" and "selling" mean any transaction whereby title or possession, or both, of tangible personal property is or is to be transferred by any means whatsoever, including rental, lease, license, or right to reproduce or use, for a consideration, by a vendor to a purchaser, or any transaction whereby services subject to tax under this chapter are rendered for consideration or are sold to any purchaser by any vendor, and shall include, but not be limited to, any "sale at retail" as defined in this chapter. Such consideration may be either in the form of a price in money, rights, or property, or by exchange or barter, and may be payable immediately, in the future, or by installments.

(q-1)(1) "Security service" shall include any activity that is performed for compensation as a security guard to protect any individual or property and provided on the premises of a person's residential or commercial property, the service of monitoring an electronically controlled burglar or fire alarm system for any residential or commercial property located in the District, or responding to a distress call or an alarm sounding from a security system.

(2) The term "security service" shall not include:

(A) Installing a burglar or fire alarm system in commercial or residential property;

(B) Maintaining or repairing a security system for a customer;

(C) Monitoring property located entirely outside of the District, even if the equipment used to perform the monitoring service is located in the District; or

(D) Providing a medical-response system used by individuals to summon medical aid.

(r) "Semipublic institution" means any corporation, and any community chest, fund, or foundation, organized exclusively for religious, scientific, charitable, or educational purposes, including hospitals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(r-1) "Soft drink" means a non-alcoholic beverage with natural or artificial sweeteners. The term "soft drink" shall not include a beverage that:

(1) Contains:

(A) Milk or milk products;

(B) Soy, rice, or similar milk substitutes;

(C) Fruit or vegetable juice, unless the beverage is carbonated; or

(D) Coffee, coffee substitutes, cocoa, or tea; or

(2) Is prepared for immediate consumption, as defined in subsection (g-1) of this section.

(s) "Tangible personal property" means corporeal personal property of any nature.

(t) "Tax" means the tax imposed by this chapter.

(u) "Taxpayer" means any person required by this chapter to make returns or to pay the tax imposed by this chapter.

(v) "Tax year" means the calendar year, or the taxpayer's fiscal year if it be other than the calendar year when such fiscal year is regularly used by the taxpayer for the purpose of reporting District income taxes as the tax period in lieu of the calendar year.

(v-1) "Transient" means any person who occupies, or has the right to occupy, any room or rooms, lodgings, or accommodations for a period of 90 days or less during any one continuous stay.

(w) "Vendor" includes a person or retailer, including a nexus-vendor, selling property or rendering services upon the receipts from which a tax is imposed under this chapter.

(w-1)(1) "Special Event" means an uncommon, unique, noteworthy, or extra occurrence of a specific activity open to the general public that is designed, advertised, or promoted for an identified purpose to be conducted or held on a designated day or series of days, whether held outdoors, indoors, or both, in a public or private facility, at which at least 50 vendors will be present. Special events include auctions, shows, celebrations, circuses, expositions, entertainment, exhibits, fairs, festivals, fund raisers, historical re-enactments, movies, pageants, parades, and sporting events, the conduct of which has the effect, intent, or propensity to draw persons and create an atmosphere or opportunity to sell tangible personal property or services which are taxable under this chapter or Chapter 22 of this title.

(2) Special events shall not include an activity that constitutes a "qualified convention or trade show activity" as defined in section 513(d) of the Internal Revenue Code of 1986.

(x) The foregoing definitions shall be applicable whenever the words defined are used in this chapter

unless otherwise required by the context.

(May 27, 1949, 63 Stat. 112, ch. 146, title I, §§ 101-124; May 18, 1954, 68 Stat. 117, ch. 218, title XIII, §§ 1301, 1302; Mar. 31, 1956, 70 Stat. 80, ch. 154, title II, §§ 201-203; Sept. 2, 1964, 78 Stat. 847, Pub. L. 88-564, § 1; Aug. 2, 1968, 82 Stat. 613, Pub. L. 90-450, title III, §§ 301, 302, 303; Oct. 31, 1969, 83 Stat. 169, Pub. L. 91-106, title I, §§ 101, 102, 103; Jan. 5, 1971, 84 Stat. 1932, Pub. L. 91-650, title II, § 201(a)(1); Sept. 3, 1974, 88 Stat. 1064, Pub. L. 93-407, title IV, § 473; Jan. 3, 1975, 88 Stat. 2177, Pub. L. 93-635, § 8(b); Oct. 21, 1975, D.C. Law 1-23, title III, § 301(1)-(6), 22 DCR 2097; Apr. 9, 1976, D.C. Law 1-61, § 2, 22 DCR 5893; June 15, 1976, D.C. Law 1-70, title IV, §§ 401, 402, 23 DCR 533; June 24, 1977, D.C. Law 2-11, § 2, 24 DCR 1773; Sept. 13, 1980, D.C. Law 3-92, § 201(a), 27 DCR 3390; Apr. 30, 1982, D.C. Law 4-105, § 2, 29 DCR 1405; July 24, 1982, D.C. Law 4-131, §§ 201, 202, 223, 29 DCR 2418; Sept. 26, 1984, D.C. Law 5-113, § 201(a), (d), 31 DCR 3974; Apr. 30, 1988, D.C. Law 7-104, § 38, 35 DCR 147; July 26, 1989, D.C. Law 8-17, § 4(a), 36 DCR 4160; May 4, 1990, D.C. Law 8-119, § 3, 37 DCR 1738; Sept. 10, 1992, D.C. Law 9-145, § 107(a), 39 DCR 4895; Sept. 30, 1993, D.C. Law 10-25, § 111(a)-(d), 40 DCR 5489; Feb. 5, 1994, D.C. Law 10-68, § 46, 40 DCR 6311; Apr. 30, 1994, D.C. Law 10-115, § 203(a), 41 DCR 1216; June 14, 1994, D.C. Law 10-128, § 104(a), 41 DCR 2096; Mar. 21, 1995, D.C. Law 10-242, § 14(a), 42 DCR 86; Apr. 18, 1996, D.C. Law 11-110, § 59, 43 DCR 530; Apr. 12, 1997, D.C. Law 11-257, § 6, 44 DCR 1247; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; Apr. 30, 1998, D.C. Law 12-100, § 2(b), 45 DCR 1533; Oct. 20, 1999, D.C. Law 13-38, § 2702(k), 46 DCR 6373; Apr. 3, 2001, D.C. Law 13-256, § 402(a), 48 DCR 730; June 9, 2001, D.C. Law 13-305, § 102(a), 202(f), 48 DCR 334; June 25, 2002, D.C. Law 14-157, § 2(a), 49 DCR 4279; Oct. 1, 2002, D.C. Law 14-190, § 852, 49 DCR 6968; Oct. 19, 2002, D.C. Law 14-213, § 33(u), 49 DCR 8140; Mar. 13, 2004, D.C. Law 15-105, § 85(a), 51 DCR 881; Oct. 20, 2005, D.C. Law 16-33, § 1232, 52 DCR 7503; May 12, 2006, D.C. Law 16-94, § 2(a), 53 DCR 1649; Sept. 23, 2009, D.C. Law 18-48, § 2(a)(1), 56 DCR 5482; Sept. 23, 2009, D.C. Law 18-55, § 9(a)(4), 56 DCR 5703; Mar. 3, 2010, D.C. Law 18-111, § 7241(e), 57 DCR 181; Sept. 24, 2010, D.C. Law 18-223, § 7172, 57 DCR 6242; Apr. 8, 2011, D.C. Law 18-364, § 2(a), 58 DCR 976; Sept. 14, 2011, D.C. Law 19-21, §§ 7002(a)(1), 8032(a), 8052(a), 8162, 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 7112, 59 DCR 8025; Sept. 26, 2012, D.C. Law 19-171, §§ 114(m), 120, 59 DCR 6190.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2001.

1973 Ed., § 47-2601.

##### *Effect of Amendments*

D.C. Law 13-38 added subsec. (n)(2)(F).

D.C. Law 13-256 added subsec. (n)(2)(G).

D.C. Law 13-305 repealed subsec. (g-2); repealed subpar. (iii) of subsec. (n)(1)(A); rewrote subsec. (n)(2)(E); in subsec. (r) struck the sentence "For the purpose of this chapter, an organization or institution which does not embrace the generally recognized relationship of teacher and student shall be deemed not to be operated for educational purposes."; and added subsec. (w)(1).

Prior to repeal, subsec. (g-2) had read:

"(g-2) "Snack food" includes, but is not limited to, potato chips and sticks; corn or tortilla chips; pretzels; cookies; popped popcorn; pork rinds; cheese puffs and curls; crackers; fabricated snacks; snack cakes and pies, such as donuts, cake and pie slices, and other pastries that are baked or fried in, or sliced into, individual serving sizes; candy; chewing gum; nuts and edible seeds; marshmallows; mixtures that contain one or more snack foods; soft drinks; and fruit or vegetable drinks that contain less than 15% natural fruit or vegetable juice by volume. "Snack food" includes only those items that are sold suitable for consumption without further processing such as heating, cooking, or thawing. The term "snack food" does not include any food or drink included in subsection (g-1) of this section."

Prior to repeal, subpar. (iii) of subsec. (n)(1)(A) had read:

"(iii) Sales of snack food as defined in subsec. (g-2) of this section;"

Prior to amendment, subsec. (n)(2)(E) read:

"(E) Sales of food or drink as defined in subsection (g) of this section, except sales of food or drink for immediate consumption as defined in subsection (g-1) of this section, and snack food as defined in subsection (g-2) of this section; or"

D.C. Law 14-157, in subsec. (n)(1)(E), substituted "resold. This section shall not apply to the sale of material for the purpose of subsequently transporting the property outside the District for use solely outside the District;" for "resold;"

D.C. Law 14-190, in subsec. (n), added par. (1)(L)(iv-l), made nonsubstantive changes in pars. (2)(F) and (2)(G), and added par. (2)(H).

D.C. Law 14-213, in subsec. (n)(2)(F), validated a previously made technical correction.

D.C. Law 15-105, in subsec. (n)(1)(E), substituted "resold, however, this section" for "resold. This section".

D.C. Law 16-33, designated the existing text of subsec. (n)(1)(M)(i) as subsec. (n)(1)(M)(i)(I); and added subsec. (n)(1)(M)(i)(II).

D.C. Law 16-94 added subsec. (v-1).

D.C. Law 18-48, in subsec. (n)(1)(D), deleted ", when made to any purchaser for purposes other than resale or for use in manufacturing, assembling, processing, or refining" following "steam".

D.C. Law 18-55, in subsec. (n)(2), deleted "; or" from the end of subpar. (G); substituted "; or" for a period at the end of subpar. (H), and added par. (I).

D.C. Law 18-111 added subsecs. (b-1) and (i-1); and rewrote subsecs. (v-1), which had read as follows:

"(v-1)(1) 'Tobacco products other than cigarettes' means:

"(A) Any cigar or roll for smoking, other than a cigarette or premium cigar, made in whole or in part of tobacco; or

"(B) Any other tobacco or product made primarily from tobacco, other than a cigarette, premium cigar, or pipe tobacco that is intended for consumption by smoking, by chewing, or as snuff.

"(2) For the purposes of this subsection, the term 'premium cigar' means any individual cigars with a retail cost of \$2.00 or more, or packaged units of cigars averaging \$2.00 or more per packaged cigar at retail."

D.C. Law 18-223 added subsecs. (r-1) and (n)(1)(A)(iv); and, in subsec. (n)(2)(E), substituted "for immediate consumption and soft drinks;" for "for immediate consumption;".

D.C. Law 18-364 rewrote subsec. (n)(1)(C), which had read as follows:

"(C) The sale or charge for any room or rooms, lodgings, or accommodations furnished to transients by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration. The term 'transient' means any person who occupies or who has the right to occupy any room or rooms, lodgings, or accommodations for a period of 90 days or less during any 1 continuous stay;"

D.C. Law 19-21 added subsecs. (a-1), (a-2), (h-1), (h-2), (i-2), (n)(1)(U), (n)(2)(J), (o-1), and (q-1); in subsec. (n)(1), substituted "mean the sale in any quantity or quantities of any tangible personal property or service, including any such sales effected via the internet by a nexus-vendor, taxable" for "means the sale in any quantity or quantities of any tangible personal property or service taxable" and substituted "These terms mean" for "Said term shall mean"; in subsec. (n)(2)(C), substituted "is not in the District at the time of the execution and is not sold by a nexus-vendor;" for "is not in the District at the time of such execution; attempted to make a change accomplished earlier by D.C. Law 18-364;"; and, in subsec. (w), substituted "retailer, including a nexus vendor, selling" for "retailer selling".

D.C. Law 19-168 rewrote subsecs. (a-1), (h-1), (n)(1)(C); and added subsec. (v-1) defining "Transient".. Prior to amendment, subsecs. (a-1), (h-1), (n)(1)(C) read as follows:

"(a-1) "Additional charges" means the excess of the gross receipts from the sale of or charges for any room or accommodations received by a room remarketer over the net charges."

"(h-1) "Net charges" means the gross receipts from the sale of or charges for any room or accommodations received from a room remarketer by the operator of a hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration."

"(C)(i) The sale or charge, including net charges and additional charges, for any room or rooms, lodgings, or accommodations furnished to transients by any hotel, room remarketer, inn, tourist camp, tourist cabin, or any other place in which rooms lodgings, or accommodations are regularly furnished to transients for consideration. For the purposes of this subparagraph, the term "transient" means any person who occupies, or has the right to occupy, any room or rooms, lodgings, or accommodations for a period of 90 days or less during any one continuous stay.

"(ii) For the purposes of this chapter, the term:

"(I) "Additional charges" means the excess of the sale or charges received from the transient by a room remarketer over the net sale or net charges.

"(II) "Net sale" or "net charges" means the gross receipts from the sale of or charges for any room or accommodations received by a retailer from a room remarketer.

"(III) "Room remarketer" means any person, other than the retailer, having any right, access, ability, or authority, through an Internet transaction or any other means whatsoever, to offer, reserve, book, arrange for, remarket, distribute, broker, resell, or facilitate the transfer of rooms the occupancy of which is subject to tax under this chapter;"

D.C. Law 19-171, in the lead-in language of subsec. (n)(1)(C)(ii), substituted "this subchapter" for "this chapter"; and redesignated subsec. (v-1), defining "Other tobacco products", as (h-3) .

For temporary (225 day) amendment of section, see § 107(a) of Omnibus Budget Support Temporary Act of 1992 (D.C. Law 9-134, July 23, 1992, law notification 39 DCR 5815).

For temporary (225 day) amendment of section, see § 111(a)-(d) of Omnibus Budget Support Temporary Act of 1993 (D.C. Law 10-11, August 6, 1993, law notification 40 DCR 6213).

For temporary (225 day) amendment of section, see § 2 of Sales and Use Tax on Newspapers Temporary Amendment Act of 1993 (D.C. Law 10-32, October 15, 1993, law notification 40 DCR 7475).

For temporary (225 day) prohibition of increase of certain taxes, see § 2 of Economic Recovery Conformity Temporary Act of 1996 (D.C. Law 11-216, April 9, 1998, law notification 44 DCR 2574).

Section 8 of D.C. Law 19-53 amended subsecs. (a-1), (h-1), (n)(1)(C) and added subsec. (v-2) to read as follows:

"(a-1) 'Additional charges' means the excess of the sale or charge receipts received by a room remarketer over the net charges."

"(h-1) 'Net charges' means the sale or charge receipts for any room or rooms, lodgings, or accommodations furnished to transients, received from a room remarketer by the operator of a hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration."

"(C) The sale or charge, to include net charges and additional charges, for any room or rooms, lodgings, or accommodations furnished to transients by any hotel, room remarketer, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for consideration."

"(v-2) 'Transient' means any person who occupies, or has the right to occupy, any room or rooms, lodgings, or accommodations for a period of 90 days or less during any one continuous stay."

Section 15(b) of D.C. Law 19-53 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary prohibition, on an emergency basis, of the increase in the individual income tax, the sales and use tax, and real property tax rates contingent on the enactment of an act of Congress which would reduce the percentage of federal income tax applicable solely to residents of D.C. under the Internal Revenue Code of 1986, see § 2 of the Economic Recovery Conformity Emergency Act of 1996 (D.C. Act 11-377, August 28, 1996, 43 DCR 4797).

For temporary (90-day) addition of section, see § 2702(k) of the Service Improvement and Fiscal Year 2000 Budget Support Emergency Act of 1999 (D.C. Act 13-110, July 28, 1999, 46 DCR 6320).

For temporary (90 day) amendment of section, see § 2 of Simplified Sales and Use Tax District of Columbia Participation Emergency Act of 2001 (D.C. Act 14- 168, November 19, 2001, 48 DCR 11026).

For temporary (90 day) amendment of section, see § 852 of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

For temporary (90 day) amendment of section, see §§ 1232, 1234 of Fiscal Year 2006 Budget Support Emergency Act of 2005 (D.C. Act 16-168, July 26, 2005, 52 DCR 7667).

For temporary (90 day) amendment of section, see § 7241(e) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 7241(e) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

For temporary (90 day) amendment of section, see § 7172 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

For temporary (90 day) amendment of section, see § 7002(a)(1) of Fiscal Year 2012 Budget Support Emergency Act of 2011 (D.C. Act 19-93, June 29, 2011, 58 DCR 5599).

For temporary (90 day) amendment of section, see § 8 of Revised Fiscal Year 2012 Budget Support Technical Clarification Emergency Amendment Act of 2011 (D.C. Act 19-157, October 4, 2011, 58 DCR 8688).

For temporary (90 day) amendment of section, see § 7112 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 7112 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

#### *Legislative History of Laws*

Law 1-23, the "Revenue Act of 1975," was introduced in Council and assigned Bill No. 1-47, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first, amended first, and second readings, and reconsideration of second reading, on April 15, 1975, June 1, 1975, June 24, 1975 and July 11,

1975, respectively. Signed by the Mayor on July 23, 1975, it was assigned Act No. 1-34 and transmitted to both Houses of Congress for its review.

Law 1-61, the "Revenue Act of 1975 -- Third Amendment," was introduced in Council and assigned Bill No. 1-215, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on December 19, 1975 and January 13, 1976, respectively. Signed by the Mayor on February 6, 1976, it was assigned Act No. 1-91 and transmitted to both Houses of Congress for its review.

Law 1-70, the "Revenue Act of 1976," was introduced in Council and assigned Bill No. 1-229, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings and reconsiderations of final reading on February 20, 1976, March 11, 1976 and April 6, 1976, respectively. Signed by the Mayor on April 20, 1976, it was assigned Act No. 1-106 and transmitted to both Houses of Congress for its review.

Law 2-11, the "Residential Parking Tax Exemption Act," was introduced in Council and assigned Bill No. 2-62, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on March 22, 1977 and April 5, 1977, respectively. Signed by the Mayor on April 25, 1977, it was assigned Act No. 2-32 and transmitted to both Houses of Congress for its review.

Law 3-92, the "District of Columbia Revenue Act of 1980," was introduced in Council and assigned Bill No. 3-285, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on June 17, 1980 and July 1, 1980, respectively. Signed by the Mayor on July 9, 1980, it was assigned Act No. 3-214 and transmitted to both Houses of Congress for its review.

Law 4-105, the "Candy, Confectionery, Soft Drink, and Chewing Gum Sales Tax Amendment Act of 1981," was introduced in Council and assigned Bill No. 4-231, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on October 27, 1981 and February 23, 1982, respectively. Signed by the Mayor on March 10, 1982, it was assigned Act No. 4-166 and transmitted to both Houses of Congress for its review.

Law 4-131, the "District of Columbia Tax Enforcement Act of 1982," was introduced in Council and assigned Bill No. 4-257, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on April 27, 1982, and May 11, 1982, respectively. Signed by the Mayor on June 1, 1982, it was assigned Act No. 4-196 and transmitted to both Houses of Congress for its review.

Law 5-113, the "District of Columbia Revenue Act of 1984," was introduced in Council and assigned Bill No. 5-370, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on June 26, 1984 and July 10, 1984, respectively. Signed by the Mayor on July 13, 1984, it was assigned Act No. 5-164 and transmitted to both Houses of Congress for its review.

Law 7-104, the "Technical Amendments Act of 1987," was introduced in Council and assigned Bill No. 7-346, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 24, 1987, and December 8, 1987, respectively. Signed by the Mayor on December 22, 1987, it was assigned Act No. 7-124 and transmitted to both Houses of Congress for its review.

Law 8-17, the "Revenue Amendment Act of 1989," was introduced in Council and assigned Bill No. 8-224, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on May 2, 1989 and May 16, 1989, respectively. Signed by the Mayor on May 26, 1989, it was assigned Act No. 8-34 and transmitted to both Houses of Congress for its review.

Law 8-119, the "Tax Amendment Act of 1990," was introduced in Council and assigned Bill No. 8-371, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on January 30, 1990, and February 13, 1990, respectively. Approved without the signature of the Mayor on March 6, 1990, it was assigned Act No. 8-173 and transmitted to both Houses of Congress for its review.

Law 9-145, the "Omnibus Budget Support Act of 1992," was introduced in Council and assigned Bill No. 9-222, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 12, 1992, and June 2, 1992, respectively. Approved without the signature of the Mayor on June 22, 1992, it was assigned Act No. 9-225 and transmitted to both Houses of Congress for its review. D.C. Law 9-145 became effective on September 10, 1992.

For legislative history of D.C. Law 10-11, see Historical and Statutory Notes following § 47-2002.01.

For legislative history of D.C. Law 10-25, see Historical and Statutory Notes following § 47-2002.01.

Law 10-68, the "Technical Amendments Act of 1993," was introduced in Council and assigned Bill No. 10-166, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 29, 1993, and July 13, 1993, respectively. Signed by the Mayor on August 23, 1993, it was assigned Act No. 10-107 and transmitted to both Houses of Congress for its review. D.C. Law 10-68 became effective on February 5, 1994.

Law 10-115, the "Financial Administration Revision and Clarification Act of 1994," was introduced in Council and assigned Bill No. 10-439, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on January 4, 1994, and February 1, 1994, respectively. Signed by the Mayor on February 25, 1994, it was assigned Act No. 10-205 and transmitted to both Houses of Congress for its review. D.C. Law 10-115 became effective on April 30, 1994.

Law 10-128, the "Omnibus Budget Support Act of 1994," was introduced in Council and assigned Bill No. 10-575, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on March 22, 1994, and April 12, 1994, respectively. Signed by the Mayor on April 14, 1994, it was assigned Act No. 10-225 and transmitted to both Houses of Congress for its review. D.C. Law 10-128 became effective on June 14, 1994.

Law 10-242, the "Clean Air Compliance Fee Act of 1994," was introduced in Council and assigned Bill No. 10-610, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 28, 1994, it was assigned Act No. 10-387 and transmitted to both Houses of Congress for its review. D.C. Law 10-242 became effective on March 21, 1995.

Law 11-110, the "Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-485, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 5, 1995, and January 4, 1996, respectively. Signed by the Mayor on January 26, 1996, it was assigned Act No. 11-199 and transmitted to both Houses of Congress for its review. D.C. Law 11-110 became effective on April 18, 1996.

Law 11-248, the "Recorder of Deeds Recordation Surcharge Amendment Act of 1996," was introduced in Council and assigned Bill No. 11-670, which was referred to the Committee of the Whole. The Bill was adopted in first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-512 and transmitted to both Houses of Congress for its review. D.C. Law 11-248 became effective on April 9, 1997.

Law 12-100, the "Commercial Mobile Telecommunication Service Tax Clarification Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-425, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on December 4, 1997, and January 6, 1998, respectively. Signed by the Mayor on January 27, 1998, it was assigned Act No. 12-276 and transmitted to both Houses of Congress for its review. D.C. Law 12-100 became effective on April 30, 1998.

Law 13-38, the "Service Improvement and Fiscal Year 2000 Budget Support Act of 1999," was introduced in Council and assigned Bill No. 13-161, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 11, 1999, and June 22, 1999, respectively. Signed by the Mayor on July 8, 1999, it was assigned Act No. 13-111 and transmitted to both Houses of Congress for its review. D.C. Law 13-38 became effective on October 20, 1999.

For Law 13-256, see notes following § 47-1817.01.

For Law 13-305, see notes under § 47-901.

Law 14-157, the "Compensating Use Tax Clarification Act of 2002", was introduced in Council and assigned Bill No. 14-462, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on March 5, 2002, and April 9, 2002, respectively. Signed by the Mayor on April 24, 2002, it was assigned Act No. 14-336 and transmitted to both Houses of Congress for its review. D.C. Law 14-157 became effective on June 25, 2002.

For Law 14-190, see notes following § 47-308.01.

For Law 14-213, see notes following § 47-820.

For Law 15-105, see notes following § 47-902.

For Law 16-33, see notes following § 47-308.01.

Law 16-94, the "Other Tobacco Products Tax Act of 2006", was introduced in Council and assigned Bill No. 16-117 which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on January 4, 2006, and February 7, 2006, respectively. Signed by the Mayor on February 27, 2006, it was assigned Act No. 16-289 and transmitted to both Houses of Congress for its review. D.C. Law 16-94 became effective on May 12, 2006.

Law 18-48, the "Processing Sales Tax Clarification Act of 2009", was introduced in Council and assigned Bill No. 18-21, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on June 2, 2009, and June 16, 2008, respectively. Enacted without signature by the Mayor on June 26, 2009, it was assigned Act No. 18-123 and transmitted to both Houses of Congress for its review. D.C. Law 18-48 became effective on September 23, 2009.

For Law 18-55, see notes following § 47-1803.02.

For Law 18-111, see notes following § 47-305.02.

For Law 18-223, see notes following § 47-355.05.

Law 18-364, the "Payment of Full Hotel Taxes by Online Vendors Clarification Act of 2010", was introduced in Council and assigned Bill No. 18-655, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on December 7, 2010, and December 21, 2010, respectively. Signed by the Mayor on January 27, 2011, it was assigned Act No. 18-715 and transmitted to both Houses of Congress for its review. D.C. Law 18-364 became effective on April 8, 2011.



For Law 19-21, see notes following § 47-305.02.

For history of Law 19-168, see notes under § 47-355.01.

For history of Law 19-171, see notes under § 47-369.01.

#### *Effective Dates*

Section 3(b) of D.C. Law 4-105 provided that the provisions of § 2 of the act shall take effect on the first day of the first month which begins more than 30 days after April 30, 1982.

Section 202 of D.C. Law 5-113 provided that § 201 shall take effect October 1, 1984.

#### *Miscellaneous Notes*

Mayor authorized to issue rules: See second paragraph of note to § 47-2601.

Office of Collector of Taxes abolished: See Historical and Statutory Notes following § 47-401.

Section 4(b) of D.C. Law 12-100 provided that returns or payments due from wireless telecommunication companies for the period beginning May 1, 1997, through the effective date of this act not previously filed or paid shall be due by the 45th day after the effective date of this act.

Section 4(c) of D.C. Law 12-100 provided that beginning in FY 1999, the amount of tax imposed by the act shall not be calculated as gross revenue to which the tax is then applied.

Repeal of D.C. Law 10-242 inapplicable to this section: Section 11702(b) of title XI of Pub. L. 105-33, 111 Stat. 781, the National Capital Revitalization and Self-Government Improvement Act of 1997, provided that § 11702(a), which repealed the Clean Air Compliance Fee Act of 1994, D.C. Law 10-242, shall not apply to § 14 of Law 10-242.

Section 103 of D.C. Law 13-305 provides:

"Sec. 103. Applicability.

"Section 102(a) through (c) shall apply beginning April 1, 2001. Section 102(d) shall apply beginning October 1, 2001."

Short title of subtitle D of title VIII of Law 14-190: Section 851 of D.C. Law 14-190 provided that subtitle D of title VIII of the act may be cited as the Parking Tax Clarification Act of 2002.

Short title of subtitle BB of title I of Law 16-33: Section 1231 of D.C. Law 16-33 provided that subtitle BB of title I of the act may be cited as This subtitle may be cited as the Recyclable Material Sales Tax Clarification Act of 2005.

Section 1234 of D.C. Law 16-33 provides that § 1232 shall apply as of October 1, 2005.

Section 4 of D.C. Law 16-94 provides that § 2 shall apply as of April 1, 2006.

Section 3 of D.C. Law 18-48 provides that this act shall apply as of January 1, 2009.

Short title: Section 7171 of D.C. Law 18-223 provided that subtitle R of title VII of the act may be cited as the "Healthy Schools Revenue Act of 2010".

Short title: Section 7001 of D.C. Law 19-21 provided that subtitle A of title VII of the act may be cited as "Procedure for Remittance of Hotel Taxes by Online Vendors Act of 2011".

Short title: Section 8031 of D.C. Law 19-21 provided that subtitle D of title VIII of the act may be cited as "Sales Tax Act of 2011".

Short title: Section 8051 of D.C. Law 19-21 provided that subtitle F of title VIII of the act may be cited as "Cigarette Sales Tax Enhancement Act of 2011".

Short title: Section 8151 of D.C. Law 19-21 provided that subtitle P of title VIII of the act may be cited as "Internet Sales Tax Act of 2011".

Short title: Section 7111 of D.C. Law 19-168 provided that subtitle K of title VII of the act may be cited as "Procedures for Remittance of Hotel Taxes by Online Vendors Act of 2012".

## **§ 47-2002. IMPOSITION OF TAX.**

(a) A tax is imposed upon all vendors for the privilege of selling at retail certain tangible personal property and for the privilege of selling certain selected services (defined as "retail sale" and "sale at retail" in this chapter). The rate of such tax shall be 6% of the gross receipts from sales of or charges for such tangible personal property and services, except that:

(1) The rate of tax shall be 18% of the gross receipts from the sale of or charges for the service of parking or storing of motor vehicles or trailers, except the service of parking or storing of motor vehicles or trailers on a parking lot owned or operated by the Washington Metropolitan Area Transit Authority and located adjacent to a Washington Metropolitan Area Transit Authority passenger stop or station;

(2)(A) The rate of tax shall be 10.05% of the gross receipts from the sale of or charges for any room or rooms, lodgings, or accommodations furnished to a transient by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients;

(B) If the occupancy of a room or rooms, lodgings, or accommodations is reserved, booked, or otherwise arranged for by a room remarketer, the tax imposed by this paragraph shall be determined based on the net charges and additional charges received by the room remarketer.

(3) The rate of tax shall be 9% of the gross receipts from the sale of or charges for:

(A) Food or drink prepared for immediate consumption as defined in § 47- 2001(g-1);

(B) Spirituous or malt liquors, beers, and wine sold for consumption on the premises where sold; and

(C) Rental or leasing of rental vehicles and utility trailers as defined in § 50-1505.01;

(3A) The rate of tax shall be 10% of the gross receipts of the sales of or charges for spirituous or malt liquors, beers, and wine sold for consumption off the premises where sold;

(4) [Repealed];

(4A) The rate of tax shall be 5.75% of the gross receipts from the sale of or charges for tangible personal property or services by legitimate theaters, or by entertainment venues with 10,000 or more seats, excluding any such theaters or entertainment venues from which such taxes are applied to pay debt service on tax-exempt bonds;

(5) The rate of tax shall be 12% of the gross receipts from the sale of or charges for cigars, excluding premium cigars;

(6) The rate of tax shall be 12% of the gross receipts from the sale of or charges for other tobacco products; and

(7)(A) The rate of tax shall be 6% of the gross receipts from the sale of or charges for medical marijuana, as defined in the Legalization of Marijuana for Medical Treatment Initiative of 1999, transmitted on December 21, 2009 (D.C. Act 13-138) [Chapter 16B of Title 7].

(B) The proceeds of the tax collected under subparagraph (A) of this paragraph shall be deposited in the Healthy DC and Health Care Expansion Fund established by [§ 31-3514.02].

(b) Of the sales tax revenue received pursuant to this section, \$460,000 annually shall be used to fund the Reimbursable Detail Subsidy Program in the Alcoholic Beverage Regulation Administration.

(May 27, 1949, 63 Stat. 115, ch. 146, title I, § 125; May 18, 1954, 68 Stat. 117, ch. 218, title XIII, § 1303; Mar. 2, 1962, 76 Stat. 10, Pub. L. 87- 408, § 101(a); Sept. 30, 1966, 80 Stat. 856, Pub. L. 89-610, title III, § 301(a); Aug. 2, 1968, 82 Stat. 614, Pub. L. 90-450, title III, § 304; Oct. 31, 1969, 83 Stat. 170, Pub. L. 91-106, title I, § 104; Jan. 5, 1971, 84 Stat. 1932, Pub. L. 91-650, title II, § 201(a)(2); Aug. 29, 1972, 86 Stat. 643, Pub. L. 92-410, title III, § 301(a)(1), (2); Oct. 21, 1975, D.C. Law 1-23, title III, § 301(7), 22 DCR 2099; June 15, 1976, D.C. Law 1-70, title IV, § 408, 23 DCR 541; Mar. 6, 1979, D.C. Law 2-157, § 6, 25 DCR 6995; Sept. 13, 1980, D.C. Law 3-92, § 201(b), 27 DCR 3390; Sept. 26, 1984, D.C. Law 5-113, § 201(b), (c), 31 DCR 3974; July 26, 1989, D.C. Law 8-17, § 4(b), 36 DCR 4160; Sept. 10, 1992, D.C. Law 9-145, § 107(b), 39 DCR 4895; Sept. 30, 1993, D.C. Law 10-25, § 111(e), 40 DCR 5489; June 14, 1994, D.C. Law 10-128, § 104(b), 41 DCR 2096; Sept. 28, 1994, D.C. Law 10- 188, § 302(a), 41 DCR 5333; May 16, 1995, D.C. Law 10-255, § 44, 41 DCR 5193; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; Aug. 12, 1998, D.C. Law 12-142, § 3(c), 45 DCR 4826; June 5, 2003, D.C. Law 14- 307, § 902(a), 49 DCR 11664; May 12, 2006, D.C. Law 16-94, § 2(b), 53 DCR 1649; Mar. 3, 2010, D.C. Law 18-111, § 7241(f), 57 DCR 181; Sept. 24, 2010, D.C. Law 18-223, § 7132, 57 DCR 6242; Apr. 8, 2011, D.C. Law 18-364, § 2(b), 58 DCR 976; Sept. 14, 2011, D.C. Law 19-21, §§ 7002(a)(2), 8032(b), 8042, 8123, 8143, 58 DCR 6226.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2002.

1973 Ed., § 47-2602.

##### *Effect of Amendments*

D.C. Law 14-307, in par. (3A), substituted "9%" for "8%".

D.C. Law 16-94, in par. (3A), substituted a semicolon for "; and"; in par. (4), substituted "; and" for a period; and added par. (5).

D.C. Law 18-111, in the introductory language, substituted "5.75%, except for the period beginning October 1, 2009, and ending September 30, 2012, the rate shall be 6%," for "5.75%, except for the period beginning June 1, 1994, and ending September 30, 1994, the rate shall be 7%,"; added pars. (4A) and (6); and rewrote par. (5), which had read as follows:

"(5) The rate of tax shall be 12% of the gross receipts from the sale of or charges for tobacco products other than cigarettes."

D.C. Law 18-223 deleted "and" from the end of par. (5); substituted "; and" for a period at the end of par. (6); and added par. (7).

D.C. Law 18-364 designated the existing text of par. (2) as par. (2)(A); and added par. (2)(B).

D.C. Law 19-21 designated the existing text as subsec. (a); in the lead-in language of subsec. (a), substituted "6%" for "5.75%, except for the period beginning October 1, 2009, and ending September 30, 2012, the rate shall be 6%"; in subsec. (a)(1), substituted "18%" for "12%"; in subsec. (a)(2)(B), substituted "net charges and additional charges received by the room remarketer" for "net sale or net charges received from the transient by the room remarketer"; in subsec. (a)(3A), substituted "10%" for "9%"; and added subsec. (b).

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 107(b) of Omnibus Budget Support Temporary Act of 1992 (D.C. Law 9-134, July 23, 1992, law notification 39 DCR 5815).

For temporary (225 day) amendment of section, see § 111(e) of Omnibus Budget Support Temporary Act of 1993 (D.C. Law 10-11, August 6, 1993, law notification 40 DCR 6213).

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see §§ 902(a) and 903 of Fiscal Year 2003 Budget Support Amendment Emergency Act of 2002 (D.C. Act 14-544, December 4, 2002, 49 DCR 11700).

For temporary (90 day) amendment of section, see §§ 902(a) and 903 of the Fiscal Year 2003 Budget Support Amendment Congressional Review Emergency Act of 2003 (D.C. Act 15-27, February 24, 2003, 50 DCR 2151).

For temporary (90 day) amendment of section, see §§ 902(a) and 903 of Fiscal Year 2003 Budget Support Amendment Second Congressional Review Emergency Act of 2003 (D.C. Act 15-103, June 20, 2003, 50 DCR 5499).

For temporary (90 day) amendment of section, see § 7111(e) of Fiscal Year 2010 Budget Support Emergency Act of 2009 (D.C. Act 18-187, August 26, 2009, 56 DCR 7374).

For temporary (90 day) amendment of section, see § 7241(f) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 7241(f) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

For temporary (90 day) amendment of section, see § 7132 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

For temporary (90 day) amendment of section, see § 7002(a)(2) of Fiscal Year 2012 Budget Support Emergency Act of 2011 (D.C. Act 19-93, June 29, 2011, 58 DCR 5599).

For temporary (90 day) amendment of section, see § 8002 of Fiscal Year 2012 Budget Support Emergency Act of 2011 (D.C. Act 19-93, June 29, 2011, 58 DCR 5599).

For temporary (90 day) amendment of section, see § 8013 of Fiscal Year 2012 Budget Support Emergency Act of 2011 (D.C. Act 19-93, June 29, 2011, 58 DCR 5599).

#### *Legislative History of Laws*

For legislative history of D.C. Law 1-23, see Historical and Statutory Notes following § 47-2001.

For legislative history of D.C. Law 1-70, see Historical and Statutory Notes following § 47-2001.

Law 2-157, the "Rental Vehicle Tax Reform Act of 1978," was introduced in Council and assigned Bill No. 2-284, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on November 28, 1978 and December 12, 1978, respectively. Signed by the Mayor on December 29, 1978, it was assigned Act No. 2-326 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 3-92, see Historical and Statutory Notes following § 47-2001.

For legislative history of D.C. Law 5-113, see Historical and Statutory Notes following § 47-2001.

For legislative history of D.C. Law 8-17, see Historical and Statutory Notes following § 47-2001.

For legislative history of D.C. Law 9-145, see Historical and Statutory Notes following § 47-2001.

For legislative history of D.C. Law 10-25, see Historical and Statutory Notes following § 47-2002.01.

For legislative history of D.C. Law 10-128, see Historical and Statutory Notes following § 47-2001.

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 47-2002.01.

Law 10-255, the "Technical Amendments Act of 1994," was introduced in Council and assigned Bill No. 10-673, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on

June 21, 1994, and July 5, 1994, respectively. Signed by the Mayor on July 25, 1994, it was assigned Act No. 10-302 and transmitted to both Houses of Congress for its review. D.C. Law 10-255 became effective May 16, 1995.

Law 12-142, the "Washington Convention Center Authority Financing Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-379, which was referred to the Committee on Economic Development and the Committee on Finance and Revenue. The Bill was adopted on first and second readings on June 2, 1998, and June 16, 1998, respectively. Signed by the Mayor on June 23, 1998, it was assigned Act No. 12-402 and transmitted to both Houses of Congress for its review. The legislation became effective on August 12, 1998, the date that the President of the United States signed P.L. 105-227, which waived the 30-day Congressional review period for this law.

For Law 14-307, see notes following § 47-903.

For Law 16-94, see notes following § 47-2001.

For Law 18-111, see notes following § 47-305.02.

For Law 18-223, see notes following § 47-355.05.

For history of Law 18-364, see notes under § 47-2001.

For Law 19-21, see notes following § 47-305.02.

#### *Effective Dates*

For effective date of § 201 of D.C. Law 5-113, see Historical and Statutory Notes following § 47-2001.

#### *Miscellaneous Notes*

Expiration of §§ 301, 302 and 303 of D.C. Law 10-188: See Historical and Statutory Notes following § 47-2002.02.

Mayor authorized to issue rules: See second paragraph of note to § 47-2601.

Audit of accounts and operation of Authority: See Historical and Statutory Notes following § 47-2002.02.

Expiration of §§ 301, 302 and 303 of D.C. Law 10-188: Section 2(l)(1) of D.C. Law 12-142 provides that § 306(a) of D.C. Law 10-188, providing for the expiration of that act, is repealed. Section 2(l)(2) of D.C. Law 12-142 provides that the subsection shall apply as of February 27, 1997.

Section 903 of D.C. Law 14-307 provides:

"Sec. 903. Applicability.

"Section 902 shall apply as of January 1, 2003."

Section 4 of D.C. Law 16-94 provides that § 2 shall apply as of April 1, 2006.

Short title: Section 7131 of D.C. Law 18-223 provided that subtitle N of title VII of the act may be cited as the "Health Care Expansion Act of 2010".

Short title: Section 8041 of D.C. Law 19-21 provided that subtitle E of title VIII of the act may be cited as "Parking Tax Enhancement Act of 2011".

Section 8043 of D.C. Law 19-21 provides:

"Sec. 8043. This subtitle shall apply as of July 1, 2011; provided, that this subtitle shall apply as of October 1, 2011, if, for fiscal year 2011, the Chief Financial Officer certifies, in his June 2011 Revenue Estimate, that annual revenue will exceed the annual revenue estimate incorporated in the approved financial plan and budget for fiscal year 2011 by an amount sufficient to offset the loss of revenue proceeding from the delay of the applicability date from July 1, 2011 to October 1, 2011."

Section 8124 of D.C. Law 19-21 provides:

"Sec. 8124. This subtitle shall apply as of July 1, 2011."

## **§ 47-2002.01. STREET VENDORS; MINIMUM SALES TAX.**

(a) For the purposes of this section, the term:

(1) "Business Beneficial License Holder" means a corporation, limited liability company, partnership, or other business entity that is the beneficial owner of the vending license held by an Employee License Holder.

(2) "Employee License Holder" means an individual street vendor who holds a vending license as an employee, agent, or representative, or for the ultimate benefit, of a corporation, limited liability company, partnership, or other business entity.

(3) "MST" means the minimum sales tax that a street vendor is obligated to pay.

(4) "Street vendor" means a person licensed to vend from a sidewalk, roadway, or other public space

under Chapter 1A of Title 37.

(b)(1) Except as provided in subsection (c) or (d) of this section, a street vendor who holds a license, including a temporary license, authorizing the vending of merchandise, food, or services from public space or from door to door who has collected less than \$375 in sales tax for the quarter shall file a return pursuant to § 47-2002 and as required by the Office of the Chief Financial Officer's Office of Tax and Revenue and remit a \$375 MST payment for the quarter being reported.

(2) A MST payment shall be made in a manner prescribed by the Office of the Chief Financial Officer's Office of Tax and Revenue.

(3) If a MST payment is not timely remitted, the unpaid MST payment shall be considered unpaid sales tax and all sections of this chapter applicable to the collection and assessment of unpaid sales tax and the imposition of interest and penalties shall apply.

(c) Except as provided in subsection (d) of this section, if a street vendor has collected sales tax in excess of \$375 for the quarter being reported, subsection (b) of this section shall not apply and the street vendor shall file a return pursuant to § 47-2002 and as required by the Office of the Chief Financial Officer's Office of Tax and Revenue and remit the full amount of the sales tax collected for the quarter being reported.

(d)(1) Notwithstanding any other provision of this section, if an individual street vendor holds a vending license as an Employee License Holder for a Business Beneficial License Holder, the Employee License Holder shall not be individually responsible for filing a return or remitting an MST under this section. If the Business Beneficial License Holder files a single, consolidated return pursuant to § 47-2002, reporting all sales tax collected by all Employee License Holders who are employed by or otherwise affiliated with the Business Beneficial License Holder, and remitting the full amount of the sales tax due by all such Employee License Holders for the quarter being reported, the return shall report the vending license number of each vending license held by an Employee License Holder for which information is included in the return.

(2) The Business Beneficial License Holder shall be responsible for maintaining all books and records of the sales made by its employee street vendors pursuant to § 47-4311.

(3) A consolidated sales tax filing shall be filed electronically in the manner prescribed by the Office of Tax and Revenue.

(May 27, 1949, 63 Stat. 112, ch. 146, title I, § 125, as Sept. 30, 1993, D.C. Law 10-25, § 111(f), 40 DCR 5489; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; Oct. 22, 2009, D.C. Law 18-71, § 12(c)(1), 56 DCR 6619; July 13, 2012, D.C. Law 19-149, § 2(a)(2), 59 DCR 5129.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2002.1.

