

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

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Publisher

To amend Title 47 of the District of Columbia Official Code to establish a minimum sales tax that a street vendor shall pay each year, to require a street vendor to collect sales taxes and file a quarterly return and remit the greater of the taxes collected or the minimum sales tax, to provide that a Business Beneficial License Holder shall file the return and remit payment if an Employee License Holder fails to file a return and remit payment, to require the Business Beneficial License Holder to maintain the books and the records of sales made by an Employee License Holder, and to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Vendor Sales Tax Collection and Remittance Act of 2012".

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

(a) Chapter 20 is amended as follows:

(1) The table of contents is amended by striking the section designation "47-2002.01. Payment in lieu of collecting and remitting sales tax to be made by street vendors." and inserting the section designation "47-2002.01. Street vendors; minimum sales tax." in its place.

(2) Section 47-2002.01 is amended to read as follows:

"§ 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

Amend  
§ 47-2002.01

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.”

(3) Section 47-2003(a) is amended by striking the phrase “, except a street vendor as defined in § 47-2002.01(a)(2),”

Amend § 47-2003

(4) Section 47-2004(a) is amended by striking the phrase “, except a street vendor as defined in § 47-2002.01(a)(2),”

Amend § 47-2004

(b) Section 47-2762(e) is amended by striking the phrase “Except in the case of street vendors described in § 47-2002.01, the” and inserting the word “The” in its place.

Amend § 47-2762

Sec. 3. Applicability.

This act shall apply as of October 1, 2012.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia