

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

A BILL
25-115

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA



To amend the Department of Transportation Establishment Act of 2002 to establish the Electric Bicycle Incentive Program, and to allow the Mayor to issue grants to defray the costs associated with hiring, training, and maintaining bicycle repair workers or opening retail establishments that sell or repair electric bicycles in Ward 7 or 8; and to amend section 47-1803.02 of the District of Columbia Official Code to clarify that rebates and vouchers issued through the Electric Bicycle Incentive Program shall be excluded in the computation of District gross income.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Electric Bicycle Incentive Program Amendment Act of 2023”.

Sec. 2. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*), is amended by adding a new section 9r to read as follows:

“Sec. 9r. Electric Bicycle Incentive Program.

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

“(1) “Applicant” means a person who submits an application to the Electric Bicycle Incentive Program established pursuant to this section.

“(2) “Authorized retailer” means a retailer within the District with which DDOT has entered into a memorandum of agreement, as described in subsection (g) of this section, to

30 redeem applicants' vouchers for a discount on the purchase price of a covered item at the point of
31 sale.

32 “(3) “Covered item” means:

33 “(A) An e-bike;

34 “(B) An e-cargo bike;

35 “(C) A replacement battery for an e-bike;

36 “(D) E-bike components intended to address an applicant's disability;

37 “(E) Annual maintenance; or

38 “(F) A bicycle lock.

39 “(4) “E-cargo bike” means an e-bike:

40 “(A) Designed to carry:

41 “(i) One or more passengers in addition to the rider; or

42 “(ii) A cargo load of at least 100 pounds; and

43 “(B) With an extended frame, such as a long tail, long john, Bakfiet, or
44 box bike.

45 “(5) “Electric bicycle” or “e-bike” means a vehicle with:

46 “(A) A post-mounted seat or saddle for each person that the device is
47 designed and equipped to carry;

48 “(B) Two or 3 wheels that are in contact with the ground and are at least 16
49 inches in diameter;

50 “(C) Fully operative pedals for human propulsion; and

51 “(D) A motor incapable of propelling the device at a speed of more than 20
52 miles per hour on level ground.

53 “(6) “Preferred applicant” means an applicant who is currently enrolled in:

54 “(A) Temporary Assistance for Needy Families, the Supplemental Nutrition
55 Assistance Program, or Medicaid; or

56 “(B) The Healthcare Alliance, pursuant to the Healthcare
57 Privatization Amendment Act of 2001, effective July 12, 2001 (D.C. Law 14-18; D.C. Official
58 Code § 7-1401 *et seq*).

59 “(b)(1) There is established the Electric Bicycle Incentive Program (“Program”) within
60 DDOT to provide financial incentives to District residents with the goal of encouraging the
61 purchase and use of e-bikes.

62 “(2) The Program, subject to the availability of funding, shall issue:

63 “(A) Rebates to eligible applicants to reimburse the applicants for the cost
64 of a covered item the applicant has already purchased from a retailer within the District; and

65 “(B) Vouchers to eligible applicants to be accepted by an authorized retailer
66 for a discount on the purchase price of a covered item purchased from the authorized retailer at the
67 point of sale; and

68 “(C) Payments to authorized retailers to cover the costs of accepting
69 vouchers for a discount on the purchase price of a covered item at the point of sale.

70 “(3) The Program shall not issue rebates, nor shall authorized retailers accept
71 vouchers, for the purchase of a covered item unless the covered item:

72 “(A) Can legally be owned and, if applicable, operated in the District; and

73 “(B) Is in compliance the following safety standards:

74 “(i) ANSI/CAN/UL 2272 – Standard for Electrical

75 Systems for Personal E-Mobility Devices and ANSI/CAN/UL 2849 – Standard for Safety for

76 Electrical Systems for e-bikes; or

77 “(ii) Any safety standard endorsed by the U.S. Consumer Products

78 Safety Commission that supersedes the safety standards described in sub-subparagraph (i) of this

79 paragraph.

80 “(c)(1) To be eligible for a rebate or voucher, an individual shall submit an application, in

81 a form to be determined by DDOT, demonstrating that the applicant:

82 “(A) Is a District resident 18 years of age or older;

83 “(B) Is a preferred applicant, if the applicant is seeking to qualify as a

84 preferred applicant;

85 “(C) If:

86 “(i) Seeking a rebate, has purchased any covered item for personal

87 use, including commuting, after August 1, 2023; or

88 “(ii) Seeking a voucher, is seeking to purchase a covered item for

89 personal use, including commuting; and

90 “(D) If seeking a rebate or voucher for the purchase of:

91 “(i) An e-bike or e-cargo bike, has not previously received a rebate

92 or voucher from the Program for the purchase of an e-bike or e-cargo bike;

ENGROSSED ORIGINAL

93 “(ii) A replacement battery, e-bike components intended to address
94 an applicant’s disability, or a bicycle lock, has not previously received a rebate or voucher from
95 the Program for the purchase of a replacement battery, e-bike components intended to address an
96 applicant’s disability, or a bicycle lock within the last 4 years; or

97 “(iii) Annual maintenance, has not previously received a rebate or
98 voucher from the Program for the purchase of annual maintenance within the last year.