##### *Effect of Amendments*

D.C. Law 18-71 rewrote subsec. (a); in subsec. (b)(2), substituted "license authorizing the vending of merchandise, food, or services from public space or from door to door, including a temporary license" for "Class A license, Class B license, Class C nonfood license, Class C food license, or any combination of these licenses"; and repealed subsec. (b)(4). Prior to amendment or repeal, subsecs. (a) and (b)(4) read as follows:

"(a) For the purpose of this section:

"(1) The terms 'Class A licenses,' 'Class A temporary licenses,' 'Class B licenses,' 'Class B temporary licenses,' 'Class C nonfood licenses,' and 'Class C food licenses' shall have the same meaning as in § 6(b)(1) through (6) of A Regulation Governing Vending Businesses in Public Space (Reg. 74-39; 24 DCMR 502.4(a) through (f)); and

"(2) The term 'street vendor' shall mean a person who holds a 'Class A license,' 'Class A temporary license,' 'Class B license,' 'Class B temporary license,' 'Class C nonfood license,' or 'Class C food license'."

"(4) A vendor who holds either a Class A temporary license, Class B temporary license, or both, shall make a \$125 payment in lieu of collecting and remitting sales tax to the Mayor on or before the 10th day following the expiration of his or her license."

D.C. Law 19-149 rewrote the section, which formerly read:

"(a) For the purposes of this section, the term 'street vendor' means a person licensed to vend from a sidewalk, roadway, or other public space under Chapter 1A of Title 37.

"(b)(1) Notwithstanding any other provision of law, every street vendor shall make payments in lieu of collecting and remitting sales tax, as prescribed in this subsection.

"(2) On or before January 20, 1994, and on or before the 20th day of every January, April, July, and October thereafter, every vendor who holds a license authorizing the vending of merchandise, food, or services from public space or from door to door, including a temporary license, shall make a \$375 payment to the Mayor in

lieu of collecting and remitting sales tax for the immediately preceding 3 months.

"(3) If an individual required to make a payment in lieu of collecting and remitting sales tax in paragraph (2) of this subsection does not have his or her license for the full 3 months preceding a payment required in paragraph (2) of this subsection, the individual shall pay an apportioned amount of the payment in lieu of collecting and remitting sales tax based upon the number of months the individual held his or her license.

"(4) Repealed.

"(c) All payments in lieu of collecting and remitting sales tax made pursuant to subsection (b) of this section must be made in cash or by cashier's check, certified check, or money order.

"(d) If a street vendor fails to make a payment in lieu of collecting and remitting sales tax on or before the prescribed payment date, any amount of the unpaid payment shall be considered unpaid sales tax and all sections of this chapter applicable to the collection and assessment of unpaid sales tax, and the imposition of interest and penalties, shall be applicable to unpaid payments in lieu of collecting and remitting sales tax."

#### *Temporary Amendments of Section*

Section 11(c)(1) of D.C. Law 17-172 rewrote subsec. (a) to read as follows:

"(a) For the purposes of this section, the term 'street vendor' means a person licensed to vend from a sidewalk, roadway, or other public space under the Vending Regulation Temporary Act of 2008, passed on 2nd reading on April 1, 2008 (Enrolled version of Bill 17-653)."

; and, in subsec. (b), substituted "license authorizing the vending of merchandise, food, or services from public space or from door to door, including a temporary license," for "Class A license, Class B license, Class C nonfood license, Class C food license, or any combination of these licenses" in par. (2), and repealed par. (4).

Section 13(b) of D.C. Law 17-172 provides that the act shall expire after 225 days of its having taken effect.

Section 10(c)(1) of D.C. Law 18-4 rewrote subsec. (a) to read as follows:

"(a) For the purposes of this section, the term "street vendor" means a person licensed to vend from a sidewalk, roadway, or other public space on or after March 19, 2008."

; and, in subsec. (b), substituted "license authorizing the vending of merchandise, food, or services from public space or from door to door, including a temporary license," for "Class A license, Class B license, Class C nonfood license, Class C food license, or any combination of these licenses" in par. (2), and repealed par. (4).

Section 12(b) of D.C. Law 18-4 provides that the act shall expire after 225 days of its having taken effect.

#### *Temporary Addition of Section*

For temporary (225 day) continuation of non-food open air retailing at Eastern Market, see § 2 of Eastern Market Open Air Retailing Temporary Act of 1998 (D.C. Law 12-133, July 24, 1998, law notification 45 DCR 6504).

For temporary (225 day) continuation of non-food open air retailing at Eastern Market, see § 2 of Eastern Market Open Air Retailing Second Temporary Act of 1998 (D.C. Law 12-150, September 18, 1998, law notification 45 DCR 6947).

For temporary (225 day) addition of section, see § 111(f) of Omnibus Budget Support Temporary Act of 1993 (D.C. Law 10-11, August 6, 1993, law notification 40 DCR 6213).

#### *Emergency Act Amendments*

For temporary permission, on an emergency basis, for the interim continuation of non-food open air retailing in the exterior space at Eastern Market, see §§ 2 and 3 of the Eastern Market Open Air Retailing Emergency Act of 1998 (D.C. Act 12-320, April 6, 1998, 45 DCR 2296), §§ 2 and 3 of the Eastern Market Open Air Retailing Second Emergency Act of 1998 (D.C. Act 12-352, May 12, 1998, 45 DCR 3104), and §§ 2 and 3 of the Eastern Market Open Air Retailing Congressional Review Emergency Act of 1998 (D.C. Act 12-435, August 7, 1998, 45 DCR 5951).

For temporary repeal of the Eastern Market Open Air Retailing Emergency Act of 1998 (D.C. Act 12-320), see § 4(a) of the Eastern Market Open Air Retailing Second Emergency Act of 1998 (D.C. Act 12-352, May 12, 1998, 45 DCR 3104).

For temporary repeal of the Eastern Market Open Air Retailing Temporary Act of 1998 (Bill 12-513), see § 4(b) of the Eastern Market Open Air Retailing Second Emergency Act of 1998 (D.C. Act 12-352, May 12, 1998, 45 DCR 3104).

For temporary (90-day) authorization of open air retailing, see §§ 2 and 3 of the Eastern Market Open Air Retailing Emergency Act of 1999 (D.C. Act 13-54, April 6, 1999, 46 DCR 3648).

For temporary (90 day) amendment of section, see § 10(c)(1) of Vending Regulation Emergency Act of 2008 (D.C. Act 17-322, March 19, 2008, 55 DCR 3445).

For temporary (90 day) amendment of section, see § 10(c)(1) of Vending Regulation Emergency Act of 2009 (D.C. Act 18-9, January 29, 2009, 56 DCR 1638).

For temporary (90 day) amendment of section, see § 10(c)(1) of Vending Regulation Congressional Review Emergency Act of 2009 (D.C. Act 18-47, April 27, 2009, 56 DCR 3574).

#### *Legislative History of Laws*

Law 10-25, the "Omnibus Budget Support Act of 1993," was introduced in Council and assigned Bill No. 10-165, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 1, 1993, and June 29, 1993, respectively. Signed by the Mayor on July 16, 1993, it was assigned Act No. 10-57 and transmitted to both Houses of Congress for its review. D.C. Law 10-25 became effective on September 30, 1993.

Law 18-71, the "Vending Regulation Act of 2009", as introduced in Council and assigned Bill No. 18-257, which was referred to the Committee on Public Services and Consumer Affairs. The bill was adopted on first and second readings on June 30, 2009, and July 14, 2009, respectively. Signed by the Mayor on July 28, 2009, it was assigned Act No. 18-167 and transmitted to both Houses of Congress for its review. D.C. Law 18-71 became effective on October 22, 2009.

Law 19-149, the "Vendor Sales Tax Collection and Remittance Act of 2012", was introduced in Council and assigned Bill No. 19-163, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 17, 2012, and May 1, 2012, respectively. Signed by the Mayor on May 11, 2012, it was assigned Act No. 19-355 and transmitted to both Houses of Congress for its review. D.C. Law 19-149 became effective on July 13, 2012.

#### *Miscellaneous Notes*

Section 3 of D.C. Law 19-149 provides:

"Sec. 3. Applicability.

"This act shall apply as of October 1, 2012."

### **§ 47-2002.02. TAX ON GROSS RECEIPTS FOR TRANSIENT LODGINGS OR ACCOMMODATIONS; FOOD OR DRINK FOR IMMEDIATE CONSUMPTION; SPIRITS SOLD FOR CONSUMPTION ON PREMISES; RENTAL VEHICLES.**

A tax, separate from, and in addition to, the tax imposed pursuant to § 47-2002, is imposed on vendors engaging in the business activities listed in paragraphs (1) and (2) of this section for the privilege of selling at retail certain tangible personal property and for the privilege of selling certain selected services (defined as "retail sales" and "sale at retail" pursuant to § 47-2001(n)(1)). The rate of the tax shall be:

- (1)(A) 4.45% of the gross receipts for the sale or charges for any room or rooms, lodgings, or accommodations furnished to a transient by any hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients; and
- (B) If the occupancy of a room or rooms, lodgings, or accommodations is reserved, booked, or otherwise arranged for by a room remarketer, the tax imposed by this paragraph shall be determined based on the net charges and additional charges received by the room remarketer.
- (2) 1% of the gross receipts from the sale or charges made for:
  - (A) Food or drink prepared for immediate consumption, or sold as described in § 47-2001(n)(1)(A);
  - (B) Spiritous or malt liquors, beers, and wine sold for consumption on the premises where sold; or
  - (C) Rental or leasing of rental vehicles and utility trailers as defined in § 50-1505.01(8) and (9).

(May 27, 1949, 63 Stat. 112, ch. 146, title I, § 125a, as added Sept. 28, 1994, D.C. Law 10-188, § 302(b), 41 DCR 5333; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; Aug. 12, 1998, D.C. Law 12-142, § 3(d), 45 DCR 4826; Apr. 8, 2011, D.C. Law 18-364, § 2(c), 58 DCR 976; Sept. 14, 2011, D.C. Law 19-21, § 7002(a)(3), 58 DCR 6226.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2002.2.

1981 Ed., § 47-2002.2.

##### *Effect of Amendments*

D.C. Law 18-364 designated the existing text of par. (1) as par. (1)(A); and added par. (1)(B).

D.C. Law 19-21, in par. (1)(B), substituted "net charges and additional charges received by the room remarketer" for "net sale or net charges received from the transient by the room remarketer".

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 7002(a)(3) of Fiscal Year 2012 Budget Support Emergency Act of 2011 (D.C. Act 19-93, June 29, 2011, 58 DCR 5599).

#### *Legislative History of Laws*

Law 10-188, the "Washington Convention Center Authority Act of 1994," was introduced in Council and assigned Bill No. 10-527, which was referred to the Committee on Economic Development and Sequential to the Committee of the Whole. The Bill was adopted on first and second readings on July 5, 1994, and July 19, 1994, respectively. Signed by the Mayor on August 2, 1994, it was assigned Act No. 10-314 and transmitted to both Houses of Congress for its review. D.C. Law 10-188 became effective on September 28, 1994.

For legislative history of D.C. Law 12-142, see Historical and Statutory Notes following § 47-2002.

For history of Law 18-364, see notes under § 47-2001.

For history of Law 19-21, see notes under § 47-305.02.

#### *Miscellaneous Notes*

Expiration of §§ 301, 302 and 303 of D.C. Law 10-188: Section 306(a) of D.C. Law 10-188 provided that the act shall expire 2 years after September 28, 1994 if the Board does not submit final financial requirements and a feasibility analysis to the mayor and the Council as provided by § 10-1202.06(h).

Expiration of §§ 301, 302 and 303 of D.C. Law 10-188: For temporary amendment of D.C. Law 10-188, § 306(a), see § 2(b) of the Washington Convention Center Authority Act of 1994 Time Extension Emergency Act of 1996 (D.C. Act 11-509).

Audit of accounts and operation of Authority: Section 305(a) of D.C. Law 10-188 provided that "on or before July 1 of each year, the District of Columbia Auditor, pursuant to the Auditor's duties under § 47-117(b), shall audit the accounts and operation of the Authority and made a specific finding of the sufficiency of the projected revenues from the taxes imposed pursuant to §§ 301, 302, 303, and 304 to meet the projected expenditures and reserve requirements of the Authority for the upcoming fiscal year."

Section 305(b) of D.C. Law 10-188 provided that "If the audit conducted pursuant to subsection (a) of this section indicates that projected revenues from the taxes imposed pursuant to §§ 301, 302, 303, and 304 are insufficient to meet projected expenditures and reserve requirements of the Authority for the upcoming fiscal year, the Mayor shall impose a surtax, to become effective on or before October 1 of the upcoming year, on each of those taxes dedicated to the Authority excluding the tax on sales of restaurant meals and alcoholic beverages, in an amount equal to the pro rata share of the difference between (1) the sum of the projected expenditure and reserve requirements and (2) the projected revenues. The pro rata share shall be determined based on the pro rata estimated contribution of each tax to the total estimated tax revenue for the particular year as contained in the multiyear financial plan submitted pursuant to § 9-807(g) [§ 10-1202.06(g), 2001 Ed.]."

### **§ 47-2002.03. TAX ON GROSS RECEIPTS FOR TRANSIENT LODGINGS OR ACCOMMODATIONS; FOOD OR DRINK FOR IMMEDIATE CONSUMPTION; SPIRITS SOLD FOR CONSUMPTION ON PREMISES; RENTAL VEHICLES-- COLLECTION OF TAX AND TRANSFER TO WASHINGTON CONVENTION AND SPORTS AUTHORITY.**

(a) The Mayor shall collect and deposit in a lockbox maintained by the Chief Financial Officer of the District of Columbia the tax imposed pursuant to § 47-2002.02 as agent on behalf of the Washington Convention and Sports Authority ("Authority") and shall transfer the revenue from the tax upon receipt to the Washington Convention Center Fund established pursuant to § 10-1202.08.

(b) The Mayor shall develop and apply a fixed formula to the taxes imposed pursuant to §§ 47-2002 and 47-2002.02 to determine the amount that shall be transferred to the Authority.

(May 27, 1949, 63 Stat. 112, ch. 146, title I, § 125b, as added Sept. 28, 1994, D.C. Law 10-188, § 302(b), 41 DCR 5333; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; Mar. 24, 1998, D.C. Law 12-81, § 59(g), 45 DCR 745; Sept. 18, 1998, D.C. Law 12-142, § 3(e), 45 DCR 4826; Oct. 19, 2002, D.C. Law 14-213, § 33(v), 49 DCR 8140; Mar. 3, 2010, D.C. Law 18-111, § 2082(o)(2)(B), 57 DCR 181.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2002.3.

##### *Effect of Amendments*

D.C. Law 14-213, in the section heading, validated a previously made technical correction.

D.C. Law 18-111, in the section heading, substituted "Washington Convention and Sports Authority" for



"Washington Convention Center Authority"; and, in subsec. (a), substituted "Washington Convention and Sports Authority ('Authority')" for "Washington Convention Center Authority" and substituted "Washington Convention Center Fund" for "Washington Convention Center Authority Fund".

#### *Emergency Act Amendments*

For temporary amendment of section, see § 3 of the Natural and Artificial Gas Gross Receipts Tax Emergency Amendment Act of 1996 (D.C. Act 11-508), and see § 3 of the Natural and Artificial Gas Gross Receipts Tax Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-51, March 31, 1997, 44 DCR 2201).

For temporary amendment of section, see § 2(a) of the Natural and Artificial Gas Gross Receipts Tax Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-304, March 20, 1998, 45 DCR 1898).

For temporary (90 day) amendment of section, see § 2082(o)(2)(B) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2082(o)(2)(B) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

#### *Legislative History of Laws*

For legislative history of D.C. Law 10-188, see Historical and Statutory Notes following § 47-2002.02.

Law 12-81, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-408, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 1997, and December 4, 1997, respectively. Signed by the Mayor on December 22, 1997, it was assigned Act No. 12-246 and transmitted to both Houses of Congress for its review. D.C. Law 12-81 became effective on March 24, 1998.

For legislative history of D.C. Law 12-142, see Historical and Statutory Notes following § 47-2002.

For Law 14-213, see notes following § 47-820.

For Law 18-111, see notes following § 47-305.02.

#### *Miscellaneous Notes*

Expiration of §§ 301, 302 and 303 of D.C. Law 10-188: See Historical and Statutory Notes following § 47-2002.02.

Audit of accounts and operation of Authority: See Historical and Statutory Notes following § 47-2002.02.

Expiration of §§ 301, 302, and 303 of D.C. Law 10-188: Section 2(l)(1) of D.C. Law 12-142 provides that § 306(a) of D.C. Law 10-188, providing for the expiration of that act, is repealed. Section 2(l)(2) of D.C. Law 12-142 provided that the subsection shall apply as of February 27, 1997.

## **§ 47-2002.04. SPECIAL EVENT PROMOTER OBLIGATIONS AND PENALTIES.**

(a) A promoter of a special event shall submit to the Mayor:

(1) At least 30 days before the beginning of a special event, a preliminary list of all vendors and exhibitors, including their names, addresses, representatives, and telephone numbers; and

(2) Within 10 days after the last day of a special event, a final list of all vendors and exhibitors, including their names, addresses, representatives, and telephone numbers, if not previously provided.

(b) Before the special event, a promoter shall provide to vendors and exhibitors such information regarding their District tax obligations, filing deadlines, and other such requirements as is supplied by the District after the preliminary list of vendors and exhibitors is submitted in accordance with subsection (a)(1) of this section .

(c) A promoter shall provide access to the Mayor to the special event premises and activities to monitor vendor and exhibitor sales.

(d) A promoter who fails to submit the preliminary vendor and exhibitor list in accordance with subsection (a)(1) of this section shall pay a penalty in the amount of \$1,000, plus \$50 for each day the list is late, which penalty shall not exceed \$2,500.

(e) A promoter who fails to submit the final vendor and exhibitor list in accordance with subsection (a)(2) of this section shall pay a penalty in the amount of \$1,000, plus \$50 for each day the list is late, which penalty shall not exceed \$10,000.

(f) For the purposes of this section, the term "promoter" means a person who arranges, organizes, or sponsors vendors or exhibitors engaged in the business of retail sales (as defined in this chapter) to

participate in a special event. The term "promoter" includes for-profit and nonprofit persons.

(June 9, 2001, D.C. Law 13-305, § 102(b)(2), 48 DCR 334; Oct. 19, 2002, D.C. Law 14-213, § 33(w), 49 DCR 8140.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 14-213, in the section heading, validated a previously made technical correction.

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 101 of Ballpark Omnibus Financing and Revenue Tax Provisions Emergency Amendment Act of 2004 (D.C. Act 15-719, January 4, 2005, 52 DCR 1790).

For temporary (90 day) addition, see § 101 of Ballpark Omnibus Financing and Revenue Tax Provisions Congressional Review Emergency Act of 2005 (D.C. Act 16- 25, February 17, 2005, 52 DCR 2981).

##### *Legislative History of Laws*

For Law 13-305, see notes under § 47-901.

For Law 14-213, see notes following § 47-820.

##### *Miscellaneous Notes*

Section 103 of D.C. Law 13-305 provides:

"Sec. 103. Applicability.

"Section 102(a) through (c) shall apply beginning April 1, 2001. Section 102(d) shall apply beginning October 1, 2001."

## **§ 47-2002.05. BALLPARK SALES TAXES.**

(a) For the purposes of this section, the term:

(1) "Ballpark" means:

(A) A stadium constructed after October 1, 2004 to be owned by the District on a site bounded by N Street, S.E., Potomac Avenue, S.E., South Capitol Street, S.E., and 1st Street, S.E., or such other site determined pursuant to [§ 10- 1601.05], if the primary site shall be infeasible, including facilities functionally related and subordinate thereto and the accompanying infrastructure, including office and transportation facilities (including parking) adjacent to or serving the stadium, that has as its primary purpose the hosting of professional athletic team events and is constructed in whole or in part with funds deposited in, or bonds or other evidence of indebtedness the debt service upon which is financed in whole or in part by monies deposited in, the Ballpark Revenue Fund; and

(B) Until such time as the hosting of professional athletic team events for which tickets are sold has commenced at the newly-constructed stadium, Robert F. Kennedy Stadium, described as that geographic area of the District of Columbia consisting of the areas designated as A, B, C, D, or E on the revised map entitled "Map to Designate Transfer of Stadium and Lease of Parking Lots to the District," prepared jointly by the National Park Service (National Capital Region) and the District of Columbia Department of Public Works for site development and dated October 1986 (NPS Drawing number 831/87284-A), and any other future additions thereto.

(2) "Ballpark Revenue Fund" means the fund established by [§ 10-1601.02].

(3) "Professional athletic team" includes any professional baseball, basketball, football, soccer, hockey, lacrosse, or other athletic team whose members receive financial compensation from their participation in the team's athletic exhibitions.

(4) "Ticket" means any physical, electronic, or other form of a certificate, documents, or token showing that a fare, admission, or license fee for a revocable right to enter the ballpark, or a right to purchase future rights to enter the ballpark, has been paid.

(b) Notwithstanding any other provision of this chapter relating to the imposition of sales tax on either a retail sale or a sale at retail, there is hereby imposed an additional sales tax of 4.25% on the gross receipts of any person from the sale of tickets to any public event referred to in § 47- 2001(n)(1)(H) sponsored by the person (or any affiliate of such person) and to be performed at the ballpark, regardless of whether the ticket is sold to a person who resells the ticket to another person or to a person who uses the ticket for admission to the event; provided, that with respect to tickets to events at Robert F. Kennedy Stadium, the tax shall apply only to professional baseball games or professional baseball-related events and exhibitions.

(c) Notwithstanding any other provision of this chapter, there is hereby imposed an additional sales tax of 4.25% on the gross receipts of any person from the sale at the ballpark during such times as shall

reasonably relate to the performance of baseball games or baseball-related events and exhibitions at the ballpark of tangible personal property or services otherwise taxable under the provisions of this chapter, except the gross receipts from (1) sales of food and beverages subject to the tax imposed by § 47-2002(3), and (2) the sale of or charge for the service of parking motor vehicles; provided, that with respect to the sale of tangible personal property or services at Robert F. Kennedy Stadium, the additional tax shall apply only to professional baseball games or professional baseball-related events and exhibitions.

(d) The following revenues shall be deposited into one or more accounts within the Ballpark Revenue Fund:

(1) The revenues received by the District of Columbia from the taxes imposed by this section;

(2) The portion of the sales tax imposed by § 47-2002 on the gross receipts of any person from the sale of tickets to any public event referred to in § 47-2001(n)(1)(H) sponsored by the person (or any affiliate of such person) and to be performed at the ballpark, regardless of whether any such ticket is sold to a person who resells the ticket to another person or to a person who uses the ticket for admission to the event, except that, with respect to events at Robert F. Kennedy Stadium, only the portion of the tax levied on professional baseball games or professional baseball-related events and exhibitions;

(3) The portion of the sales tax imposed by § 47-2002 on the gross receipts of any person from the sale at the ballpark during such times as shall reasonably relate to the performance of baseball games or baseball-related events and exhibitions at the ballpark of tangible personal property or services otherwise taxable, except as otherwise provided in § 10-1203.07; and

(4) The portion of the sales tax imposed on the gross receipts from the sale of or charge for the service of parking motor vehicles that shall reasonably relate to the performance of baseball games or professional baseball related events and exhibitions at the ballpark.

(e) The Chief Financial Officer or his delegate shall promulgate regulations as may be necessary and appropriate to carry out the provisions of this section, including regulations relating to the determination of District gross receipts and electronic filing and payment of sales taxes and fees. Until such time as the Chief Financial Officer or his delegate shall promulgate the regulations, any promoter of any event at which gross receipts from the sale of tickets, tangible personal property, or services are potentially subject to the taxes imposed by this section shall comply with the requirements of § 47-2002.04 as if the event were a special event.

(Apr. 8, 2005, D.C. Law 15-320, § 110(d)(2), 52 DCR 1757.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 201(b) of Ballpark Omnibus Financing and Revenue Tax Provisions Emergency Amendment Act of 2004 (D.C. Act 15-719, January 4, 2005, 52 DCR 1790).

For temporary (90 day) addition, see § 201(b) of Ballpark Omnibus Financing and Revenue Tax Provisions Congressional Review Emergency Act of 2005 (D.C. Act 16-25, February 17, 2005, 52 DCR 2981).

##### *Legislative History of Laws*

For Law 15-320, see notes following § 47-368.03.

## **§ 47-2002.06. VERIZON CENTER SALES TAXES.**

(a) For the purposes of this section, the term:

(1) "Bond Act" means the Verizon Center Sales Tax Revenue Bond Approval Act of 2007, [effective July 12, 2007, (D.C. Law 17-12; 54 DCR 5151)].

(2) "Ticket" means any physical, electronic, or other form of a certificate, document, or token showing that a fare, admission, or license fee for a revocable right to enter the Verizon Center, or a right to purchase future rights to enter the Verizon Center, has been paid.

(3) "Verizon Center" means the facility located at 601 F Street, N.W., Washington, D.C., described as Square 455, Lot 47, as shown on the tax rolls of the District maintained by the Office of Tax and Revenue.

(b)(1) Notwithstanding any other provision of this chapter relating to the imposition of sales tax on either a retail sale or a sale at retail, there is imposed an additional sales tax of 4.25% on the gross receipts of any person from the sale:

(A) At the Verizon Center of tangible personal property or services otherwise taxable, except:

(i) The sale of food and beverages subject to the tax imposed by § 47-2002(3);

(ii) The sale or charge for the services of parking motor vehicles subject to the tax imposed by §

47-2002(1); and

(iii) The sale of tangible personal property or services by the following businesses:

(I) Urban Adventures at Gallery Place, LLC (doing business as Vida Fitness);

(II) Urban Salon, Inc. (doing business as Bang Salon); and

(III) Shimba Hills Coffee, Inc. (doing business as Shimba Hills Coffee); and

(B) Of tickets to any public event referred to in § 47-2001(n)(1)(H) sponsored by the person (or any affiliate of such person) and to be performed at the Verizon Center, regardless of whether the ticket is sold to a person who resells the ticket to another person or to a person who uses the ticket for admission to the event.

(2) The revenues received by the District of Columbia from the taxes imposed by this section shall be deposited into the Verizon Center Fund established by the Bond Act.

(c) The Chief Financial Officer shall promulgate regulations as may be necessary or appropriate to carry out the provisions of this section, including regulations relating to the determination of District gross receipts and electronic filing and payment of sales taxes and fees.

(d) This section shall apply on the 1st day of the month that is at least 30 days (excluding Saturdays, Sundays, and holidays) after the issuance of the bonds authorized by the Bond Act and shall expire on the 1st day of the month after the date that the bonds authorized by the Bond Act have been paid in full.

(July 12, 2007, D.C. Law 17-12, § 16(b), 54 DCR 5151.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90 day) addition of § 47-2002.07, see § 625(b)(2) of Fiscal Year 2011 Supplemental Budget Support Emergency Act of 2010 (D.C. Act 18-694, January 19, 2011, 58 DCR 662).

##### *Legislative History of Laws*

Law 17-12, the "Verizon Center Sales Tax Revenue Bond Approval Act of 2007", was introduced in Council and assigned Bill No. 17-117 which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on April 3, 2007, and April 19, 2007, respectively. Signed by the Mayor on May 4, 2007, it was assigned Act No. 17-41 and transmitted to both Houses of Congress for its review. D.C. Law 17-12 became effective on July 12, 2007.

##### *Miscellaneous Notes*

Sections 2 to 15 of D.C. Law 17-12 provides:

"Sec. 2. Definitions.

"For the purposes of this act, the term:

"(1) 'Authorized Delegate' means the Chief Financial Officer, the Deputy Mayor for Planning and Economic Development, or any officer or employee of the Executive Office of the Mayor to whom the Mayor has delegated, or to whom the foregoing individuals have subdelegated, any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act.

"(2) 'Available Increment' shall have the same meaning as set forth in the Reserve Agreement.

"(3) 'Bond Counsel' means a firm or firms of attorneys designated as District bond counsel from time to time by the Mayor.

"(4) 'Bond Funded Expenditures' shall mean the actual or proposed expenditure of funds, raised from the issuance of the bonds, or any interest accrued from the deposit of proceeds of the issuance of the bonds, upon the project.

"(5) 'Bonds' means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this act.

"(6) 'Chief Financial Officer' means the Chief Financial Officer of the District of Columbia.

"(7) 'Closing Documents' means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the bonds, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

"(8) 'Development Plan' shall mean an account of the proposed Bond Funded Expenditures on the project, submitted to the Mayor for review, which shall contain, at a minimum, the following information:

"(A) A specific period covered by the Development Plan, with specific beginning and ending dates;

"(B) The total amount of any planned Bond Funded Expenditures during the period specified in the Development Plan; and

"(C) A breakdown of the planned Bond Fund Expenditures by expenditure type, with sufficient detail to

determine the suitability of the proposed expenditures.

"(9) 'Financing Documents' means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds and the making of the loan, including any offering document, and any required supplements to any such documents.

"(10) 'Home Rule Act' means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

"(11) 'Issuance Costs' means all fees, costs, charges, and expenses paid or incurred in connection with the authorization, preparation, printing, issuance, sale, and delivery of the bonds, including, but not limited to, underwriting, legal, accounting, rating agency, and all other fees, costs, charges, and expenses incurred in connection with the development and implementation of the Financing Documents, the Closing Documents, and those other documents necessary or appropriate in connection with the authorization, preparation, printing, issuance, sale, marketing, and delivery of the bonds, together with financing fees, costs, and expenses, including fees paid to financial institutions and insurance companies, initial letter of credit fees, and compensation to financial advisors and other persons (other than full-time employees of the District) and entities performing services on behalf of or as agents for the District.

"(12) 'Project' means the financing, refinancing, or reimbursing of costs incurred for the construction, installation and equipping of renovations to, and refurbishment of, the Verizon Center, including Issuance Costs, capitalized interest, and reserves.

"(13) 'Reserve Agreement' means that certain Reserve Agreement, dated as of April 1, 2002, by and among the District, Wells Fargo Bank Minnesota, N.A., and Financial Security Assurance, Inc.

"(14) 'Verizon Center' has the same meaning as in D.C. Official Code § 47-2002.06(a)(3).

#### "Sec. 3. Creation of Verizon Center Fund.

"(a) There is established within the General Fund of the District of Columbia a special nonlapsing account to be denominated as the 'Verizon Center Fund.' The Chief Financial Officer shall pay into the Verizon Center Fund all receipts from those taxes and fees specifically identified by any provision of District of Columbia law to be paid into the fund. The Chief Financial Officer shall create a sub-account within the Verizon Center Fund for each type of tax and fee that is to be paid into the fund and shall allocate the receipts from each type of tax and fee to the appropriate sub-account. The Mayor may pledge and create a security interest in the funds in the Verizon Center Fund, or any sub-account or sub-accounts within the fund for the payment of the debt service on the bonds.

"(b) If, at the end of any fiscal year of the District, the balance of cash and investments in the Verizon Center Fund exceeds the amount of debt service (including prepayment of principal and interest) and reserves on the bonds during the upcoming fiscal year, the excess shall be transferred to the unrestricted balance of the General Fund of the District of Columbia.

#### "Sec. 4. Bond authorization.

"(a) The Council authorizes and approves the issuance of bonds in one or more series in an aggregate principal amount not to exceed \$50 million for payment of the costs of the project. There is allocated to the bonds the funds in the Verizon Center Fund or such portion of the funds as shall be determined in accordance with the terms of the bonds for the payment of debt service on the bonds.

"(b) The bonds shall be tax-exempt or taxable as the Mayor shall determine and shall be payable solely from, and secured by, funds deposited in the Verizon Center Fund.

"(c) The Mayor is authorized to pay from the proceeds of the bonds the costs and expenses of issuing and delivering the bonds, including, but not limited to, underwriting, legal, accounting, financial advisory, bond insurance or other credit enhancement, marketing, and printing costs and expenses.

#### "Sec. 5. Bond details.

"(a) The Mayor is authorized to take any action reasonably necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including, but not limited to, determinations of:

"(1) The final form, content, designation, and terms of the bonds, including a determination that the bonds may be issued in certificated or book-entry form;

"(2) The principal amount of the bonds to be issued and denominations of the bonds;

"(3) The rate or rates of interest or the method for determining the rate or rate of interest on the bonds;

"(4) The date or dates of issuance, sale, and delivery of the bonds, and the maturity date or dates of the bonds;

"(5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

"(6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;

"(7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;

"(8) The time and place of payment of the bonds;

"(9) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and

"(10) The terms and types of any credit enhancement under which the bonds may be secured.

"(b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are not general obligations of the District, are not a pledge of, and do not involve the faith and credit or the taxing power of the District (other than the taxes and fees deposited into the Verizon Center Fund or the Available Increment), do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

"(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary's manual or facsimile signature. The Mayor's execution and delivery of the bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the bonds.

"(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

"(e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

"(f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

"(g) The bonds are declared to be issued for essential public and governmental purposes. The bonds and the interest thereon and the income therefrom, and all funds pledged or available to pay or secure the payment of the bonds, shall at all times be exempt from taxation by the District, except for estate, inheritance, and gift taxes.

"(h) The District does pledge and covenant and agree with the holders of the bonds that, subject to the provisions of the Financing Documents, the District will not limit or alter the revenues pledged to secure the bonds or the basis on which such revenues are collected or allocated, will not impair the contractual obligations of the District to fulfill the terms of any agreement made with the holders of the bonds, will not in any way impair the rights or remedies of the holders of the bonds, and will not modify in any way, with respect to the bonds, the exemption from taxation provided for in this act, until the bonds, together with interest thereon, with interest on any unpaid installment of interest and all costs and expenses in connection with any suit, action, or proceeding by or on behalf of the holders of the bonds, are fully met and discharged. This pledge and agreement for the District may be included as part of the contract with the holders of the bonds. This subsection shall constitute a contract between the District and the holders of the bonds. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling.

"(i) Consistent with section 490(a)(4)(B) of the Home Rule Act and notwithstanding Chapter 9 of Title 28 of the District of Columbia Official Code:

"(1) A pledge made and security interest created in respect of the bonds or pursuant to any related Financing Document shall be valid, binding, and perfected from the time the security interest is created, with or without physical delivery of any funds or any property and with or without any further action.

"(2) The lien of the pledge shall be valid, binding, and perfected as against all parties having any claim of any kind in tort, contract, or otherwise against the District, whether or not such party has notice.

"(3) The security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to the security interest is recorded or filed.

"Sec. 6. Development Plan requirement.

"(a) The entity responsible for identifying spending priorities for the project shall submit a Development Plan to the Mayor no fewer than 90 days prior to the beginning of the period covered by the Development Plan.

"(b) The Mayor shall have 30 days to review the Development Plan. If, after 30 days, the Mayor has not approved or disapproved the Development Plan, the Development Plan shall be deemed approved.

"(c) No Bond Funded Expenditures shall be permitted without an approved Development Plan.

"Sec. 7. Sale of the bonds.

"(a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.

"(b) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the sale of the bonds.

"(c) The Mayor is authorized to deliver the executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

"(d) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds.

"(e) The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), and subchapter III-A of Chapter 3 of Title 47 of the District of Columbia Official Code shall not apply to any contract the Mayor may from time to time enter into, or the Mayor may determine to be necessary or appropriate, for purposes of this act.

"Sec. 8. Payment and security.

"(a) Except as may be otherwise provided in this act, the principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts, and revenues deposited in the Verizon Center Fund, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for the payment of the bonds, and other sources of payment (other than the District), all as provided for in the Financing Documents.

"(b) There is further allocated to the payment of debt service on the bonds (and the funding of reserves for such purposes) the Available Increment, subordinate to the allocation of the Available Increment to the Budgeted Reserve, as defined in the Reserve Agreement, all as more fully described in the Reserve Agreement, to be used for the payment of debt service on the bonds (and the funding of reserves for such purpose) to the extent that the revenues allocated in subsection (a) of this section are inadequate to pay debt service on (and the funding of reserves for) the bonds. The termination date for the allocation of the Available Increment authorized by this subsection shall be the earlier of:

"(1) The final maturity date of the bonds; or

"(2) The date on which all of the bonds are paid or provided for and are no longer outstanding pursuant to their terms.

"(c) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents, including a security interest in certain collateral, if any, to the trustee for the bonds pursuant to the Financing Documents.

"(d) The trustee is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

"Sec. 9. Financing and closing documents.

"(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the bonds.

"(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

"(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the Financing Documents and the Closing Documents to which the District is a party.

"(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

"(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

"(f) The Financing and Closing Documents shall include an agreement by the DC Arena, LP, the owner of the Verizon Center, which agreement shall include the following provisions:

"(1) DC Arena, LP shall annually report to the Chief Financial Officer on the expenditure of the net proceeds realized from the bonds (which proceeds shall include the proceeds from any loan secured by the bonds or the proceeds from the sale of the bonds to a third party by DC Arena, LP) on project costs;

"(2) DC Arena, LP shall apply any unexpended net proceeds (which proceeds shall include the proceeds from any loan secured by the bonds or the proceeds from the sale of the bonds to a third party by DC Arena, LP) to the funding of any required reserves under the terms of the Financing and Closing Documents;

"(3) The earnings on any unexpended net proceeds (which proceeds shall include the proceeds from any loan secured by the bonds or the proceeds from the sale of the bonds to a third party by DC Arena, LP) shall be credited to the debt service of the District on the bonds;

"(4) DC Arena, LP shall exercise its right to extend the Land Disposition Agreement--Ground Lease dated December 29, 1995 for an additional 20 years as provided for under section 5.2 thereof; and

"(5) DC Arena, LP shall waive section 6.3 of the Land Disposition Agreement-- Ground Lease dated December 29, 1995, to insure the rent paid by DC Arena, LP to the District is not offset or decreased by the tax imposed by D.C. Official Code § 47-2002.06.

"Sec. 10. Limited liability.

"(a) The bonds shall be special obligations of the District. The bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District (other than the taxes and fees deposited in the Verizon Center Fund or the Available Increment), shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

"(b) Nothing contained in the bonds, in the Financing Documents, or in the Closing Documents shall create an obligation on the part of the District to make payments with respect to the bonds from sources other than those listed for that purpose in section 7.

"(c) All covenants, obligations, and agreements of the District contained in this act, the bonds, and the executed, sealed, and delivered Financing Documents and Closing Documents to which the District is a party, shall be considered to be the covenants, obligations, and agreements of the District to the fullest extent authorized by law, and each of those covenants, obligations, and agreements shall be binding upon the District, subject to the limitations set forth in this act.

"(d) No person, including, but not limited to, any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District to perform any covenant, undertaking, or obligation under this act, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

"Sec. 11. District officials.

"(a) Except as otherwise provided in section 9(d), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this act, the bonds, the Financing Documents, or the Closing Documents.

"(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

"Sec. 12. Authorized delegation of authority.

"To the extent permitted by District and federal laws, the Mayor may delegate to any Authorized Delegate the performance of any function authorized to be performed by the Mayor under this act.

"Sec. 13. Maintenance of documents.

"Copies of the specimen bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

"Sec. 14. Information reporting.

"Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

"Sec. 15. Severability.

"If any particular provision of this act, or the application thereof to any person or circumstance is held invalid, the remainder of this act and the application of such provision to other persons or circumstances shall not be affected thereby. If any action or inaction contemplated under this act is determined to be contrary to the requirements of applicable law, such action or inaction shall not be necessary for the purpose of issuance of the bonds, and the validity of the bonds shall not be adversely affected."

#### **§ 47-2002.07. REVENUE FROM TAX ON GROSS RECEIPTS FROM SALE OF OR CHARGES FOR SERVICE OF PARKING OR STORING VEHICLES OF TRAILERS DEDICATED TO WMATA OPERATING SUBSIDY.**

All of the revenue derived from the collection of the tax imposed upon all vendors by § 47-2002(1) on the gross receipts from the sale of or charges for the service of parking or storing vehicles or trailers, except the service of parking or storing of motor vehicles or trailers on a parking lot owned or operated by the Washington Metropolitan Area Transit Authority ("WMATA") and located adjacent to a WMATA passenger



stop or station, shall be dedicated annually to paying the District's annual operating subsidies to WMATA.  
(Apr. 8, 2011, D.C. Law 18-370, § 625(b)(2), 58 DCR 1008.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For history of Law 18-370, see notes under § 47-143.

##### *Miscellaneous Notes*

Section 629 of D.C. Law 18-370 provides:

"Sec. 629. Applicability.

"This subtitle shall apply as of October 1, 2011; except, that sections 622 and 623(a)(2) shall apply as of the effective date of this act."

### **§ 47-2003. REIMBURSEMENT OF VENDOR FOR TAX.**

(a) Reimbursement for the tax imposed upon the vendor shall be collected by the vendor from the purchaser on all sales the gross receipts from which are subject to the tax imposed by this chapter so far as it can be done. It shall be the duty of each purchaser in the District to reimburse the vendor, as provided in § 47-2004, for the tax imposed by this chapter. Such reimbursement of tax shall be a debt from the purchaser to the vendor and shall be recoverable at law in the same manner as other debts.

(b) In the event that the vendor shall collect a tax in excess of the reimbursement schedule rates provided for in this chapter, such excess shall be refunded to the purchaser, or in lieu thereof, shall become a debt to the District in the same manner as taxes due and payable under this chapter.

(May 27, 1949, 63 Stat. 115, ch. 146, title I, § 126; July 24, 1982, D.C. Law 4-131, § 203, 29 DCR 2418; Sept. 30, 1993, D.C. Law 10-25, § 111(g), 40 DCR 5489; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; July 13, 2012, D.C. Law 19-149, § 2(a)(3), 59 DCR 5129.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2003.

1973 Ed., § 47-2603.

##### *Effect of Amendments*

D.C. Law 19-149, in subsec. (a), deleted ", except a street vendor as defined in § 47-2002.01(a)(2)," following "by the vendor".

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 111(g) of Omnibus Budget Support Temporary Act of 1993 (D.C. Law 10-11, August 6, 1993, law notification 40 DCR 6213).

##### *Legislative History of Laws*

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 47-2001.

For legislative history of D.C. Law 10-25, see Historical and Statutory Notes following § 47-2002.01.

For history of Law 19-149, see notes under § 47-2002.01.

### **§ 47-2004. VENDOR TO COLLECT TAX; CREDIT FOR EXPENSES; APPLICATION.**

(a) For the purpose of collecting his reimbursement as provided in § 47-2003 insofar as it can be done and yet eliminate the fractions of a cent, the vendor shall add to the sales price and collect from the purchaser such amounts as may be prescribed by the Mayor to carry out the purposes of this section.

(b) Repealed.

(May 27, 1949, 63 Stat. 115, ch. 146, title I, § 127; Oct. 21, 1975, D.C. Law 1-23, title III, § 301(8), 22 DCR 2100; July 24, 1982, D.C. Law 4-131, § 204, 29 DCR 2418; July 26, 1989, D.C. Law 8-17, § 4(c), 36 DCR 4160; Sept. 30, 1993, D.C. Law 10-25, § 111(h), 40 DCR 5489; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; June 9, 2001, D.C. Law 13-305, § 102(c), 48 DCR 334; July 13, 2012, D.C. Law 19-149, § 2(a)(4), 59 DCR 5129.)

#### *HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 47-2004.

1973 Ed., § 47-2604.

*Effect of Amendments*

D.C. Law 13-305 repealed subsec. (b) which had read:

"(b) A vendor, except a street vendor as defined in § 47-2002.01(a)(2), shall be entitled to apply and credit against the amount of tax payable by the vendor an amount equal to the lesser of \$5,000 or 1% of the gross tax to be remitted by the vendor to cover the vendor's expense incurred in the collection and remittance of the tax. Nothing contained in this subsection shall apply to a vendor who fails or refuses to file the tax return or pay the tax within the time prescribed by §§ 47-2015, 47-2016, and 47-2017."

D.C. Law 19-149, in subsec. (a), deleted ", except a street vendor as defined in § 47-2002.01(a)(2)," following "the vendor".

*Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 111(h) of Omnibus Budget Support Temporary Act of 1993 (D.C. Law 10-11, August 6, 1993, law notification 40 DCR 6213).

*Legislative History of Laws*

For legislative history of D.C. Law 1-23, see Historical and Statutory Notes following § 47-2001.

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 47-2001.

For legislative history of D.C. Law 8-17, see Historical and Statutory Notes following § 47-2001.

For legislative history of D.C. Law 10-25, see Historical and Statutory Notes following § 47-2002.01.

For Law 13-305, see notes under § 47-901.

For history of Law 19-149, see notes under § 47-2002.01.

*Miscellaneous Notes*

Section 103 of D.C. Law 13-305 provides:

"Sec. 103. Applicability.

"Section 102(a) through (c) shall apply beginning April 1, 2001. Section 102(d) shall apply beginning October 1, 2001."

## **§ 47-2005. EXEMPTIONS.**

Gross receipts from the following sales shall be exempt from the tax imposed by this chapter:

- (1) Sales to the United States or the District or any instrumentality thereof except sales to national banks and federal savings and loan associations;
- (2) Sales to a state or any of its political subdivisions if such state grants a similar exemption to the District. As used in this paragraph, the term "state" means the several states, territories, and possessions of the United States;
- (3) Sales to semipublic institutions; provided, however, that such sales shall not be exempt unless:
  - (A) Such institution shall have first obtained a certificate from the Mayor stating that such institution is entitled to such exemption;
  - (B) The vendor keeps a record of the sale, the name of the purchaser, the date of each separate sale, and the number of such certificate;
  - (C) Such institution is located within the District; and
  - (D) The property or services purchased are for use or consumption, or both, in maintaining, operating, and conducting the institution for the purpose for which it was organized or for honoring the institution or its members;
- (4) Sales of materials and services to the printing clerks of the majority and minority rooms of the House of Representatives for use in the operation of such rooms, and sales of materials and services made by such clerks in connection with the operation of such rooms;
- (5)(A) Sales of personal property purchased by a utility or a public-service company for use or consumption in furnishing a service or commodity, if the charges from furnishing the service or commodity are subject to a gross receipts tax or a mileage tax in force in the District for the period of time covered by a return required to be filed by the provisions of this chapter. If the personal property purchased is used both to produce receipts or charges subject to a gross receipts tax or a mileage tax

and receipts or charges not subject to a gross receipts tax or a mileage tax, then this sales tax exemption shall be allocated in accordance with rules issued by the Mayor.

(B) Beginning on October 1, 1994, sales of personal property purchased by a toll telecommunication company, as defined in § 47-3901(10), irrespective of whether the property is used or consumed in furnishing a service, the charges from which are subject to the gross receipts tax imposed by § 47-2501(b), or Chapter 39 of this title. For the purposes of this subsection, the term "personal property" shall not include office equipment or office furniture.

(C) Beginning on May 1, 1997, sales of personal property purchased by a wireless telecommunication company, as defined in § 47-3901(12), irrespective of whether the property is used or consumed in furnishing a service the charges from which are subject to Chapter 39 of this title. For purposes of this subparagraph, the term "personal property" shall not include office equipment or office furniture;

(D) Sales of personal property purchased by a digital audio radio satellite service company operating under a digital audio radio satellite license granted by the Federal Communications Commission, irrespective of whether the property is used or consumed in furnishing a service the charges from which are subject to the gross receipts tax imposed by § 47-2501.01;

(6) Repealed;

(7)(A) Casual and isolated sales by a vendor who is not regularly engaged in the business of making sales at retail;

(B) For the first 5 events during a calendar year, sales at a charity auction or other fundraising activity by a nonprofit teaching hospital;

(8) Sales of food or drink, beverages, and other goods made to any person for use in the operation of the majority and minority cloakrooms of the House of Representatives and sales of such food or drink, beverages, and other goods made by such person in connection with the operation of such cloakrooms;

(9) Sales of food or drink or beverages of any nature if made in any car composing a part of any train or in any aircraft or boat operating within the District in the course of commerce between the District and a state;

(10) Sales of goods made pursuant to bona fide contracts entered into before May 27, 1949; provided, that there is a contract in writing signed by the purchaser and vendor which imposes an unconditional liability on the part of the purchaser to buy the goods covered thereby at a fixed price and without escalator clause, and an unconditional liability on the part of the vendor to deliver a definite quantity of such goods at the contract price;

(11) Sales of natural or artificial gas, oil, electricity, solid fuel, or steam, directly used in manufacturing, assembling, processing, or refining;

(11A)(A) Sales of natural or artificial gas used for manufacturing, assembling, processing, refining, or refrigeration of goods for sale or resale when used in a restaurant, including a hotel restaurant.

(B) For the purposes of this paragraph, the term:

(i) "Hotel" means an establishment where food and lodging are regularly furnished to transients and which has at least 30 guest rooms and a dining room in the same or connected buildings.

(ii) "Restaurant" means a retail establishment licensed by the District of Columbia in the principal business of preparing and serving food to the public. The term "restaurant" shall include pizzerias, delicatessens, ice cream parlors, cafeterias, take-out counters, caterers, and separately-metered hotel and motel food service facilities. The term "restaurant" shall not include beverage counters, including coffee shops and juice bars;

(12) Repealed;

(13) Sale of motor vehicles and trailers which are subject to the provisions of title III of the District of Columbia Revenue Act of 1949;

(14) Sales of medicines, pharmaceuticals, and drugs whether or not made on prescriptions of duly licensed physicians and surgeons and general and special practitioners of the healing art;

(15)(A) Sales of bone screws, bone pins, pacemakers, and other articles permanently implanted in the human body to assist the functioning of any natural organ, artery, vein, or limb and which remain or dissolve in the body; orthopedic devices designed to be worn on the person of the user as a brace, support, or correction for the body structure, except orthopedic shoes and supportive devices for the foot unless they are required for the correction of a physical deformity; artificial human eyes and their replacement parts; artificial limbs for human beings and their replacement parts; artificial hearing devices for human beings and their replacement parts; mammary prostheses; any appliance and related supplies necessary as a result of any surgical procedure by which an artificial opening is created in the human body for the elimination of natural waste; sales of false teeth by a dentist and the materials used directly by a dentist in the restoration or preservation of teeth; sales of eyeglasses,

when especially designed or prescribed by an ophthalmologist, oculist, or optometrist; provided, that such items are for the personal use of the owner or purchaser; and

(B) Sales of wheelchairs, crutches, canes, quad canes, walkers, hospital beds, bedside commodes, patient lifts, urinals, respirators, oxygen tents, kits and inhalers; hemodialysis devices, transcutaneous nerve stimulators; and sales of any other device, apparatus, or equipment used to replace or substitute for any part of the human body, or used to assist the ill or people with disabilities in saving or prolonging life, or used to alleviate pain and suffering; provided, that such device, apparatus, or equipment is sold to an individual for the personal use of that individual and pursuant to written prescriptions or orders of duly licensed physicians and surgeons and general and special practitioners of the healing art;

(16) Sales of material to be incorporated permanently in any war memorial authorized by Congress to be erected on public grounds of the United States;

(17) Repealed;

(18) Food or drink described in § 47-2001(n)(1)(A), which is delivered and sold without profit by a nonprofit volunteer organization to persons who are confined to their homes due to age, illness, disability, or infirmity; provided that such sales shall not be exempt unless such organization has received a certificate of exemption from the District as a semipublic institution;

(19) Sales of food or drink as described in subsection (n)(1)(A) of § 47- 2001 made by a residence for senior citizens to the residents and employees of such facility and to the bona fide guests of such residents; provided, that the facility does not also make such sales to the general public. As used in this paragraph, the term "residence for senior citizens" means any facility which rents or offers for rent rooms or dwelling units exclusively to persons who are 60 years of age or older or who are blind or have another disability; provided, that at least 80% of the residents of such facility must be 60 years of age or older;

(20) Sales of motor-vehicle fuels upon the sale of which a tax is imposed by Chapter 23 of this title, as amended or as may be hereafter amended;

(21) Sales of vessels which are subject to the provisions of Article 29 of the Police Regulations;

(22) Sales to an organization exempt under 26 U.S.C. § 501(c)(4) when the organization's membership is limited to a state, territory, or possession of the United States or any political subdivision of a state, territory, or possession;

(23) Sales of "eligible foods," as defined in 7 CFR 271.2 pursuant to the federal Food Stamp Act of 1977 (7 U.S.C. § 2011 et seq.) ("Stamp Act"), and purchased with food stamps issued pursuant to the Stamp Act;

(24)(A) Sales of residential public utility services and commodities by a gas, electric, or telephone company, sales of residential heating oil or related services by any person, sales of residential natural or artificial gas by any person, or sales of residential electricity by an electric supplier; and

(B) Sales of residential local exchange service or exchange access as defined in § 47-3901(14);

(25) Sales of tickets sold for the 1994 World Cup Soccer Games;

(26) Sales of residential cable television service and commodities by a cable television company;

(27) Sales of the following:

(A) Printing services, if purchased by a publisher to print a newspaper that is to be distributed free of charge in the District;

(B) Tangible personal property purchased by a publisher that prints its own newspaper, if the property is incorporated by the publisher as a material or part of a newspaper that is distributed free of charge in the District; and

(C) Wrapping, packing and packaging supplies, if purchased by a publisher to further the distribution of a newspaper that is distributed free of charge in the District;

(28) Sales of building materials related to the development of a qualified supermarket, as defined under § 47-3801;

(29) Beginning on May 1, 1997, 2-way land mobile radio used for taxicabs fare dispatch and for communication between taxicab drivers and their base;

(30)(A) Gross receipts from sales of tangible personal property to be incorporated or consumed in the course of construction of the Gallery Place Project;

(B) For the purposes of this paragraph, "Gallery Place Project" means the acquisition, construction, installing, and equipping of a mixed-use complex located on Square 454, Lots 41, 824, 838, 857, 877, 878, the portion of the public alley that reverted to former Lot 820, (which is currently known as Lot 866) and former Lot 821 (which is currently known as Lot 867) pursuant to the Plat of Alley Closing filed with the Surveyor of the District of Columbia in Liber 17 at folio 74; and the portions of

the public alley that will revert to Lots 41, 824, 838, 857, 877 and 878, all in Square 454, pursuant to the alley closing approved by the Closing of Public Alleys in Square 454 and Square 455, S.O. 98-194 Act of 1999, effective October 22, 1999 (D.C. Law 13-48; 46 DCR 6768), and consisting of:

- (i) An approximately 60,000-square-foot multiplex cinema;
- (ii) A mixed-use facility providing for retail stores, dining, entertainment, a health and fitness club, offices, and related facilities;
- (iii) A market-rate housing complex consisting of approximately 170 residential units;
- (iv) A parking garage containing approximately 850 parking spaces; and
- (v) Other ancillary improvements; and

(C) The amount of all taxes, fees, and deposits exempt, abated, or waived under this paragraph, section 2(b) of the Gallery Place Economic Development Amendment Act of 2000, effective April 3, 2001, (D.C. Law 13-241; 48 DCR 610), and §§ 47-902(17), 45-922(24), and 47-1002(26), shall not exceed, in the aggregate, \$7 million;

(31) Sales to a Qualified High Technology Company of computer software or hardware, and visualization and human interface technology equipment, including operating and applications software, computers, terminals, display devices, printers, cable, fiber, storage media, networking hardware, peripherals, and modems when purchased for use in connection with the operation of the Qualified High Technology Company;

(32) Repealed;

(32A) Repealed.

(33) Sales of material or equipment used in the construction, and of materials used in the repair or alteration, of real property; provided, that the materials are temporarily stored, for no longer than 90 days, in the District for the purpose of subsequently transporting the property outside the District for use solely outside the District.

(34)(A) Sales of tangible personal property to be incorporated in or consumed in the course of the initial development, construction, equipping, and furnishing of the Mandarin Hotel Project until the Development Sponsor sells the Mandarin Oriental Hotel Project, as evidenced by the recordation of a deed conveying title to Square 299, Lot 831, at which time such amounts shall be due and payable without penalty or interest.

(B) The amount of all taxes, fees, and deposits deferred under this paragraph, section 2(b) of the Mandarin Oriental Hotel Tax Deferral Act of 2002, passed on 2nd reading on September 17, 2002 (Enrolled version of Bill 14-466), and §§ 42-1102(25), 47-902(19), and 47-1002(27), shall not exceed, in the aggregate, \$4 million.

(C) For purposes of this paragraph, the term:

- (i) "Development Sponsor" means Portals Hotel Site, LLC, a Delaware limited liability company, and its successors and assigns.
- (ii) "Mandarin Oriental Hotel Project" means the acquisition and initial development, construction, equipping, and furnishing of a Mandarin Oriental hotel within the Portals project, located on Square 299, Lot 831, consisting of a 400-room hotel with approximately 33,000 square feet of associated meeting and banquet space, 2 restaurants, a health spa and fitness center totaling approximately 10,000 square feet, and approximately 90,000 square feet of public parking space for approximately 200 cars.
- (iii) "Mandarin TIF Bonds" means the tax increment financing bonds issued in connection with the Mandarin Oriental Hotel Project pursuant to the Tax Increment Revenue Bonds Mandarin Hotel Project Emergency Approval Resolution of 2000, effective March 7, 2000 (Res. 13-510; 47 DCR 2133), and the Mandarin Hotel Project Modification Approval Resolution of 2000, effective December 19, 2000 (Res. 13-745; 48 DCR 83).

(D) This paragraph shall apply upon the closing of the sale of the Mandarin TIF Bonds;

(35) Sales by the United States or the District, as fixed by regulation; and

(36) Fees retained by a retail establishment under § 8-102.03(b)(1).

(May 27, 1949, 63 Stat. 115, ch. 146, title I, § 128; May 18, 1954, 68 Stat. 118, ch. 218, title XIII, § 1305; Mar. 31, 1956, 70 Stat. 81, ch. 154, title II, § 204; July 3, 1957, 71 Stat. 276, Pub. L. 85-82, § 1; Sept. 30, 1966, 80 Stat. 856, Pub. L. 89-610, title III, § 302; Aug. 2, 1968, 82 Stat. 614, Pub. L. 90-450, title III, § 305(a); Oct. 31, 1969, 83 Stat. 171, Pub. L. 91-106, title I, § 106; Jan. 5, 1971, 84 Stat. 1932, Pub. L. 91-650, title II, § 201(b); Oct. 21, 1975, D.C. Law 1-23, title III, § 301(9), (10), 22 DCR 2101; June 15, 1976, D.C. Law 1-70, title IV, § 403, 23 DCR 540; Apr. 6, 1977, D.C. Law 1-101, § 2, 23 DCR 8731; Mar. 3, 1979, D.C. Law 2-145, § 2, 25 DCR 6983; Sept. 13, 1980, D.C. Law 3-92, § 201(c), 27 DCR 3390; Mar. 4, 1981, D.C. Law 3-128, § 12, 28 DCR 246; July 24, 1982, D.C. Law 4-131, §§ 205, 503, 29 DCR 2418; Aug. 14, 1982, D.C. Law 4-133, § 2,

29 DCR 2745; Mar. 14, 1984, D.C. Law 5-58, § 3, 30 DCR 6293; Feb. 28, 1987, D.C. Law 6-207, § 2, 34 DCR 677; Sept. 22, 1987, D.C. Law 7-24, § 2, 34 DCR 4515; Oct. 1, 1987, D.C. Law 7-25, § 4, 34 DCR 5068; Sept. 20, 1989, D.C. Law 8-26, § 20, 36 DCR 4723; Mar. 11, 1992, D.C. Law 9-71, § 2, 39 DCR 19; Sept. 10, 1992, D.C. Law 9-145, § 107(c), 39 DCR 4895; Sept. 30, 1993, D.C. Law 10-25, § 111(i), 40 DCR 5489; Apr. 30, 1994, D.C. Law 10-115, § 203(b), 41 DCR 1216; June 14, 1994, D.C. Law 10-128, § 104(c), 41 DCR 2096; Sept. 26, 1995, D.C. Law 11-52, § 113, 42 DCR 3684; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; Apr. 30, 1998, D.C. Law 12-99, § 2(a), 45 DCR 1524; Apr. 30, 1998, D.C. Law 12-100, § 2(c), 45 DCR 1533; Oct. 14, 1999, D.C. Law 13-49, § 8(a), 46 DCR 5153; Apr. 5, 2000, D.C. Law 13-75, § 2(b), 46 DCR 10425; July 18, 2000, D.C. Law 13-148, § 2(b), 47 DCR 4636; Oct. 4, 2000, D.C. Law 13-166, § 3(c), 47 DCR 5821; Oct. 19, 2000, D.C. Law 13-172, § 2302(a), 47 DCR 6308; Apr. 3, 2001, D.C. Law 13-241, § 4(c), 48 DCR 610; Apr. 3, 2001, D.C. Law 13-256, § 402(b), 48 DCR 730; June 9, 2001, D.C. Law 13-306, § 2, 48 DCR 569; June 9, 2001, D.C. Law 13-305, § 202(g), 302(c), 48 DCR 334; June 19, 2001, D.C. Law 13-313, § 16(b), 48 DCR 1873; Oct. 26, 2001, D.C. Law 14-42, §§ 12, 14, 48 DCR 7612; June 25, 2002, D.C. Law 14-157, § 2(b), 49 DCR 4279; Oct. 19, 2002, D.C. Law 14-213, §§ 38, 39, 49 DCR 8140; Mar. 25, 2003, D.C. Law 14-232, § 4(c), 49 DCR 9764; Apr. 4, 2003, D.C. Law 14-282, § 11(ss), 50 DCR 896; Mar. 13, 2004, D.C. Law 15-105, §§ 12(e), 26(d), 85(b), 51 DCR 881; Dec. 7, 2004, D.C. Law 15-205, § 1182, 51 DCR 8441; Apr. 5, 2005, D.C. Law 15-277, § 2, 52 DCR 833; Apr. 24, 2007, D.C. Law 16-305, § 73(f), 53 DCR 6198; Sept. 23, 2009, D.C. Law 18-48, § 2(a)(2), 56 DCR 5482; Sept. 23, 2009, D.C. Law 18-55, § 9(a)(5), 56 DCR 5703; Mar. 3, 2010, D.C. Law 18-111, § 7041, 57 DCR 181; Mar. 12, 2011, D.C. Law 18-324, § 2, 58 DCR 3.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2005.

1973 Ed., § 47-2605.

##### *Effect of Amendments*

D.C. Law 13-49, amending par. (24) struck the phrase "telephone company," and inserting the phrase "telephone company, sales of residential heating oil or related services by any person," in its place.

Section 8(b) of D.C. Law 13-49 provides: "This section shall apply as of June 1, 1994."

D.C. Law 13-75 added par. (5)(D).

Section 3 of D.C. Law 13-75 provides: "This act shall apply as of October 1, 1999."

D.C. Law 13-148 rewrote subd. (24), which formerly read:

"Sales of residential public utility services and commodities by a gas, electric lighting, telephone company, sales of residential heating oil by any person, or sales of residential natural or artificial gas by any person;"

D.C. Law 13-166, added par. (28).

D.C. Law 13-172 added par. (29).

D.C. Law 13-241 added par. (30).

D.C. Law 13-256 added par. (31).

Law 13-305, in par. 3(C), deleted ", carries on its activities to a substantial extent within the District, and such activities result in substantial benefits to citizens of the District" following "within the District"; and rewrote par. (24) which had read:

"(24) Sales of residential public utility services and commodities by a gas, electric, or telephone company, sales of residential heating oil or related services by any person, sales of residential natural or artificial gas by any person, or sales of residential electricity by an electricity supplier;"

D.C. Law 13-306 added par. (32).

D.C. Law 13-313, in par. (29), substituted "May 1, 1997" for "April 30, 1998".

D.C. Law 14-42 validated previously made technical corrections in pars. (28), (29), (30), and (31).

D.C. Law 14-157 added par. (33).

D.C. Law 14-213 validated previously made technical corrections.

D.C. Law 14-232 substituted a semicolon for "; and" at the end of par. (31); substituted "; and" for a period at the end of par. (32); and added par. (33) [(34)].

D.C. Law 14-282 repealed par. (12); and added par. (34) [(35)]. Prior to repeal, par. (12) had read as follows:

"(12) Sales which a state would be without power to tax under the limitations of the Constitution of the United States;"

D.C. Law 15-105 validated previously made technical corrections; and repealed par. (32) which had read as follows:

"(32)(A) Subject to the other provisions of this paragraph, sales of any school supply or article of clothing for less than \$101, when the purchase is made between 12:01 a.m. on Friday, August 3, 2001, and midnight on Sunday, August 12, 2001.

"(B) The exemption shall apply to:

"(i) Each eligible item regardless of how many items are sold on the same invoice to a customer;

"(ii) Mail order sales, including online sales, if the seller accepts the order during the exemption period for immediate shipment. Shipping and handling charges shall be included as part of the sales price of the eligible item, whether or not separately stated. If multiple items are shipped on a single invoice, the shipping and handling charges shall be proportionately allocated to each item ordered and separately identified on the invoice;

"(iii) Layaway sales if the retailer and the customer enter into a layaway agreement during the exemption period or if the customer makes final payment on a layaway order during the exemption period;

"(iv) Sales using a rain check, regardless of when the rain check is issued, if the item is actually purchased during the exemption period;

"(v) Sales of eligible items purchased during the exemption period if the item is later exchanged for another exempt item after the exempt period.

"(C) The exemption shall not apply to:

"(i) Exempt items normally sold as a unit with nonexempt items if the items are separated in order to qualify for the exemption;

"(ii) Nonexempt items which are exchanged for the exempt items;

"(iii) Items advertised as 'buy one, get one free,' or 'buy one, get one for a reduced price,' if one or both items are averaged to qualify for the exemption;

"(iv) Items whose prices are reduced by a manufacturer's coupon to qualify for the exemption;

"(v) Repairs and alterations to exempt items;

"(vi) Items for rent;

"(vii) Items sold in public lodging establishments.

"(D) For the purposes of this paragraph, the term:

"(i) 'Accepts the order' means an action to fill an order for immediate shipment, including placing a date stamp on a mail order or assigning a transaction number to a telephone order.

"(ii) 'Clothing' means an article of wearing apparel for humans, including all footwear except skis, swim fins, roller blades, and skates.

"(iii) 'Immediate shipment' means an order for which delayed shipment is not requested by the customer.

"(iv) 'Public lodging establishment' means a hotel, motel, or any other transient lodging place. The term 'public lodging establishment' shall not include a dormitory maintained by an educational institution for the use of students, a hospital, or a nursing home.

"(v) 'School supply' means an item purchased for use in the classroom, at home, or for any school activity, including pens, pencils, stationery, book bags, lunchboxes, and calculators.

"(E) A customer who pays sales tax on an exempt item to a retailer during the exempt period shall be entitled to a refund of the tax from the retailer and not from the Mayor.

"(F) Not later than December 1, 2001, the Mayor shall report to the Council on the feasibility of enacting a permanent sales tax holiday in the District of Columbia; and".

D.C. Law 15-205 added par. (32A).

D.C. Law 15-277, in par. (7), designated subpar. (A) and added subpar. (B).

D.C. Law 16-305, in par. (15)(B), substituted "or people with disabilities" for "or disabled"; in par. (18), substituted "disability" for "handicap"; and in par. (19), substituted "blind or have another disability" for "blind, disabled, or handicapped".

D.C. Law 18-48 added par. (11A).

D.C. Law 18-55 added par. (36).

D.C. Law 18-111 repealed par. (32A), which had read as follows:

"(32A)(A) Subject to the other provisions of this paragraph, sales of any:

"(i) School supplies, article of clothing, accessory items, or shoes for \$100 or less, when the purchase is made between 12:01 a.m. on the 1st Saturday in August and midnight on the 2nd Sunday in August, except when the 1st day of August falls on a Sunday, ending at midnight on the 3rd Sunday in August; or

"(ii) Article of clothing, accessory items, or shoes for \$100 or less, when the purchase is made between 12:01

a.m. on the 4th Friday in November and midnight on the 1st Sunday in December.

"(B) The exemption shall apply to:

"(i) Each eligible item regardless of how many items are sold on the same invoice to a customer;

"(ii) Layaway sales; provided, that the retailer and the customer enter into a layaway agreement during the exemption period or the customer makes final payment on a layaway order during the exemption period; and

"(iii) Sales of eligible items purchased during the exemption period if the item is later exchanged for another exempt item after the exempt period.

"(C) The exemption shall not apply to:

"(i) Exempt items normally sold as a unit with nonexempt items if the items are separated to qualify for the exemption;

"(ii) Nonexempt items that are exchanged for exempt items;

"(iii) Items advertised as 'buy one, get one free' or 'buy one, get one for reduced price,' if one or both items are averaged to qualify for the exemption;

"(iv) Items whose prices are reduced by a manufacturer's coupon to qualify for the exemption;

"(v) Repairs and alterations to exempt items; and

"(vi) Items for rent.

"(D) For the purposes of this paragraph, the term:

"(i) 'Accessory items' means jewelry, non-prescription eyeglasses, watches, watchbands, handbags, handkerchiefs, umbrellas, gloves, scarves, ties, headbands, hats, belts and belt buckles, and other traditional accessory items.

"(ii) 'Clothing' means an article of wearing apparel for humans.

"(iii) 'Shoes' means all footwear, except skis, swim fins, roller blades, and skates.

"(iv) 'School supplies' means an item purchased for educational use in the classroom, at home, or for any school activity, including pens, pencils, stationery, art supplies, book bags, lunch boxes, and calculators.

"(E) A customer who pays sales tax on an exempt item to a retailer during the exempt period shall be entitled to a refund of the tax from the retailer and not from the Mayor."

D.C. Law 18-324 rewrote par. (11A), which formerly read:

"(11A)(A) Sales of natural or artificial gas used for manufacturing, assembling, processing, refining, or refrigeration of goods for sale or resale when used in a restaurant, including a hotel restaurant

"(B) For the purposes of this paragraph, the term:

"(i) 'Hotel' means an establishment where food and lodging are regularly furnished to transients and which has at least 30 guest rooms and a dining room in the same or connected buildings.

"(ii) 'Restaurant' means a retail establishment licensed by the District of Columbia in the principal business of preparing and serving food to the public. The term 'restaurant' shall include pizzerias, delicatessens, ice cream parlors, cafeterias, take-out counters, caterers, and separately-metered hotel and motel food service facilities. The term "restaurant" shall not include beverage counters, including coffee shops and juice bars; "

#### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 20 of Toll Telecommunications Service Tax Temporary Act of 1989 (D.C. Law 8-4, May 23, 1989, law notification 36 DCR 4154).

For temporary (225 day) amendment of section, see § 4 of District of Columbia Gross Receipts and Toll Telecommunication Service Tax Temporary Amendment Act of 1991 (D.C. Law 9-34, August 17, 1991, law notification 38 DCR 5801).

For temporary (225 day) amendment of section, see § 4 of District of Columbia Gross Receipts and Toll Telecommunication Service Tax Temporary Amendment Act of 1992 (D.C. Law 9-124, June 11, 1992, law notification 39 DCR 4686).

For temporary (225 day) amendment of section, see § 110(c) of Omnibus Budget Support Temporary Act of 1992 (D.C. Law 9-134, July 23, 1992, law notification 39 DCR 5815).

For temporary (225 day) amendment of section, see § 111(i) of Omnibus Budget Support Temporary Act of 1993 (D.C. Law 10-11, August 6, 1993, law notification 40 DCR 6213).

For temporary (225 day) amendment of section, see § 3 of Toll Telecommunication Temporary Amendment Act of 1996 (D.C. Law 11-23, July 14, 1995, law notification 42 DCR 3829).

For temporary (225 day) amendment of section, see § 3 of Natural and Artificial Gas and Gross Receipts Tax Temporary Amendment Act of 1996 (D.C. Law 11-260, April 25, 1997, law notification 44 DCR 6798).

For temporary (225 day) amendment of section, see § 4(c) of Mandarin Oriental Hotel Project Tax Deferral



Temporary Act of 2002 (D.C. Law 14-143, May 21, 2002, law notification 49 DCR 5060).

For temporary (225 day) amendment of section, see § 12(yy) of Tax Clarity and Recorder of Deeds Temporary Act of 2002 (D.C. Law 14-191, October 5, 2002, law notification 49 DCR 9549).

For temporary (225 day) amendment of section, see § 12(yy) of Tax Clarity and Related Amendments Temporary Act of 2003 (D.C. Law 14-228, March 23, 2003, law notification 50 DCR 2741).

For temporary (225 day) amendment of section, see § 2(c) of CareFirst Economic Assistance Temporary Act of 2002 (D.C. Law 14-246, March 25, 2003, law notification 50 DCR 2759).

For temporary (225 day) amendment of section, see § 2 of Back-to-School Sales Tax Holiday Temporary Amendment Act of 2002 (D.C. Law 14-209, October 19, 2002, law notification 49 DCR 10465).

For temporary (225 day) amendment of section, see § 2 of Charity Auction Sales Tax Exemption Temporary Act of 2003 (D.C. Law 15-85, March 10, 2004, law notification 51 DCR 9223).

For temporary (225 day) amendment of section, see § 2(d) of Lot 878, Square 456 Tax Exemption Clarification Temporary Amendment Act of 2004 (D.C. Law 15-181, September 8, 2004, law notification 51 DCR 9223).

Section 2 of D.C. Law 19-2 amended section 3 of D.C. Law 18-324 to read as follows:

"Sec. 3. Applicability.

"This act shall apply as of January 1, 2010; provided, that its fiscal effect is included in an approved budget and financial plan."

Section 4(b) of D.C. Law 19-2 provides that the act shall expire after 225 days of its having taken effect.

Section 2 of D.C. Law 19-98 amended section 3 of D.C. Law 18-324 to read as follows:

"Sec. 3. Applicability.

"This act shall apply as of January 1, 2010; provided, that its fiscal effect is included in an approved budget and financial plan."

Section 4(a) of D.C. Law 19-98 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 3 of the Toll Telecommunication Emergency Amendment Act of 1995 (D.C. Act 11-42, April 17, 1995, 42 DCR 1936).

For temporary amendment of section, see § 113 of the Omnibus Budget Support Congressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

For temporary amendment of section, see § 3 of the Natural and Artificial Gas Gross Receipts Tax Emergency Amendment Act of 1996 (D.C. Act 11-508), and see § 3 of the Natural and Artificial Gas Gross Receipts Tax Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-51, March 31, 1997, 44 DCR 2201).

For temporary policy statement of act, see § 4 of the Natural and Artificial Gas Gross Receipts Tax Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-51).

For temporary (90-day) amendment of section, see § 2(b) of the Digital Audio Radio Satellite Service Company Tax Exemption Emergency Act of 1999 (D.C. Act 13-185, November 2, 1999, 46 DCR 9753).

For temporary (90-day) amendment of section, see § 2(b) of the Digital Audio Radio Satellite Service Company Tax Exemption Legislative Review Emergency Act of 1999 (D.C. Act 13-239, January 11, 2000, 47 DCR 554).

For temporary (90-day) amendment of section, see § 2(b) of the Digital Audio Radio Satellite Service Company Tax Exemption Congressional Review Emergency Act of 2000 (D.C. Act 13-310, April 7, 2000, 47 DCR 2733).

For temporary (90-day) amendment of section, see § 2302(a) of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90 day) amendment of section, see § 2302(a) of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13- 438, October 20, 2000, 47 DCR 8740).

For temporary (90 day) amendment of section, see § 4(c) of the Gallery Place Economic Development Emergency Amendment Act of 2000 (D.C. Act 13-500, January 5, 2001, 48 DCR 562).

For temporary (90 day) amendment of section, see § 12(a) to (c) of Technical Amendments Emergency Act of 2001 (D.C. Act 14-108, August 3, 2001, 48 DCR 7622).

For temporary (90 day) amendment of section, see § 14(a) to (c) of Technical Amendments Emergency Act of 2001 (D.C. Act 14-108, August 3, 2001, 48 DCR 7622).

For temporary (90 day) amendment of section, see § 2 of Sales Tax Holiday Emergency Amendment Act of 2001 (D.C. Act 14-166, November 15, 2001, 48 DCR 10545).

For temporary (90 day) amendment of section, see § 4(c) of Mandarin Oriental Hotel Project Tax Deferral Emergency Act of 2001 (D.C. Act 14-227, January 8, 2002, 49 DCR 682).

For temporary (90 day) amendment of section, see § 4(c) of Mandarin Oriental Hotel Project Tax Deferral Second Congressional Review Emergency Act of 2002 (D.C. Act 14-563, December 23, 2002, 50 DCR 278).

For temporary (90 day) amendment of section, see § 12(xx) of Tax Clarity and Recorder of Deeds Emergency Act of 2002 (D.C. Act 14-381, June 6, 2002, 49 DCR 5674).

For temporary (90 day) amendment of section, see § 2 of Back-to-School Sales Tax Holiday Emergency Act of 2002 (D.C. Act 14-391, June 24, 2002, 49 DCR 6717).

For temporary (90 day) amendment of section, see § 12(yy) of Tax Clarity and Related Amendments Emergency Act of 2002 (D.C. Act 14-456, July 23, 2002, 49 DCR 8107).

For temporary (90 day) amendment of section, see § 2(c) of CareFirst Economic Assistance Emergency Act of 2002 (D.C. Act 14-460, July 26, 2002, 49 DCR 8175).

For temporary (90 day) amendment of section, see § 12(yy) of Tax Clarity and Related Amendments Congressional Review Emergency Act of 2002 (D.C. Act 14-510, October 23, 2002, 49 DCR 10247).

For temporary (90 day) amendment of section, see § 2 of Charity Auction Sales Tax Emergency Act of 2003 (D.C. Act 15-192, October 24, 2003, 50 DCR 9509).

For temporary (90 day) amendment of section, see § 2 of Charity Auction Sales Tax Exemption Congressional Review Emergency Act of 2004 (D.C. Act 15-319, January 28, 2004, 51 DCR 1562).

For temporary (90 day) amendment of section, see § 2(d) of Lot 878, Square 456 Tax Exemption Clarification Emergency Act of 2004 (D.C. Act 15-423, May 10, 2004, 51 DCR 5182).

For temporary (90 day) amendment of section, see § 2(d) of Lot 878, Square 456 Tax Exemption Clarification Congressional Review Emergency Act of 2004 (D.C. Act 15-467, July 19, 2004, 51 DCR 7584).

For temporary (90 day) amendment of section, see § 1182 of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) amendment of section, see § 1182 of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

For temporary (90 day) amendment of section, see § 2 of Charity Auction Sales Tax Exemption Emergency Amendment Act of 2004 (D.C. Act 15-618, November 30, 2004, 51 DCR 11449).

For temporary (90 day) amendment of section, see § 2 of Charity Auction Sales Tax Exemption Congressional Review Emergency Act of 2005 (D.C. Act 16-26, February 17, 2005, 52 DCR 2985).

For temporary (90 day) amendment of section, see § 2 of Sales Tax Applicability Date Clarification Emergency Act of 2009 (D.C. Act 18-141, July 13, 2009, 56 DCR 5868).

For temporary (90 day) amendment of section, see § 7002 of Fiscal Year 2010 Budget Support Emergency Act of 2009 (D.C. Act 18-187, August 26, 2009, 56 DCR 7374).

For temporary (90 day) amendment of section, see § 7041 of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) repeal, see § 7041 of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

For temporary (90 day) amendment of § 3 of D.C. Act 18-645, see § 2 of Processing Sales Tax Clarification Emergency Amendment Act of 2011 (D.C. Act 19-11, February 11, 2011, 58 DCR 1431).

For temporary (90 day) amendment of § 3 of D.C. Law 18-324, see § 2 of Processing Sales Tax Clarification Congressional Review Emergency Amendment Act of 2011 (D.C. Act 19-68, May 13, 2011, 58 DCR 4254).

For temporary (90 day) amendment of section 3 of D.C. Law 18-324, see § 2 of Processing Sales Tax Clarification Second Emergency Amendment Act of 2011 (D.C. Act 19-255, December 21, 2011, 58 DCR 11217).

For temporary (90 day) amendment of section 3 of D.C. Law 18-324, see § 2 of Processing Sales Tax Clarifying Emergency Amendment Act of 2012 (D.C. Act 19- 505, October 26, 2012, 59 DCR 12768).

#### *Legislative History of Laws*

For legislative history of D.C. Law 1-23, see Historical and Statutory Notes following § 47-2001.

For legislative history of D.C. Law 1-70, see Historical and Statutory Notes following § 47-2001.

Law 1-101, the "Home Delivery Food Tax Act," was introduced in Council and assigned Bill No. 1-316, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on September 15, 1976 and October 12, 1976, respectively. Signed by the Mayor on November 8, 1976, it was assigned Act No. 1-169 and transmitted to both Houses of Congress for its review.

Law 2-145, the "Senior Citizens Residences Sales Tax on Meals Exemption Act," was introduced in Council and assigned Bill No. 2-337, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on November 28, 1978 and December 12, 1978, respectively. Signed by the Mayor on December 29, 1978, it was assigned Act No. 2-321 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 3-92, see Historical and Statutory Notes following § 47-2001.

Law 3-128, the "Closing of a Portion of Public Alley in Square 5263; the Police Officers, Firefighters, and Teachers Retirement Amendments; the District of Columbia Depository Act of 1977 Amendment; and the District of Columbia Motor Vehicle Fuel and Sales Tax Act and the District of Columbia Sales Tax Act Amendments of 1980 Acts of 1980," was introduced in Council and assigned Bill No. 3-394, which was referred to the Committee on Transportation and Environmental Affairs. The Bill was adopted on first and second readings on November 25, 1980 and December 9, 1980, respectively. Signed by the Mayor on January 7, 1981, it was assigned Act No. 3-337 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 47-2001.

Law 4-133, the "Medical Equipment Sales Tax Exemption Act of 1982," was introduced in Council and assigned Bill No. 4-154, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on May 25, 1982 and June 8, 1982, respectively. Signed by the Mayor on June 21, 1982, it was assigned Act No. 4-199 and transmitted to both Houses of Congress for its review.

Law 5-58, the "D.C. Boat Titling Act of 1983," was introduced in Council and assigned Bill No. 5-80, which was referred to the Committee on Transportation and Environmental Affairs. The Bill was adopted on first and second readings on October 18, 1983, and November 1, 1983 respectively. Signed by the Mayor on December 2, 1983 it was assigned Act No. 5-86 and transmitted to both House of Congress for its review.

Law 6-207, the "D.C. Income and Franchise, and Sales Taxes Amendment Act of 1986," was introduced in Council and assigned Bill No. 6-95, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on November 25, 1986 and December 16, 1986, respectively. Signed by the Mayor on January 8, 1987, it was assigned Act No. 6-267 and transmitted to both Houses of Congress for its review.

Law 7-24, the "District of Columbia Sales Tax Amendment Act of 1987," was introduced in Council and assigned Bill No. 7-243, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on June 16, 1987 and June 30, 1987, respectively. Signed by the Mayor on July 6, 1987, it was assigned Act No. 7-45 and transmitted to both Houses of Congress for its review.

Law 7-25, the "Gross Receipt Tax Amendment Act of 1987," was introduced in Council and assigned Bill No. 7-186, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on June 30, 1987 and July 14, 1987, respectively. Signed by the Mayor on July 17, 1987, it was assigned Act No. 7-47 and transmitted to both Houses of Congress for its review.

Law 8-26, the "Toll Telecommunications Service Tax Act of 1989," was introduced in Council and assigned Bill No. 8-166, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on May 30, 1989 and June 13, 1989, respectively. Signed by the Mayor on June 27, 1989, it was assigned Act No. 8-48 and transmitted to both Houses of Congress for its review.

Law 9-71, the "District of Columbia World Cup Soccer Ticket Sales Promotional Amendment Act of 1991," was introduced in Council and assigned Bill No. 9-123, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 5, 1991, and December 3, 1991, respectively. Signed by the Mayor on December 20, 1991, it was assigned Act No. 9-122 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 9-145, see Historical and Statutory Notes following § 47-2001.

For legislative history of D.C. Law 10-25, see Historical and Statutory Notes following § 47-2002.01.

For legislative history of D.C. Law 10-115, see Historical and Statutory Notes following § 47-2001.

For legislative history of D.C. Law 10-128, see Historical and Statutory Notes following § 47-2001.

Law 11-52, the "Omnibus Budget Support Act of 1995," was introduced in Council and assigned Bill No. 11-218, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 19, 1995, and June 6, 1995, respectively. Signed by the Mayor on July 13, 1995, it was assigned Act No. 11-94 and transmitted to both Houses of Congress for its review. D.C. Law 11-52 became effective on September 26, 1995.

Law 12-99, the "Natural and Artificial Gas Gross Receipts Tax Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-150, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on December 4, 1997, and January 6, 1998, respectively. Signed by the Mayor on January 26, 1998, it was assigned Act No. 12-273 and transmitted to both Houses of Congress for its review. D.C. Law 12-99 became effective on April 30, 1998.

For legislative history of D.C. Law 12-100, see Historical and Statutory Notes following § 47-2001.

Law 13-49, the "Criminal Code and Clarifying Technical Amendments Act of 1999," was introduced in Council

and assigned Bill No. 13-61, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on March 2, 1999, and April 13, 1999, respectively. Signed by the Mayor on May 13, 1999, it was assigned Act No. 13-69 and transmitted to both Houses of Congress for its review. D.C. Law 13-49 became effective on October 19, 1999.

Law 13-75, the "Digital Audio Radio Satellite Service Companies Tax Exemption Act of 1999," was introduced in Council and assigned Bill No. 13-262, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on October 5, 1999, and November 2, 1999, respectively. Signed by the Mayor on November 18, 1999, it was assigned Act No. 13-192 and transmitted to both Houses of Congress for its review. D.C. Law 13-75 became effective on April 5, 2000.

Law 13-148, the "Electricity Tax Act of 2000," was introduced in Council and assigned Bill No. 13-280, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on March 7, 2000, and April 4, 2000, respectively. Signed by the Mayor on July 18, 2000, it was assigned Act No. 13-335 and transmitted to both Houses of Congress for its review. D.C. Law 13-148 became effective on July 18, 2000.

Law 13-166, the "Supermarket Tax Exemption Act of 2000," was introduced in Council and assigned Bill No. 13-88, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on May 3, 2000, and June 6, 2000, respectively. Signed by the Mayor on June 26, 2000, it was assigned Act No. 13-365 and transmitted to both Houses of Congress for its review. D.C. Law 13-166 became effective on October 4, 2000.

Law 13-172, the "Fiscal Year 2001 Budget Support Act of 2000," was introduced in Council and assigned Bill No. 13-679, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 15, 2000, and June 6, 2000, respectively. Signed by the Mayor on June 26, 2000, it was assigned Act No. 13-175 and transmitted to both Houses of Congress for its review. D.C. Law 13-172 became effective on October 19, 2000.

For Law 13-241, see notes under § 47-902.

For Law 13-256, see notes following § 47-1817.01.

For Law 13-305, see notes following § 47-901.

Law 13-306, the "Sales Tax Holiday Act of 2000", was introduced in Council and assigned Bill No. 13-859, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on November 8, 2000, and December 5, 2000, respectively. Signed by the Mayor on December 22, 2000, it was assigned Act No. 13-505 and transmitted to both Houses of Congress for its review. D.C. Law 13-306 became effective on June 9, 2001.

Law 13-313, the "Technical Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-879, which was referred to the Committee on the Whole. The Bill was adopted on first and second readings on December 5, 2000, and December 19, 2000, respectively. Signed by the Mayor on January 19, 2001, it was assigned Act No. 13-574 and transmitted to both Houses of Congress for its review. D.C. Law 13-313 became effective on June 19, 2001.

For Law 14-42, see notes following § 47-1361.

For Law 14-157, see notes following § 47-2001.

For Law 14-213, see notes following § 47-820.

For Law 14-232, see notes following § 47-902.

For Law 14-282, see notes following § 47-902.

For Law 15-105, see notes following § 47-902.

For Law 15-181, see notes following § 47-1002.

For Law 15-205, see notes following § 47-903.

Law 15-277, the "Charity Auction Sales Tax Exemption Act of 2004", was introduced in Council and assigned Bill No. 15-312, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on November 9, 2004, and December 7, 2004, respectively. Signed by the Mayor on December 29, 2004, it was assigned Act No. 15-668 and transmitted to both Houses of Congress for its review. D.C. Law 15-277 became effective on April 5, 2005.

For Law 16-305, see notes following § 47-802.

For Law 18-48, see notes following § 47-2001.

For Law 18-55, see notes following § 47-1803.02.

For Law 18-111, see notes following § 47-305.02.

Law 18-324, the "Processing Sales Tax Clarification Act of 2010", was introduced in Council and assigned Bill No. 18-707, which was referred to the Committee Finance and Revenue. The Bill was adopted on first and second readings on November 23, 2010, and December 7, 2010, respectively. Signed by the Mayor on

December 28, 2010, it was assigned Act No. 18-645 and transmitted to both Houses of Congress for its review. D.C. Law 18-324 became effective on March 12, 2011.

#### *Effective Dates*

Section 3(b) of D.C. Law 4-133 provided that revised § 47-2005(15) shall take effect on the first day of the first month which begins more than 30 days after August 14, 1982.

Section 5 of Law 14-232 provides that this act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan.

#### *References in Text*

Section 2(b) of the Mandarin Oriental Hotel Tax Deferral Act of 2002, passed on 2nd reading on September 17, 2002 (Enrolled version of Bill 14-466), referred to in par. (34)(B), is D.C. Law 14-232, § 2(b), set out as a note under § 42-1102.

Title III of the District of Columbia Revenue Act of 1949, referred to in paragraph (13) of this section, 63 Stat. 128, ch. 146, approved May 27, 1949.

#### *Delegation of Authority*

Delegation of authority pursuant to D.C. Law 7-25, the "Gross Receipts Tax Amendment Act of 1987", see Mayor's Order 94-120, May 16, 1994 (41 DCR 3240).

#### *Miscellaneous Notes*

New implementing regulations: The "District of Columbia Boat Titling Act of 1983" (D.C. Law 5-58, Mar. 14, 1984, 30 DCR 6293) provides that the tax imposed by § 4-b(2) of Article 29 of the Police Regulations of the District of Columbia is in lieu of collecting any tax which may have been due under § 47-2001 et seq. as result of a sale.

Section 4(b) of D.C. Law 12-100 provided that returns or payments due from wireless telecommunication companies for the period beginning May 1, 1997, through the effective date of this act not previously filed or paid shall be due by the 45th day after the effective date of this act.

