



States' Biofuels Statutes

DISTRICT OF COLUMBIA

This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#). These statutes are placed in reverse chronological order using the date of the most recent amendment to the statute. Many biofuels laws were enacted as amendments to previously passed laws.

Current through the 2013 Legislative Session of the District of Columbia General Assembly.

§ 50-701. Policy.

(a) It is the policy of the District of Columbia (“District”) government to promote, protect, and preserve a safe and healthy living environment for its inhabitants.

(b) It is in the best interest of District residents that the District government pursue, as other municipalities have, both domestic and international, a comprehensive plan for the development and implementation of specific goals and timetables for the improvement of local air quality through the exploration, demonstration, procurement, and utilization of passenger and nonpassenger motor vehicles powered by clean alternative fuels.

(c) The integration of alternative fuels technology in the transportation element of the nation’s capital should include, at the very least, aggressive participation by the District government fleet, commercial transportation fleets, and the Washington Metropolitan Area Transit Authority (“WMATA”).

(d) Section 246 of the Clean Air Act requires that the District develop a state implementation plan revision that manages harmful emissions from motor vehicles by establishing a clean fuel fleet program that is consistent with federal law and regulations. As part of a multi-jurisdiction ozone nonattainment area encompassing portions of the District and the states of Maryland and Virginia, the District must implement a clean fuel fleet program.

Credits: (Mar. 8, 1991, D.C. Law 8-243, § 2, 38 DCR 355; Mar. 14, 1995, D.C. Law 10-201, § 2(a), 41 DCR 7178.)

§ 50-702. Definitions.

For the purpose of this chapter, the term:

- (1) “Alternative fuel” means methanol, ethanol, or other alcohols (including any mixture of gasoline or other fuels containing 85% or more by volume of alcohol), natural gas, liquefied petroleum gas, propane, or electricity.
- (2) “Alternative-fuel vehicle” means a dedicated, flexible-fueled, bi-fueled, or dual-fueled vehicle that operates on an alternative fuel.
- (3) “Bi-fuel vehicle” means a motor vehicle that is equipped to operate on either a clean-burning alternative fuel or a conventional fuel, including gasoline or diesel fuel.
- (4) “Capable of being centrally fueled” means a fleet, or that part of a fleet, consisting of vehicles that can be refueled 100% of the time at a location that is owned, operated, or controlled by the covered fleet operator, or is under contract with the covered fleet operator.
- (5) “Centrally fueled” means a fleet, or that part of a fleet, consisting of vehicles that are fueled 100% of the time at a location that is owned, operated, or controlled by the covered fleet operator or is under contract with the covered fleet operator, including any vehicle that under normal operations is garaged at a personal residence at night, but that is centrally fueled 100% of the time.
- (6) “Clean Air Act” means the Clean Air Act, approved December 17, 1963 (77 Stat. 392; 42 U.S.C. § 7401 et seq.), as amended.
- (7) “Clean fuel” means any fuel, including methanol, ethanol, or other alcohols (including any mixture thereof containing 85% or more by volume of alcohol with gasoline or other fuel), reformulated gasoline, diesel, natural gas, liquefied petroleum gas, hydrogen, or power source (including electricity) used in a clean-fuel vehicle that complies with standards and requirements applicable to such vehicle when using such fuel or power source.
- (8) “Clean-fuel fleet vehicle” or “CFFV” means a clean-fuel vehicle operated by a covered fleet operator.
- (9) “Clean-fuel vehicle” means a motor vehicle which has been certified to meet, for any model year, a set of emission standards that classifies it as a clean-fuel vehicle, in accordance with this chapter.
- (10) “Contract fueling” means that a fleet vehicle is required to be refueled at a service station or other facility with which the fleet operator has entered into a contract for such refueling purposes. Commercial fleet service cards which are provided to fleet operators by any leasing or vehicle management company do not constitute contract fueling.
- (11) “Converted vehicle” means a conventionally fueled vehicle that is converted to operate on a clean fuel in accordance with federal regulations and meets the emission standards set forth for that class of clean-fuel vehicle.
- (12) “Covered area” means any part of the District that is included in an ozone nonattainment area classified under subpart 2 of part D of title I of the Clean Air Act as serious, severe, or extreme based on data for the calendar years 1987, 1988, and 1989.

- (13) “Covered fleet” means any fleet of 10 or more covered fleet vehicles owned, operated, leased, used, maintained, or otherwise controlled by a person. The term “covered fleet” does not include motor vehicles exempt under § 50-704.
- (14) “Covered fleet operator” means a person who operates a fleet of at least 10 covered fleet vehicles that is operated in the covered area.
- (15) “Covered fleet vehicle” means any motor vehicle which is in a vehicle class for which emission standards are applicable under § 50-707 and in a covered fleet which is centrally fueled or capable of being centrally fueled. The term “covered fleet vehicle” does not include motor vehicles exempt under § 50-704.
- (16) “Credit” means a credit for the acquisition of a clean-fuel vehicle pursuant to § 246(f) of the Clean Air Act.
- (17) “Dedicated vehicle” means a vehicle that operates solely on a clean alternative fuel.
- (18) “Dual-fuel vehicle” means a motor vehicle that operates on 2 fuel sources.
- (19) “Emergency vehicle” means any vehicle that is legally authorized by a governmental authority to exceed the speed limit to transport people and equipment to and from situations in which speed is required to save lives or property, including a rescue vehicle, fire truck, or ambulance.
- (20) “Federal fleet” means any fleet owned or operated by the United States government.
- (21) “Flexible-fueled vehicle” means a vehicle that is capable of operating on either or any combination of 2 fuels.
- (22) “Fuel provider” means any person that provides fuel to a covered fleet.
- (23) “Garaged under normal operations at a personal residence” means a vehicle that, when it is not in use, is normally parked at the personal residence of the individual who usually operates it, rather than at a central refueling, maintenance, or business location. These vehicles are not considered to be capable of being centrally fueled and are exempt from the program unless they are, in fact, centrally fueled 100% of the time.
- (24) “Heavy duty vehicle” or “HDV” means a vehicle weighing more than 8,501 pounds GVWR but less than 26,000 pounds GVWR.
- (25) “High-Occupancy Vehicle lanes” means transportation control measures which restrict a vehicle’s access to certain roadway lanes based on the number of occupants in the vehicle.
- (26) “Inherently low-emission vehicle” or “ILEV” means any light-duty motor vehicle, light-duty truck, or heavy-duty vehicle that is certified as a low-emission vehicle pursuant to emission standards promulgated by the Environmental Protection Agency.

(27) “Law enforcement vehicle” means any vehicle that is primarily operated by a civilian or military police officer or sheriff, enforcement agency of the federal government, state highway patrols, municipal law enforcement, or other similar law enforcement agency, and that is used for the purpose of law enforcement activities, including chase, apprehension, surveillance, or patrol of people engaged in, or potentially engaged in, unlawful activities.

(28) “Light duty truck” or “LDT” means a truck weighing 8,500 pounds GVWR or less.

(29) “Light duty vehicle” or “LDV” means a vehicle weighing 8,500 pounds GVWR or less.

(30) “Location” means any building, structure, facility, or installation, that is owned or operated by a person, or is under the control of a person, located on 1 or more contiguous properties, and contains, or could contain, a fueling pump or pumps for the use of the vehicles owned or controlled by that person. The term “location” includes all of the facilities of the fleet operator in a single covered area, in their entirety. The term “location” is not meant to be interpreted narrowly, such as a single refueling pump.

(31) “Low-emission vehicle” or “LEV” means a vehicle that meets the LEV emission standards promulgated under the Clean Air Act.

(32) “Model Year” means the period between September 1 and August 31 of the preceding calendar year.

(33) “Motor vehicle” means any motor vehicle, as defined in § 50-1501.01(1).

(34) “Nonroad vehicle” means a vehicle that is powered by a nonroad engine and that is not a motor vehicle, or a vehicle used solely for competition.

(35) “Partially covered fleet” means any fleet that contains 10 or more covered fleet vehicles, but also contains exempt vehicles including law enforcement and emergency vehicles.

(36) “Person” means an individual, partnership, corporation, association, or any agency, instrumentality, or department of any government.

(37) “Purchase” or “acquisition” includes a lease.

(38) “Qualified second market vehicle” means a vehicle that:

(A) Has been in use for at least 18 months, but not more than 36 months;

(B) Has 50% or more of its useful life remaining;

(C) Is owned or operated by a private covered fleet operator that operates fleets in the District; or

(D) Is a ULEV, ILEV or ZEV.

(39) “Ultra low-emission vehicle” or “ULEV” means a vehicle that is certified as meeting the ULEV emission standards promulgated under the Clean Air Act.

(40) “Zero-emission vehicle” or “ZEV” means a vehicle that is certified as meeting the ZEV emission standards promulgated under the Clean Air Act.

Credits: (Mar. 8, 1991, D.C. Law 8-243, § 3, 38 DCR 355; Mar. 17, 1994, D.C. Law 10-78, § 2(a), 40 DCR 8464; Mar. 14, 1995, D.C. Law 10-201, § 2(b), 41 DCR 7178.)

§ 50-703. Reports; technology assessment, development, and implementation.

(a)(1) Pursuant to rules issued by the Mayor pursuant to § 50-705, operators of all covered fleets shall register with the Mayor within 120 days after the effective date of the rules. In the case of fleets which become covered fleets after the effective date of the rules, the fleet operator shall register with the Mayor within 90 days of becoming a covered fleet.

(2) Accurate records shall be maintained by covered fleet operators to verify compliance with this chapter. All records shall be maintained for the current model year and the previous model year. For purposes of enforcement of this chapter, officers and employees of the District, duly designated by the Mayor as inspectors, shall be authorized to inspect the records of a covered fleet operator. All records provided by covered fleet operators shall be treated as confidential and proprietary trade secrets.

(b)(1) Of the new covered fleet vehicles purchased each year by a covered fleet operator in Model Year 1998 and thereafter, at least a specified percentage of the vehicles shall be clean-fuel vehicles as provided in this subsection. These vehicles shall use a clean fuel when operating in the covered area.

(2) Clean-fuel vehicles shall be purchased according to the following percentages in Model Year 1998:

(A) 30% of light duty vehicles (“LDVs”) and light duty trucks (“LDTs”) under 6,000 pounds gross vehicle weight rating (GVWR);

(B) 30% of LDTs between 6,000 pounds and 8,500 pounds GVWR; and

(C) 50% of heavy duty vehicles (“HDVs”) over 8,500 pounds and less than 26,000 pounds GVWR.

(3) Clean-fuel vehicles shall be purchased according to the following percentages in Model Year 1999:

(A) 50% of LDTs and LDVs less than 6,000 pounds GVWR;

(B) 50% of LDTs and LDVs between 6,000 pounds and 8,500 pounds GVWR; and

(C) 50% of HDVs more than 8,500 pounds and less than 26,000 pounds GVWR.

(4) Clean-fuel vehicles shall be purchased according to the following percentages in Model Year 2000 and every Model Year thereafter:

- (A) 70% of LDTs and LDVs less than 6,000 pounds GVWR;
- (B) 70% of LDTs and LDVs between 6,000 pounds and 8,500 pounds GVWR; and
- (C) 50% of HDVs more than 8,500 pounds and less than 26,000 pounds GVWR.

(c) Any owner or operator of a commercial fleet may petition the Mayor, pursuant to rules issued by the Mayor, for provisional relief from compliance with this section after demonstrating or showing cause of hardship. The Mayor may, after careful and balanced review and after taking into account various factors including cost, available technology, service and repair facilities, safety, lead time, environmental impact pursuant to the public health, safety, or welfare, and any other relevant factors, grant whatever provisional relief deemed appropriate.

(d) Failure to comply with the requirements of this section shall result in a fine not to exceed \$5,000 for each day of noncompliance and may result in the forfeiture of any right, license, permit, or privilege to operate a commercial vehicle in the District.

Credits: (Mar. 8, 1991, D.C. Law 8-243, § 4, 38 DCR 355; Mar. 17, 1994, D.C. Law 10-78, § 2(b), 40 DCR 8464; Mar. 14, 1995, D.C. Law 10-201, § 2(c), 41 DCR 7178.)

§ 50-704. Commercial vehicle restrictions.

(a) Except as otherwise provided in this chapter, the following vehicles are exempt from the purchase requirements contained in this chapter:

- (1) Any vehicle more than 26,000 pounds GVWR;
- (2) Emergency or law enforcement vehicles;
- (3) Nonroad vehicles, including farm and construction vehicles;
- (4) Vehicles in fleets operating in the covered area with fewer than 10 vehicles;
- (5) Vehicles in a covered fleet not capable of being centrally fueled;
- (6) Vehicles which are garaged under normal operations at a personal residence;
- (7) Vehicles leased or rented to the general public;
- (8) New car demonstration vehicles; and

(9) Vehicles used for product demonstrations and tests.

(b) The fact that one or more vehicles in a fleet is not centrally fueled does not exempt an entire fleet from the purchase requirements contained in this chapter.

Credits: (Mar. 8, 1991, D.C. Law 8-243, § 5, 38 DCR 355; Mar. 14, 1995, D.C. Law 10-201, § 2(d), 41 DCR 7178.)

§ 50-704.01. Report by Mayor.

The Mayor, on or before March 1 of each year, shall submit to the Council a report detailing the following:

(a) The total number of alternative-fuel vehicles purchased by the District in the previous fiscal year, by agency;

(b) The total number of alternative-fuel vehicles owned by the District, by agency;

(c) The total number of vehicles owned by the District, by agency;

(d) The percentage of alternative-fuel vehicles, by agency;

(e) A plan to purchase additional alternative-fuel vehicles in the upcoming fiscal year and subsequent fiscal years; and

(f) A plan to comply with the purchase requirements mandated by this chapter.

Credits: (Mar. 8, 1991, D.C. Law 8-243, § 5a, as added Mar. 14, 1995, D.C. Law 10-201, § 2(e), 41 DCR 7178.)

§ 50-705. Rules.

The Mayor shall, pursuant to subchapter 1 of Chapter 5 of Title 2, issue rules to implement the provisions of this chapter.

Credits: (Mar. 8, 1991, D.C. Law 8-243, § 6, 38 DCR 355; Mar. 17, 1994, D.C. Law 10-78, § 2(c), 40 DCR 8464; Mar. 14, 1995, D.C. Law 10-201, § 2(f), 41 DCR 7178.)

§ 50-706. Citizen right of action.

Any person aggrieved by the failure of an owner or operator of a commercial fleet to comply with this chapter may sue for relief in any court of competent jurisdiction. The court may grant whatever

declaratory or injunctive relief it deems appropriate. Reasonable attorney's fees and court costs may be awarded to the prevailing party, other than the District government, for actions brought under this section.

Credits: (Mar. 8, 1991, D.C. Law 8-243, § 7, 38 DCR 355.)

§ 50-707. Emission standards.

(a) Any clean-fuel vehicle purchased pursuant to the requirements of this chapter shall meet the emission standard for its respective vehicle class and category as contained in §§ 243-245 of the Clean Air Act and regulations promulgated under these sections by the Environmental Protection Agency.

(b) Clean-fuel vehicle emission standards may only be amended by the Mayor to the extent necessary to conform with revisions promulgated after the enactment of the Clean Air Act by the Environmental Protection Agency.

Credits: (Mar. 8, 1991, D.C. Law 8-243, § 8, as added Mar. 14, 1995, D.C. Law 10-201, § 2(g), 41 DCR 7178.)

§ 50-708. Vehicle conversions.

(a) The requirements of this chapter may be met through conversion of existing or new gasoline or diesel-powered vehicles to clean-fuel vehicles which comply with the applicable requirements of this chapter. For purposes of such provisions, the conversion of a vehicle to a clean-fuel vehicle shall be treated as a purchase. Nothing in this chapter shall be construed to provide that any covered fleet operator subject to the requirements of this chapter shall be required to convert existing or new gasoline or diesel-powered vehicles to clean-fuel vehicles or to purchase converted vehicles.

(b) Manufacturers of conversion kits, as well as installers, shall, on request of any fleet operator, the District, or the EPA, demonstrate that vehicles converted to clean-fuel vehicles have a configuration that complies with the emission standards contained in the Clean Air Act, any regulations promulgated by the Environmental Protection Agency, and any regulations promulgated by the Mayor in accordance with this chapter.

Credits: (Mar. 8, 1991, D.C. Law 8-243, § 9, as added Mar. 14, 1995, D.C. Law 10-201, § 2(g), 41 DCR 7178.)

§ 50-709. Fuel provider requirements.

Pursuant to § 246(e) of the Clean Air Act, fuel providers shall make clean fuels available to covered fleet operators at locations at which covered fleet vehicles are fueled.

Credits: (Mar. 8, 1991, D.C. Law 8-243, § 10, as added Mar. 14, 1995, D.C. Law 10-201, § 2(g), 41 DCR 7178.)

§ 50-710. Choice of fuels.

The choice of clean-fuel vehicles and clean fuels shall be made by the covered fleet operators subject to the requirements of this chapter.

Credits: (Mar. 8, 1991, D.C. Law 8-243, § 11, as added Mar. 14, 1995, D.C. Law 10-201, § 2(g), 41 DCR 7178.)

§ 50-711. Labeling regulations.

The Mayor shall issue regulations establishing labeling requirements for clean-fuel vehicles operated by fleets in the covered areas.

Credits: (Mar. 8, 1991, D.C. Law 8-243, § 12, as added Mar. 14, 1995, D.C. Law 10-201, § 2(g), 41 DCR 7178.)

§ 50-712. Civil penalty.

(a) Each person who fails to comply with any of the provisions of this chapter, prevents any inspection authorized by this chapter, or keeps false records shall be punished by a fine not to exceed \$5,000.

