

AN ACT

*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Fall
Supp.

West Group
Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Title 47 of the District of Columbia Official Code to permit an exemption from sales tax on utilities when directly used in a restaurant, including restaurants located in hotels.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act be cited as the "Processing Sales Tax Clarification Act of 2009".

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

(a) Chapter 20 is amended as follows:

(1) Section 47-2001(n)(1)(D) is amended by striking the phrase “, when made to any purchaser for purposes other than resale or for use in manufacturing, assembling, processing, or refining”.

Amend
§ 47-2001

(2) Section 47-2005 is amended by adding a new paragraph (11A) to read as follows:

Amend
§ 47-2005

“(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.”.

(b) Section 47-2201(a)(1)(B) is amended by striking the phrase “, when made to any purchaser for purposes other than resale or for use in manufacturing, assembling, processing, or refining”.

Amend
§ 47-2201

Sec. 3. Applicability.

This act shall apply as of January 1, 2009.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer, dated June 2, 2009, 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.

Chairman
Council of the District of Columbia

Mayor
District of Columbia