Section 4(c) of D.C. Law 12-100 provided that beginning in FY 1999, the amount of tax imposed by the act shall not be calculated as gross revenue to which the tax is then applied.

Section 2 of D.C. Law 13-241, as amended by section 40 of D.C. Law 14-213, provides:

"Tax and fee abatements [Gallery Place Project].

"(a) For the purposes of this section, the term:

"(1) 'Development Sponsor' means Gallery Place Holdings LLC, a Delaware limited liability company, and its successors and assigns.

"(2) 'Gallery Place Project' means the acquisition, construction, installing, and equipping of a mixed-use complex located on Square 454, Lots 41, 824, 838, 857, 877, 878; the portion of the public alley that reverted to former Lot 820 (which is currently known as Lot 866), and former Lot 821 (which is currently known as Lot 867) pursuant to the Plat of Alley Closing filed with the Surveyor of the District of Columbia in Liber 17 at folio 74; and the portions of the public alley that will revert to Lots 41, 824, 838, 857, 877 and 878, all in Square 454, pursuant to the alley closing approved by the Closing of Public Alleys in Square 454 and Square 455, S.O. 98-194, Act of 1999, effective October 22, 1999 (D.C. Law 13-48; 46 DCR 6768), and consisting of:

"(A) An approximately 60,000-square-foot multiplex cinema;

"(B) A mixed-use facility providing for retail stores, dining, entertainment, a health and fitness club, offices, and related facilities;

"(C) A market-rate housing complex consisting of approximately 170 residential units;

"(D) A parking garage containing approximately 850 parking spaces; and

"(E) Other ancillary improvements.

"(b) All fees to be paid, and any deposits to be made, by or on behalf of the Development Sponsor in connection with the Gallery Place Project under the eighth unnumbered paragraph of the General Expenses title of An Act Making Appropriations to provide for the expense of the Government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and ten, and for other purposes are hereby waived.

"(c) The amount of all taxes, fees, and deposits exempt, abated, or waived under subsection (b) of this section, section 302(24) of the District of Columbia Recordation Tax Act and D.C. Code 47-902(17), 47-1002(26), and 47-2005(32), shall not exceed, in the aggregate, \$7 million.

"(d) In accordance with section 5 of An Act providing a permanent form of government for the District of Columbia the Mayor shall expend up to \$2 million to improve and repair the streets, sewers, alleys, sidewalks, curbs, and gutters abutting the Gallery Place Project. All assessments upon abutting property for the cost of improvements to such streets, sewers, alleys, sidewalks, curbs, and gutters, including any expenses of assessment, shall be waived."

Section 303(c) of D.C. Law 13-305, as amended by section 36(a) of D.C. Law 14- 213, provides: "Section 302(c) and (f) shall be applicable as of January 1, 1999."

Short title of subtitle Q of title I of Law 15-205: Section 1181 of D.C. Law 15-205 provided that subtitle Q of title I of the act may be cited as Sales Tax Holiday Act of 2004.

Section 3 of D.C. Law 18-48 provides that this act shall apply as of January 1, 2009.

Short title: Section 7040 of D.C. Law 18-111 provided that subtitle B of title VII of the act may be cited as the "Sale Tax Applicability Act of 2009".

Section 3 of D.C. Law 18-324 provides:

"Sec. 3. Applicability.

"This act shall apply as of January 1, 2010."

The Budget Director of the Council of the District of Columbia has determined, as of February 15, 2012, that the fiscal effect of Law 18-324 has not been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by Law 18-324, are not in effect.

## **§ 47-2006. APPLICATION OF EXEMPTION.**

The exemption provided for in § 47-2005(19) shall apply to sales made on or after January 1, 1978. Any tax collected by the District of Columbia from a vendor on such exempt sales and any reimbursements collected by a vendor from purchasers on such exempt sales shall be refunded in accordance with § 47-2020; provided, that no interest shall be allowed or paid on any amount refunded pursuant to this section.

(Mar. 3, 1979, D.C. Law 2-145, § 3, 25 DCR 6983; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 47-2006.

1973 Ed., § 47-2605.1.

#### *Legislative History of Laws*

For legislative history of D.C. Law 2-145, see Historical and Statutory Notes following § 47-2005.

## **§ 47-2007. ACTION FOR COLLECTION OF TAXES.**

No administrative or civil action for the collection by the District of Columbia from a vendor of taxes (or penalties and interest thereon) due and payable on sales made prior to January 1, 1978, which would have been exempt sales under § 47-2005(19) if such sales had been made on or after January 1, 1978, shall be commenced after the effective date of this section. Any such administrative or civil action that was commenced on or after January 1, 1978, shall be terminated, and any taxes, penalties, and interest collected from a vendor pursuant to any such administrative or civil action commenced on or after January 1, 1978, shall be refunded in accordance with § 47-2020, notwithstanding the limitation in such section on refunds of taxes finally determined as due under § 47-2019; provided, that no interest shall be allowed or paid on any amount refunded pursuant to this section.

(Mar. 3, 1979, D.C. Law 2-145, § 4, 25 DCR 6983; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 47-2007.

1973 Ed., § 47-2605.2.

#### *Legislative History of Laws*

For legislative history of D.C. Law 2-145, see Historical and Statutory Notes following § 47-2005.

## **§ 47-2008. RULES AND REGULATIONS.**

The Mayor is authorized to promulgate such rules and regulations as may be necessary to carry out the purposes of §§ 47-2006 and 47-2007.

(Mar. 3, 1979, D.C. Law 2-145, § 5, 25 DCR 6983; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2008.

1973 Ed., § 47-2605.3.

##### *Temporary Repeal of Section*

For temporary (225 day) repeal of section, see § 12(zz) of Tax Clarity and Recorder of Deeds Temporary Act of 2002 (D.C. Law 14-191, October 5, 2002, law notification 49 DCR 9549).

For temporary (225 day) repeal of section, see § 12(zz) of Tax Clarity and Related Amendments Temporary Act of 2003 (D.C. Law 14-228, March 23, 2003, law notification 50 DCR 2741).

##### *Emergency Act Amendments*

For temporary (90 day) repeal of section, see § 12(yy) of Tax Clarity and Recorder of Deeds Emergency Act of 2002 (D.C. Act 14-381, June 6, 2002, 49 DCR 5674).

For temporary (90 day) repeal of section, see § 12(zz) of Tax Clarity and Related Amendments Emergency Act of 2002 (D.C. Act 14-456, July 23, 2002, 49 DCR 8107).

For temporary (90 day) repeal of section, see § 12(zz) of Tax Clarity and Related Amendments Congressional Review Emergency Act of 2002 (D.C. Act 14-510, October 23, 2002, 49 DCR 10247).

##### *Legislative History of Laws*

For legislative history of D.C. Law 2-145, see Historical and Statutory Notes following § 47-2005.

##### *Delegation of Authority*

Delegation of authority pursuant to Law 2-145, see Mayor's Order 86-143, August 25, 1986.

## **§ 47-2009. TAX TO BE SEPARATELY STATED.**

Upon each sale of tangible personal property or services, the gross receipts from which are taxable under this chapter, the reimbursement of tax to be collected by the vendor from the purchaser under the provisions of this chapter shall be stated and charged separately from the sales price and shown separately on any record thereof at the time the sale is made or evidence of sale issued or employed by the vendor.

(May 27, 1949, 63 Stat. 117, ch. 146, title I, § 129; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2009.

1973 Ed., § 47-2606.

## **§ 47-2010. PRESUMPTION OF TAXABILITY.**

It shall be presumed that all receipts from the sale of tangible personal property and services mentioned in this chapter are subject to tax until the contrary is established, and the burden of proving that a receipt is not taxable hereunder shall be upon the vendor or the purchaser as the case may be. Except as provided in § 47-2005(3), unless the vendor shall have taken from the purchaser a certificate signed by and bearing the name and address of the purchaser and the number of his registration certificate to the effect that the property or service was purchased for resale or the property or service is exempt under § 47-2005, the receipts from all sales shall be deemed taxable. The certificate herein required shall be in such form as the Mayor shall prescribe and, in case no certificate is furnished or obtained prior to the time the sale is consummated, the tax shall apply to the gross receipts therefrom as if the sale were made at retail.

(May 27, 1949, 63 Stat. 117, ch. 146, title I, § 130; July 24, 1982, D.C. Law 4-131, § 223, 29 DCR 2418; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; June 9, 2001, D.C. Law 13-305, § 102(d), 48 DCR 334.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2010.

1973 Ed., § 47-2607.

*Effect of Amendments*

D.C. Law 13-305, in the second sentence, substituted "the property or service was purchased for resale or the property or service is exempt under 47-2005," for "the property or service was purchased for resale,".

*Legislative History of Laws*

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 47-2001.

For Law 13-305, see notes under § 47-901.

*Miscellaneous Notes*

Section 103 of D.C. Law 13-305 provides:

"Sec. 103. Applicability.

"Section 102(a) through (c) shall apply beginning April 1, 2001. Section 102(d) shall apply beginning October 1, 2001."

**§ 47-2011. TAX A PERSONAL DEBT; PERIOD OF LIMITATION;  
LIENS.[REPEALED]**

(May 27, 1949, 63 Stat. 117, ch. 146, title I, § 131; July 24, 1982, D.C. Law 4-131, § 206, 29 DCR 2418; Feb. 28, 1987, D.C. Law 6-209, § 405(a), 34 DCR 689; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; June 9, 2001, D.C. Law 13-305, § 406(ff)(2), 48 DCR 334.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 47-2011.

1973 Ed., § 47-2608.

*Legislative History of Laws*

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 47-2001.

Law 6-209, the "Tax Amnesty Act of 1986," was introduced in Council and assigned Bill No. 6-398, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on November 25, 1986 and December 16, 1986 respectively. Signed by the Mayor on January 8, 1987, it was assigned Act No. 6-269 and transmitted to both Houses of Congress for its review.

For Law 13-305, see notes under § 47-901.

*Effective Dates*

Section 601(b) of D.C. Law 6-209 provided that title III and sections 401, 402, 404, 405 and 406 of the act shall take effect on October 1, 1987.

*Miscellaneous Notes*

Section 410(e) of D.C. Law 13-305 provides: "Section 406(b), (d), (f), (l), (n), (o), (r), (v), (x) through (aa), (cc), (ff), (gg), (ll), (pp), (vv), (ww), (aaa), (ccc), (eee), and (ggg) shall apply as of January 1, 2001."

**§ 47-2012. TAX A PREFERRED CLAIM; PRIORITY OVER PROPERTY TAXES.**

Whenever the business or property of any person subject to tax under the terms of this chapter, shall be placed in receivership or bankruptcy, or assignment is made for the benefit of creditors, or if said property is seized under distraint for property taxes, all taxes, penalties, and interest imposed by this chapter for which said person is in any way liable shall be a prior and preferred claim. Neither the United States Marshal, nor a receiver, assignee, or any other officer shall sell the property of any person subject to tax under the terms of this chapter under process or order of any court without first determining from the Collector the amount of any such taxes due and payable by said person, and if there be any such taxes due, owing, or unpaid under this chapter, it shall be the duty of such officer to first pay to the Collector the amount of said taxes out of the proceeds of said sale before making any payment of any moneys to any judgment creditor or other claimants of whatsoever kind or nature. Any person charged with the administration or distribution of any such property as aforesaid who shall violate the provisions of this section shall be personally liable for any taxes accrued and unpaid which are chargeable against the person otherwise liable for tax under the terms of this section.



(May 27, 1949, 63 Stat. 117, ch. 146, title I, § 132; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 47-2012.

1973 Ed., § 47-2609.

*Miscellaneous Notes*

Office of Collector of Taxes abolished: See Historical and Statutory Notes following § 47-401.

**§ 47-2013. COLLECTION OF TAX; LIENS; JEOPARDY ASSESSMENTS; DISTRAINT.[REPEALED]**

(May 27, 1949, 63 Stat. 118, ch. 146, title I, § 133; July 24, 1982, D.C. Law 4-131, § 223, 29 DCR 2418; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; June 9, 2001, D.C. Law 13-305, § 406(ff)(2), 48 DCR 334.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 47-2013.

1973 Ed., § 47-2610.

*Legislative History of Laws*

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 47-2001.

For Law 13-305, see notes under § 47-901.

*Miscellaneous Notes*

Office of Collector of Taxes abolished: See Historical and Statutory Notes following § 47-401.

Section 410(e) of D.C. Law 13-305 provides: "Section 406(b), (d), (f), (l), (n), (o), (r), (v), (x) through (aa), (cc), (ff), (gg), (ll), (pp), (vv), (ww), (aaa), (ccc), (eee), and (ggg) shall apply as of January 1, 2001."

**§ 47-2014. ASSUMPTION OR REFUND OF TAX BY VENDOR UNLAWFUL; PENALTIES.**

It shall be unlawful for any vendor to advertise or hold out or state to the public or to any customer directly or indirectly that the reimbursement of tax or any part thereof to be collected by the vendor under this chapter will be assumed or absorbed by the vendor or that it will not be added to the selling price of the property sold or the taxable services rendered, or if added to said price that it, or any part thereof, will be refunded. Any person violating any provision of this section shall upon conviction be fined not more than \$500, or imprisoned for not more than 6 months, or both, for each offense.

(May 27, 1949, 63 Stat. 118, ch. 146, title I, § 134; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 47-2014.

1973 Ed., § 47-2611.

**§ 47-2015. MONTHLY RETURNS.**

(a) On or before the 20th day of each calendar month, every vendor who has made any sale at retail, taxable under the provisions of this chapter, during the preceding calendar month, shall file a return with the Mayor. Such returns shall show the total gross proceeds of the vendor's business for the month for which the return is filed; the gross receipts of the business of the vendor upon which the tax is computed; the amount of tax for which the vendor is liable and such other information as the Mayor deems necessary for the computation and collection of the tax.

(a-1) For the purposes of this chapter and Chapter 22 of this title, a room remarketer shall be deemed a vendor with respect to additional charges and shall file returns and remit tax with respect to such additional

charges. The room remarketer shall collect and remit the tax imposed by this chapter and Chapter 22 of this title with respect to the net charges for the accommodations to the operator of the hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration. The operator shall be deemed a vendor with respect to such net charges and shall file returns and remit tax with respect to such net charges.

(b) The Mayor may permit or require the returns to be made for other periods and upon such other dates as he may specify; provided, that the gross receipts during any tax year shall be included in returns covering such year and no other.

(c) The form of returns shall be prescribed by the Mayor and shall contain such information as he may deem necessary for the proper administration of this chapter. The Mayor may require amended returns to be filed within 20 days after notice and to contain the information specified in the notice.

(May 27, 1949, 63 Stat. 118, ch. 146, title I, § 135; July 24, 1982, D.C. Law 4-131, § 223, 29 DCR 2418; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; Sept. 14, 2011, D.C. Law 19-21, § 7002(a)(4), 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 7113, 59 DCR 8025.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2015.

1973 Ed., § 47-2612.

##### *Effect of Amendments*

D.C. Law 19-21 added subsec. (a-1).

D.C. Law 19-168 rewrote subsec. (a-1), which formerly read:

"(a-1) For purposes of this chapter and Chapter 22, a room remarketer is a vendor only with respect to additional charges and shall file returns and remit tax with respect to such additional charges only. The room remarketer shall also collect the tax imposed by this chapter and Chapter 22 with respect to net charges and shall remit the tax to the operator of the hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration. The operator shall be deemed to be a vendor with respect to such net charges and shall file returns and remit tax with respect to such net charges."

##### *Temporary Amendments of Section*

Section 9 of D.C. Law 19-53 amended subsec. (a-1) to read as follows:

"(a-1) For purposes of this chapter and Chapter 22, a room remarketer shall be deemed a vendor with respect to additional charges and shall file returns and remit tax with respect to such additional charges. The room remarketer shall collect and remit the tax imposed by this chapter and Chapter 22 with respect to the net charges for the accommodations to the operator of the hotel, inn, tourist camp, tourist cabin, or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration. The operator shall be deemed a vendor with respect to such net charges and shall file returns and remit tax with respect to such net charges."

Section 15(b) of D.C. Law 19-53 provides that the act shall expire after 225 days of its having taken effect.

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 7002(a)(4) of Fiscal Year 2012 Budget Support Emergency Act of 2011 (D.C. Act 19-93, June 29, 2011, 58 DCR 5599).

For temporary (90 day) amendment of section, see § 9 of Revised Fiscal Year 2012 Budget Support Technical Clarification Emergency Amendment Act of 2011 (D.C. Act 19-157, October 4, 2011, 58 DCR 8688).

For temporary (90 day) amendment of section, see § 7113 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 7113 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

##### *Legislative History of Laws*

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 47-2001.

For history of Law 19-21, see notes under § 47-305.02.

For history of Law 19-168, see notes under § 47-355.01.

## **§ 47-2016. PAYMENT OF TAX.**

(a) At the time of filing his return as provided by this chapter, the taxpayer shall pay to the Collector the taxes imposed by this chapter.

(b) The taxes for the period for which a return is required to be filed by a vendor under this chapter shall be due by the vendor and payable to the Collector on the date limited for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of gross receipts and taxes due thereon.

(May 27, 1949, 63 Stat. 118, ch. 146, title I, § 136; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2016.

1973 Ed., § 47-2613.

##### *Miscellaneous Notes*

Office of Collector of Taxes abolished: See Historical and Statutory Notes following § 47-401.

### **§ 47-2017. ANNUAL RETURNS.**

On or before 30 days after the end of the tax year of each vendor required to pay to the Collector the tax imposed by the provisions of this chapter, such vendor shall make an annual return for such tax year in such form as may be required by the Mayor. The Mayor for good cause shown may on the written application of a vendor extend the time for making any return required by this section.

(May 27, 1949, 63 Stat. 119, ch. 146, title I, § 137; July 24, 1982, D.C. Law 4-131, § 223, 29 DCR 2418; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2017.

1973 Ed., § 47-2614.

##### *Legislative History of Laws*

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 47-2001.

##### *Miscellaneous Notes*

Office of Collector of Taxes abolished: See Historical and Statutory Notes following § 47-401.

### **§ 47-2018. SECRECY OF RETURNS; RECIPROCITY.**

(a)(1) Except to any official of the District, having a right thereto in his official capacity, it shall be unlawful for any officer or employee, or any former officer or employee, of the District to divulge or make known in any manner the amount of gross proceeds or tax due or any particulars relating thereto or the computation thereof set forth or disclosed in any return required to be filed under this chapter, and neither the original nor a copy of any return desired for use in litigation in court shall be furnished where neither the District nor the United States is interested in the result of such litigation, whether or not the request is contained in an order of the court; provided, however, that nothing herein contained shall be construed to prevent the furnishing to a taxpayer a copy of his return upon the payment of a fee of \$3.50.

(2) The provisions of paragraph (1) of this subsection shall also apply to any state or local sales tax returns, copies thereof, and any other state or local sales tax information either submitted by the taxpayer or otherwise obtained. The provisions of paragraph (1) of this subsection shall not apply to any applications for exemption and their required related financial statements for persons which have been granted exemption under this chapter.

(3) Whenever it is necessary for the District to enter into contracts for the purpose of processing, storing, transmitting, or reproducing tax returns required by this chapter, such returns may be disclosed to the contractor to the extent needed in connection with the processing, storing, transmitting, or reproducing of such tax returns. The provisions of subsections (a) and (d) of this section shall apply to all such contractors, their officers and employees, and to all such former contractors, former officers, and former employees.

(b) Nothing contained in subsection (a) of this section shall be construed to prohibit the publication of notices authorized in this chapter or the publication of statistics so classified as to prevent the

identification of particular returns or reports and the items thereof, or the publication of delinquent lists showing the names of persons, vendors, or purchasers who have failed to pay the taxes imposed by this chapter within the time prescribed herein, together with any relevant information which in the opinion of the Mayor may assist in the collection of such delinquent taxes.

(c) Nothing contained in subsection (a) of this section shall be construed to prohibit the Mayor, in his discretion, from divulging or making known any information contained in any report, application, or return required under the provisions of this chapter other than such information as may be contained therein relating to the amount of gross proceeds or tax thereon or any particulars relating thereto or the computation thereof.

(d) Any violation of the provisions of subsection (a) of this section shall be punishable by a fine not exceeding \$1,000, or imprisonment for 1 year, or both, in the discretion of the court.

(e) Notwithstanding the provisions of this section, the Mayor may permit the proper officer of the United States or of any state or territory of the United States or his authorized representative to inspect the returns filed under this chapter, or may furnish to such officer or representative a copy of any such return, provided the United States, state, or territory grants substantially similar privileges to the Mayor or his representative or to the proper officer of the District charged with the administration of this chapter.

(f) All reports, applications, and returns received by the Mayor under the provisions of this chapter shall be preserved for 3 years and thereafter until the Mayor orders them to be destroyed.

(May 27, 1949, 63 Stat. 119, ch. 146, title I, § 138; Mar. 16, 1978, D.C. Law 2-57, § 4, 24 DCR 5426; July 24, 1982, D.C. Law 4-131, §§ 207, 223, 29 DCR 2418; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2018.

1973 Ed., § 47-2615.

##### *Legislative History of Laws*

Law 2-57, the "Tax Certificate Issuance and Return Duplicating User Charges Act of 1977," was introduced in Council and assigned Bill No. 2-201, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on November 8, 1977 and November 22, 1977, respectively. Signed by the Mayor on December 15, 1977, it was assigned Act No. 2-122 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 47-2001.

## **§ 47-2019. DETERMINATION OF DEFICIENCIES.**

If a return required by this chapter is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the Mayor from such information as may be obtainable. Assessments of any deficiencies in the tax due under this chapter, or any interest and penalties thereon, shall be governed by § 47-4312.

(May 27, 1949, 63 Stat. 119, ch. 146, title I, § 139; July 24, 1982, D.C. Law 4-131, § 223, 29 DCR 2418; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; Dec. 7, 2004, D.C. Law 15-217, § 4(c), 51 DCR 9126.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2019.

1973 Ed., § 47-2616.

##### *Effect of Amendments*

D.C. Law 15-217 rewrote the section which had read as follows:

"If a return required by this chapter is not filed, or if a return when filed is incorrect or insufficient, the amount of tax due shall be determined by the Mayor from such information as may be obtainable. Notice of such determination shall be given to the taxpayer. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 30 days after the giving of notice of such determination, shall apply in writing to the Mayor for a hearing, or unless the Mayor of his own motion shall redetermine the same. After such hearing or redetermination the Mayor shall give notice of his final determination to the person against whom the tax is assessed."

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 3(c) of Office of Administrative Hearings Establishment Emergency Amendment Act of 2004 (D.C. Act 15-513, August 2, 2004, 51 DCR 8976).