(b) Each violation of, or failure to comply with, this chapter shall constitute a separate offense and the penalties described in subsection (a) of this section shall be applicable to each separate offense.

Credits: (Mar. 8, 1991, D.C. Law 8-243, § 13, as added Mar. 14, 1995, D.C. Law 10-201, § 2(g), 41 DCR 7178.)

§ 50-713. Emission credit trading program.

(a) Covered fleet operators may meet the fleet vehicle purchase requirements of this chapter by purchasing clean-fuel vehicles, whether new, used, or converted vehicles, converting existing gasoline or diesel-powered vehicles to clean-fuel vehicles, or by trading and banking clean-fuel fleet vehicle credits.

(b) Clean-fuel fleet vehicle credits may be earned by a covered fleet operator for any of the following qualifying purchases:

- (1) Purchase of a clean-fuel vehicle during any period after March 1, 1993, but before September 1,

1997, if the purchase meets all other clean-fuel fleet vehicle requirements applicable to such purchase, including the requirement to use only the fuel on which the vehicle was certified;

(2) Purchase of a greater number of clean-fuel fleet vehicles than is required under this chapter;

(3) Purchase of a clean-fuel fleet vehicle that meets more stringent emission standards than required under this chapter (ULEVs, ZEVs and ILEVs);

(4) Purchase of a clean-fuel fleet vehicle in an exempt vehicle category by the operator of a covered or partially-covered fleet; or

(5) Purchase of a clean-fuel fleet vehicle by a fleet operator who voluntarily opts-in to the clean fuel fleet program, and who thereafter shall be subject to the requirements of this chapter as if the operator were a covered fleet operator.

(c) The Mayor shall, to determine the feasibility of providing the trading of credits between mobile and stationary sources and between jurisdictions within the same nonattainment area or the District, study and promulgate a report within 2 years after March 14, 1995.

Credits: (Mar. 8, 1991, D.C. Law 8-243, § 14, as added Mar. 14, 1995, D.C. Law 10-201, § 2(g), 41 DCR 7178; Apr. 18, 1996, D.C. Law 11-110, § 46, 43 DCR 530.)

§ 50-714. Operational incentives for clean-fuel fleets.

(a) Clean-fuel vehicles operated by covered fleet operators shall be exempt from measures which restrict vehicle usage based primarily on temporal considerations, such as time-of-day and day-of-week restrictions and commercial vehicle bans. This exemption does not include access to High-Occupancy Vehicle lanes, except as provided in subsection (b) of this section.

(b) A fleet vehicle which has been certified by the Environmental Protection Agency as an ILEV, is operated by a covered fleet, and continues to be in compliance with applicable ILEV emission standards shall be exempt from High-Occupancy Vehicle lane restrictions.

(c) The Mayor may issue any regulations the Mayor considers necessary for implementing the exemptions provided for in this section within 45 days after March 14, 1995. The exemptions shall be available to covered fleet vehicles upon the adoption of such regulations.

Credits: (Mar. 8, 1991, D.C. Law 8-243, § 15, as added Mar. 14, 1995, D.C. Law 10-201, § 2(g), 41 DCR 7178.)

§ 50-715. Financial and operational incentives for use of alternative fuels.

(a) Not later than 180 days after March 14, 1995, the Mayor, where feasible, shall submit to the Council proposed legislation, regulations, or a combination thereof, that provides for financial and operational

incentives for the commercial fleet use of alternative fuels.

(b) Where feasible, as determined by the Mayor, the proposal shall include the following:

(1) Income tax credits for alternative fuels vehicles and certain fueling property that:

(A) Are based on § 179A of the United States Internal Revenue Code; and

(B) Are comparable to similar credits allowed by 1 or more states adjacent to the District;

(2) A motor fuel tax exception for alternative fuel vehicles that is comparable to similar credits allowed by 1 or more states adjacent to the District;

(3) Preferential parking or loading use on District owned parking lots and curbside parking spaces (to be known as “green curb parking and loading areas”) for covered fleet using alternative fuels;

(4) Requirements that the District purchase qualified second market vehicles to help establish a long term viable market for alternative fuel vehicles; and

(5) The creation of a fund by the District to ensure competitive resale values of used alternative fuel vehicles, the funds for which would derive from gifts and other contributions.

(c) The incentives shall be structured and administered so as to qualify for recognition by the EPA for air quality standards attainment purposes.

Credits: (Mar. 8, 1991, D.C. Law 8-243, § 16, as added Mar. 14, 1995, D.C. Law 10-201, § 2(g), 41 DCR 7178.)