For temporary (90 day) amendment of section, see § 3(c) of Office of Administrative Hearings Establishment Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-553, October 26, 2004, 51 DCR 10359).

#### *Legislative History of Laws*

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 47-2001.

For Law 15-217, see notes following § 47-1528.

## **§ 47-2020. REFUNDS.**

(a) Any tax that has been erroneously or illegally collected shall be refunded if application under oath is filed with the Mayor for such refund within 3 years from the payment thereof. For like cause and within the same period a refund may be made upon the certificates of the Mayor and the Collector. Whenever a refund is made upon the certificates of the Mayor and the Collector, the Mayor and Collector shall state their reasons therefor in writing. Such application may be made by the person upon whom such tax was imposed and who has actually paid the tax. When an application is made by a vendor who has collected reimbursement of such tax, no actual refund of monies shall be made to such vendor, until he shall first establish to the satisfaction of the Mayor, under such regulations as the Mayor may prescribe, that the vendor has repaid to the purchaser the amount for which the application for refund is made. In lieu of any refund required to be made, a credit may be allowed therefor on payment due from the applicant.

(b) Credit may be taken against gross sales taxable under this chapter for amounts represented by accounts found to be worthless and actually charged off for income or franchise tax purposes; provided, however, that:

(1) The tax on such amounts has been previously paid to the District;

(2) Any such amounts so deducted from taxable sales prior to the date of write-off which may be thereafter collected shall be included in the first return filed after such collection and the amounts of tax paid thereon;

(3) Such amounts may not be deducted more than 3 years after the payment of the tax on such amounts; and

(4) In the event such amounts exceed the taxable sales for the reporting period, a refund may be applied for under subsection (a) of this section.

(c) Application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty, or interest complained of and the Mayor may receive evidence with respect thereto. After making his determination of whether any refund shall be made, the Mayor shall give notice thereof to the applicant.

(d) Repealed.

(May 27, 1949, 63 Stat. 120, ch. 146, title I, § 140; July 24, 1982, D.C. Law 4-131, §§ 208, 223, 29 DCR 2418; May 21, 1988, D.C. Law 7-121, § 4, 35 DCR 2695; Sept. 30, 1993, D.C. Law 10-25, § 111(j), 40 DCR 5489; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; Oct. 22, 2009, D.C. Law 18-71, § 12(c)(2), 56 DCR 6619.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2020.

1973 Ed., § 47-2617.

##### *Effect of Amendments*

D.C. Law 18-71 repealed subsec. (d), which had read as follows:

"(d)(1) After September 30, 1993, a vendor shall not be required to file a bond or prepayment with surety prescribed by § 26a(d)(1) of A Regulation Governing Vending Businesses in Public Space (Reg. 74-39; 24 DCMR 524.7).

"(2) If a vendor files under oath, on a form prescribed by the Mayor, a request that the Mayor refund the street vendor's cash bond or prepayment with surety which was filed with the Mayor pursuant to § 26a(d)(1) of A Regulation Governing Vending Businesses in Public Space (Reg. 74-39; 24 DCMR 524.7), and the Mayor determines that the street vendor is in compliance with all District tax laws, the Mayor shall refund the street vendor's cash bond plus accrued interest, or release the street vendor's prepayment with surety."

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 111(j) of Omnibus Budget Support Temporary Act of 1993 (D.C. Law 10-11, August 6, 1993, law notification 40 DCR 6213).

Section 11(c)(2) of D.C. Law 17-172 repealed subsec. (d).

Section 13(b) of D.C. Law 17-172 provides that the act shall expire after 225 days of its having taken effect.

Section 10(c)(2) of D.C. Law 18-4 repealed subsec. (d).

Section 12(b) of D.C. Law 18-4 provides that the act shall expire after 225 days of its having taken effect.

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 10(c)(2) of Vending Regulation Emergency Act of 2008 (D.C. Act 17-322, March 19, 2008, 55 DCR 3445).

For temporary (90 day) amendment of section, see § 10(c)(2) of Vending Regulation Emergency Act of 2009 (D.C. Act 18-9, January 29, 2009, 56 DCR 1638).

For temporary (90 day) amendment of section, see § 10(c)(2) of Vending Regulation Congressional Review Emergency Act of 2009 (D.C. Act 18-47, April 27, 2009, 56 DCR 3574).

#### *Legislative History of Laws*

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 47-2001.

Law 7-121, the "Vendors Regulation Amendment Act of 1988," was introduced in Council and assigned Bill No. 7-303, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on March 1, 1988 and March 15, 1988, respectively. Signed by the Mayor on March 31, 1988, it was assigned Act No. 7-167 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 10-25, see Historical and Statutory Notes following § 47-2002.01.

For Law 18-71, see notes following § 47-2002.01.

#### *Effective Dates*

Section 601(b) of D.C. Law 4-131 provided that the amendment of subsection (b) and the addition of subsection (c), for assessing penalty and interest, shall take effect on the first day of the first month which begins more than 30 days after July 24, 1982. Section 601(c) of D.C. Law 4-131 provided that the amendment of the first sentence of subsection (a) shall take effect with respect to sales and the use taxes paid after July 24, 1982.

## **§ 47-2021. APPEALS.**

(a) Any person aggrieved by a final determination of tax or by a denial of a claim for refund (other than a refund of tax finally determined under § 47- 2019) may, within 6 months from the date of final determination or from the date of the denial of a claim for refund appeal to the Superior Court of the District of Columbia in the same manner and to the same extent as set forth in §§ 47-3303, 47-3304, 47-3306, 47-3307, and 47-3308.

(b) If it is determined by the Mayor or by the Superior Court that any part of any tax which was assessed as a deficiency, and any interest thereon paid by the taxpayer, was an overpayment, interest shall be allowed and paid on the overpayment of tax at the rate provided for in § 47-3310(c) per annum from the date the overpayment was paid until the date of refund.

(May 27, 1949, 63 Stat. 120, ch. 146, title I, § 141; July 29, 1970, 84 Stat. 581, Pub. L. 91-358, title I, § 161(d)(3); Sept. 13, 1980, D.C. Law 3- 92, § 201(d), 27 DCR 3390; July 24, 1982, D.C. Law 4-131, §§ 209, 29 DCR 2418; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2021.

1973 Ed., § 47-2618.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-92, see Historical and Statutory Notes following § 47-2001.

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 47-2001.

## **§ 47-2022. SALES IN BULK.[REPEALED]**

(May 27, 1949, 63 Stat. 121, ch. 146, title I, § 142; July 24, 1982, D.C. Law 4-131, §§ 210, 223, 29 DCR

2418; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; June 9, 2001, D.C. Law 13-305, § 406(gg)(2), 48 DCR 334.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2022.

1973 Ed., § 47-2619.

##### *Legislative History of Laws*

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 47-2001.

For Law 13-305, see notes under § 47-901.

##### *Miscellaneous Notes*

Section 410(e) of D.C. Law 13-305 provides: "Section 406(b), (d), (f), (l), (n), (o), (r), (v), (x) through (aa), (cc), (ff), (gg), (ll), (pp), (vv), (ww), (aaa), (ccc), (eee), and (ggg) shall apply as of January 1, 2001."

## **§ 47-2023. RULES AND REGULATIONS.**

The Mayor may issue rules and regulations to carry out the purposes of this chapter.

(May 27, 1949, 63 Stat. 121, ch. 146, title I, § 143; July 24, 1982, D.C. Law 4-131, § 211, 29 DCR 2418; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2023.

1973 Ed., § 47-2620.

##### *Temporary Amendments of Section*

For temporary (225 day) amendment of section, see § 12(aaa) of Tax Clarity and Recorder of Deeds Temporary Act of 2002 (D.C. Law 14-191, October 5, 2002, law notification 49 DCR 9549).

For temporary (225 day) amendment of section, see § 12(aaa) of Tax Clarity and Related Amendments Temporary Act of 2003 (D.C. Law 14-228, March 23, 2003, law notification 50 DCR 2741).

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 12(zz) of Tax Clarity and Recorder of Deeds Emergency Act of 2002 (D.C. Act 14-381, June 6, 2002, 49 DCR 5674).

For temporary (90 day) amendment of section, see § 12(aaa) of Tax Clarity and Related Amendments Emergency Act of 2002 (D.C. Act 14-456, July 23, 2002, 49 DCR 8107).

For temporary (90 day) amendment of section, see § 12(aaa) of Tax Clarity and Related Amendments Congressional Review Emergency Act of 2002 (D.C. Act 14-510, October 23, 2002, 49 DCR 10247).

##### *Legislative History of Laws*

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 47-2001.

## **§ 47-2024. ADDITIONAL POWERS.**

In addition to the powers granted to the Mayor in this chapter, he, and the Council of the District of Columbia with respect to paragraphs (3) and (4) of this section, are hereby authorized and empowered:

(1)(A) To extend for cause shown the time of filing any return for a period not exceeding 30 days; provided, however, that the provisions regarding interest imposed per month or fraction thereof contained in § 47-4213 shall apply to any tax paid under an extension of time granted;

(B) For cause shown, to remit penalties and interest in whole or in part except as otherwise provided in this chapter; and

(C) To compromise disputed claims in connection with the tax hereby imposed;

(2) To request information from the Internal Revenue Service of the Treasury Department of the United States relative to any person for the purpose of assessing taxes imposed by this chapter; and said Internal Revenue Service is authorized and required to supply such information as may be requested by the Mayor relative to any person for the purpose herein provided;

- (3) To prescribe methods for determining the gross proceeds from sales made or services rendered and for the allocation of such sales into taxable and nontaxable sales;
- (4) To require any vendor selling to persons within the District to keep detailed records of the nature and value of personal property sold for use within the District, and to furnish such information upon request to the Mayor;
- (5) To assess, determine, revise, and readjust the taxes imposed under this chapter; and
- (6) To revoke, for reasonable cause, any registration certificate issued under the provisions of this chapter.

(May 27, 1949, 63 Stat. 121, ch. 146, title I, § 144; Sept. 13, 1980, D.C. Law 3-92, § 201(e), 27 DCR 3390; July 24, 1982, D.C. Law 4-131, §§ 212, 223, 29 DCR 2418; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; June 9, 2001, D.C. Law 13-305, § 406(hh), 48 DCR 334.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2024.

1973 Ed., § 47-2621.

##### *Effect of Amendments*

D.C. Law 13-305, in par. (1)(A), substituted "47-4213" for "47-2027(a)".

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-92, see Historical and Statutory Notes following § 2001.

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 47-2001.

For Law 13-305, see notes under § 47-901.

##### *References in Text*

The Bureau of Internal Revenue, originally referred to twice in paragraph (2) of this section, was replaced by the Internal Revenue Service by Treasury Department Order 150-29..

##### *Miscellaneous Notes*

Section 410(d) of D.C. Law 13-305 provides: "Section 406(a), (c), (j), (m), (p), (q), (s), (w), (bb), (dd), (ee), (hh) through (kk), (mm) through (oo), (qq) through (uu), (yy), (zz), (bbb), (ddd), and (fff) shall apply for all tax years or taxable periods beginning after December 31, 2000."

## **§ 47-2025. EXAMINATION OF RECORDS AND WITNESSES.[REPEALED]**

(May 27, 1949, 63 Stat. 122, ch. 146, title I, § 145; July 29, 1970, 84 Stat. 573, Pub. L. 91-358, title I, § 155(c)(52); July 24, 1982, D.C. Law 4- 131, § 223, 29 DCR 2418; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; June 9, 2001, D.C. Law 13-305, § 406(ii)(2), 48 DCR 334.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2025.

1973 Ed., § 47-2622.

##### *Legislative History of Laws*

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 47-2001.

For Law 13-305, see notes under § 47-901.

##### *Miscellaneous Notes*

Section 410(d) of D.C. Law 13-305 provides: "Section 406(a), (c), (j), (m), (p), (q), (s), (w), (bb), (dd), (ee), (hh) through (kk), (mm) through (oo), (qq) through (uu), (yy), (zz), (bbb), (ddd), and (fff) shall apply for all tax years or taxable periods beginning after December 31, 2000."

## **§ 47-2026. CERTIFICATE OF REGISTRATION.**

- (a) No person shall engage or continue to engage in the business of making any retail sales subject to tax under the provisions of this chapter without having obtained a certificate of registration therefor. If 2 or more persons constitute a single vendor as defined in this chapter, such persons may operate a single



retail establishment under 1 certificate of registration and in such case neither the death or retirement of 1 or more of such persons from business in such establishment nor the entrance of 1 or more persons thereinto shall affect the certificate of registration for a period of 60 days or require the issuance of a new certificate until the expiration of such period.

(b) Each applicant for a certificate required by this section shall make out and deliver to the Mayor, upon a blank to be furnished by him for that purpose, a statement showing the name of the applicant, each retail establishment where the applicant's business is to be conducted, the kind or nature of such business and such other information as the Mayor may prescribe. Upon receipt of such application the Mayor shall issue the applicant, without charge, a certificate of registration for each retail establishment designated in the application, authorizing the applicant to engage in business at such retail establishment. The certificate of registration shall be nontransferable except as otherwise provided in this chapter, and shall be displayed in the applicant's place of business. The form of such certificate of registration shall be prescribed by the Mayor.

(c) In the case of a vendor who has no fixed place of business and sells from 1 or more vehicles, each such vehicle shall constitute a retail establishment for the purpose of this chapter. In the case of a vendor who has no fixed place of business and does not sell from a vehicle, the application for a certificate of registration shall set forth the address to which any notice or other communication authorized by this chapter may be sent to the applicant, and the place so designated shall constitute a retail establishment for the purposes of this chapter.

(d) Whoever engages in the business of selling tangible personal property at retail, or makes any sale which is subject to tax under the provisions of this chapter without having a certificate of registration therefor, as required by this section, shall, upon conviction thereof, be fined not more than \$50 for each and every separate day on which said retail sales are made without possession of such registration certificate.

(May 27, 1949, 63 Stat. 122, ch. 146, title I, § 146; July 24, 1982, D.C. Law 4-131, §§ 213, 223, 29 DCR 2418; enacted, Apr. 9, 1997, D.C. Law 11- 254, § 2, 44 DCR 1575.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2026.

1973 Ed., § 47-2623.

##### *Legislative History of Laws*

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 47-2001.

## **§ 47-2027. CERTIFICATE OF MAYOR; PRESUMPTIONS.**

The certificate of the Mayor to the effect that a tax has not been paid, that a return has not been filed, that a registration certificate has not been obtained, or that information has not been supplied under the provisions of this chapter shall be presumptive evidence thereof; provided, that the presumptions created by this subsection shall not be applicable in criminal prosecutions.

(May 27, 1949, 63 Stat. 123, ch. 146, title I, § 147; July 10, 1952, 66 Stat. 543, ch. 649, § 2(c); Oct. 31, 1969, 83 Stat. 171, Pub. L. 91-106, title I, § 107; Sept. 13, 1980, D.C. Law 3-92, § 201(f), 27 DCR 3390; July 24, 1982, D.C. Law 4-131, § 214, 29 DCR 2418; Feb. 28, 1987, D.C. Law 6-209, § 405(b), 34 DCR 689; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; June 9, 2001, D.C. Law 13-305, § 406(jj)(2), 48 DCR 334.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2027.

1973 Ed., § 47-2624.

##### *Effect of Amendments*

D.C. Law 13-305 rewrote the section which had read:

"(a) For failure to file a return or failure to pay the tax to the District, penalties and interest shall be added to the tax in accordance with §§ 47-453 through 47-458.

"(b) The certificate of the Mayor to the effect that a tax has not been paid, that a return has not been filed, or a registration certificate has not been obtained, or that information has not been supplied pursuant to the provisions of this chapter, shall be presumptive evidence thereof; provided, that the presumptions created by this subsection shall not be applicable in criminal prosecutions."

#### *Legislative History of Laws*

For legislative history of D.C. Law 3-92, see Historical and Statutory Notes following § 47-2001.

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 47-2001.

For legislative history of D.C. Law 6-209, see Historical and Statutory Notes following § 47-2011.

For Law 13-305, see notes following § 47-901.

#### *Effective Dates*

Section 601(b) of D.C. Law 6-209 provided that title III and sections 401, 402, 404, 405 and 406 of the act shall take effect on October 1, 1987.

#### *Miscellaneous Notes*

Section 410(d) of D.C. Law 13-305 provides: "Section 406(a), (c), (j), (m), (p), (q), (s), (w), (bb), (dd), (ee), (hh) through (kk), (mm) through (oo), (qq) through (uu), (yy), (zz), (bbb), (ddd), and (fff) shall apply for all tax years or taxable periods beginning after December 31, 2000."

### **§ 47-2028. ADDITIONAL PENALTIES FOR FAILURE TO COMPLY WITH CHAPTER.[REPEALED]**

(May 27, 1949, 63 Stat. 123, ch. 146, title I, § 148; Apr. 19, 1977, D.C. Law 1-124, title VI, § 601, 23 DCR 8749; July 24, 1982, D.C. Law 4-131, § 215, 29 DCR 2418; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; Oct. 4, 2000, D.C. Law 13-204, § 2(c), 47 DCR 5799.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2028.

1973 Ed., § 47-2625.

##### *Legislative History of Laws*

Law 1-124, the "Revenue Act For Fiscal Year 1978," was introduced in Council and assigned Bill No. 1-375, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on December 3, 1976 and December 17, 1976, respectively. Signed by the Mayor on January 25, 1977, it was assigned Act No. 1-226 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 47-2001.

For Law 13-204, see notes under § 47-1534.

### **§ 47-2029. ASSESSMENT OF AND LIMITATIONS ON DEFICIENCIES.[REPEALED]**

(May 27, 1949, 63 Stat. 123, ch. 146, title I, § 149; July 24, 1982, D.C. Law 4-131, § 216, 29 DCR 2418; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; June 9, 2001, D.C. Law 13-305, § 406(kk)(2), 48 DCR 334.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 47-2029.

1973 Ed., § 47-2626.

##### *Legislative History of Laws*

For legislative history of D.C. Law 4-131, see Historical and Statutory Notes following § 47-2001.

For Law 13-305, see notes under § 47-901.

#### *Miscellaneous Notes*

Section 410(d) of D.C. Law 13-305 provides: "Section 406(a), (c), (j), (m), (p), (q), (s), (w), (bb), (dd), (ee), (hh) through (kk), (mm) through (oo), (qq) through (uu), (yy), (zz), (bbb), (ddd), and (fff) shall apply for all tax years or taxable periods beginning after December 31, 2000."

### **§ 47-2030. PROSECUTIONS.[REPEALED]**

(May 27, 1949, 63 Stat. 124, ch. 146, title I, § 150; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; June 9, 2001, D.C. Law 13-305, § 406(kk)(2), 48 DCR 334.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 47-2030.

1973 Ed., § 47-2627.

*Legislative History of Laws*

For Law 13-305, see notes under § 47-901.

*Miscellaneous Notes*

Section 410(d) of D.C. Law 13-305 provides: "Section 406(a), (c), (j), (m), (p), (q), (s), (w), (bb), (dd), (ee), (hh) through (kk), (mm) through (oo), (qq) through (uu), (yy), (zz), (bbb), (ddd), and (fff) shall apply for all tax years or taxable periods beginning after December 31, 2000."

**§ 47-2031. NOTICES.[REPEALED]**

(May 27, 1949, 63 Stat. 124, ch. 146, title I, § 151; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; June 9, 2001, D.C. Law 13-305, § 406(kk)(2), 48 DCR 334.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 47-2031.

1973 Ed., § 47-2628.

*Legislative History of Laws*

For Law 13-305, see notes under § 47-901.

*Miscellaneous Notes*

Section 410(d) of D.C. Law 13-305 provides: "Section 406(a), (c), (j), (m), (p), (q), (s), (w), (bb), (dd), (ee), (hh) through (kk), (mm) through (oo), (qq) through (uu), (yy), (zz), (bbb), (ddd), and (fff) shall apply for all tax years or taxable periods beginning after December 31, 2000."

**§ 47-2032. EXTENSIONS OF TIME.[REPEALED]**

(May 27, 1949, 63 Stat. 124, ch. 146, title I, § 152; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; June 9, 2001, D.C. Law 13-305, § 406(kk)(2), 48 DCR 334.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 47-2032.

1973 Ed., § 47-2629.

*Legislative History of Laws*

For Law 13-305, see notes under § 47-901.

*Miscellaneous Notes*

Section 410(d) of D.C. Law 13-305 provides: "Section 406(a), (c), (j), (m), (p), (q), (s), (w), (bb), (dd), (ee), (hh) through (kk), (mm) through (oo), (qq) through (uu), (yy), (zz), (bbb), (ddd), and (fff) shall apply for all tax years or taxable periods beginning after December 31, 2000."

**§ 47-2033. DEDICATION OF SALES TAX REVENUE FOR THE PUBLIC SCHOOL CAPITAL IMPROVEMENT FUND.[REPEALED]**

(June 8, 2006, D.C. Law 16-123, § 121(b), 53 DCR 2843; Mar. 14, 2007, D.C. Law 16-294, § 17, 54 DCR 1086; Sept. 18, 2007, D.C. Law 17-20, § 4042(b)(1), 54 DCR 7052; Sept. 14, 2011, D.C. Law 19-21, § 7012(b)(2), 58 DCR 6226.)

## *HISTORICAL AND STATUTORY NOTES*

### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 4042(b)(1) of Fiscal Year 2008 Budget Support Emergency Act of 2007 (D.C. Act 17-74, July 25, 2007, 54 DCR 7549).

For temporary (90 day) repeal of section, see § 7012(b)(2) of Fiscal Year 2012 Budget Support Emergency Act of 2011 (D.C. Act 19-93, June 29, 2011, 58 DCR 5599).

### *Legislative History of Laws*

Law 16-123, the "School Modernization Financing Act of 2006", was introduced in Council and assigned Bill No. 16-250 which was referred to the Committees on Education, Libraries, and Recreation and Revenue and Finance. The Bill was adopted on first and second readings on February 7, 2006, and March 7, 2006, respectively. Signed by the Mayor on March 30, 2006, it was assigned Act No. 16-341 and transmitted to both Houses of Congress for its review. D.C. Law 16- 123 became effective on June 8, 2006.

For Law 16-294, see notes following § 47-1803.02.

Law 17-20, the "Fiscal Year 2008 Budget Support Act of 2007", was introduced in Council and assigned Bill No. 17-148 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 15, 2007, and June 5, 2007, respectively. Signed by the Mayor on June 28, 2007, it was assigned Act No. 17-63 and transmitted to both Houses of Congress for its review. D.C. Law 17-20 became effective on September 18, 2007.

For history of Law 19-21, see notes under § 47-305.02.