99 “(2) DDOT may:

100 “(A) Adopt additional requirements:

101 “(i) For issuing rebates or vouchers for an e-bike replacement
102 battery, e-bike components intended to address an applicant’s disability, annual maintenance, or
103 bicycle lock, including proof that the applicant has owned or possessed an e-bike for a certain
104 period of time or used the e-bike to travel certain distances, to further incentivize the use of e-
105 bikes; and

106 “(ii) Limiting or regulating an applicant’s resale of covered items
107 for which a rebate or voucher was issued; and

108 “(B) To improve the administrability of the program, prioritize the issuance
109 of either rebates or vouchers in lieu of the other incentive.

110 “(3) DDOT shall, to the extent practicable, ensure the content, format, and release
111 of the application for financial incentives under this section is developed and implemented in a
112 manner that increases the submission of applications from preferred applicants.

113 “(d)(1) Upon approval of a:

ENGROSSED ORIGINAL

114 “(A) Rebate application, the Program shall provide a rebate to the eligible
115 applicant; and

116 “(B) Voucher application, the Program shall provide a voucher to the
117 eligible applicant; provided, that the Program may specify the covered items to which the voucher
118 may be applied.

119 “(2) Rebates or vouchers issued to eligible applicants, and payments issued to
120 authorized retailers, shall not exceed:

121 “(A) For preferred applicants:

122 “(i) \$2,000 for a qualifying e-cargo bike;

123 “(ii) \$1,500 for a qualifying e-bike;

124 “(iii) \$300 for a qualifying e-bike replacement battery;

125 “(iv) \$250 for annual maintenance, including parts and labor;

126 “(v) \$250 for e-bike components intended to address an applicant’s
127 disability; and

128 “(vi) \$150 for a bicycle lock; or

129 “(B) For other applicants:

130 “(i) \$1,000 for a qualifying e-cargo bike;

131 “(ii) \$750 for a qualifying e-bike;

132 “(iii) \$150 for a qualifying e-bike replacement battery;

133 “(iv) \$125 for annual maintenance, including parts and labor;

ENGROSSED ORIGINAL

134 “(v) \$125 for e-bike components intended to address an applicant’s
135 disability; and

136 “(vi) \$75 for a bicycle lock.

137 “(3) Upon notification that an authorized retailer has accepted a voucher and
138 applied a discount to the purchase price of a covered item at the point of sale, the Program shall
139 provide a payment to the authorized retailer equal to the value of the voucher.

140 “(4) Notwithstanding paragraphs (2) and (3) of this subsection, rebates and
141 vouchers issued to applicants, and payments issued to authorized retailers, shall not exceed the
142 actual purchase price of the covered items for which the rebate or voucher is sought.

143 “(5) At least 50% of the total value of rebates or vouchers issued to applicants over
144 the course of a single fiscal year shall be issued to preferred applicants.

145 “(e) Any rebate or voucher issued under this section shall not be considered District gross
146 income pursuant to D.C. Official Code § 47–1803.02(a)(2)(ZZ).

147 “(f) DDOT shall maintain on its website:

148 “(1) A list of current authorized retailers; and

149 “(2) A tally of the total number and value of rebates, vouchers, and payments issued
150 pursuant to this section.

151 “(g) The Mayor may enter into a memorandum of agreement with a retailer allowing the
152 retailer to become an authorized retailer and establishing a process for:

153 “(1) Accepting vouchers issued to applicants for a discount, equal to the value of
154 the voucher, on the purchase price of any covered item for which the voucher was issued;

ENGROSSED ORIGINAL

155 “(2) Notifying the Program of when it has accepted a voucher; and

156 “(3) Receiving a payment from the Program equal to the discount provided to the
157 applicant by the authorized retailer on the purchase of any covered item for which the voucher was
158 accepted.

159 “(h) Subject to the availability of funding, the Mayor may provide a grant to a retail store
160 that submits an application, in a form to be determined by the Mayor, in an amount not to exceed:

161 “(1) \$10,000 annually to defray costs associated with hiring, training, and
162 maintaining bicycle repair workers at a retail store within the District; or

163 “(2) \$50,000 to defray costs associated with opening a retail establishment located
164 in Ward 7 or 8 that:

165 “(A) Sells e-bikes; or

166 “(B) Provides repairs and other services for e-bikes or traditional bicycles.

167 “(i) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure
168 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue
169 rules to implement the provisions of this section. The proposed rules shall be submitted to the
170 Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of
171 Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in
172 part, by resolution within the 45-day review period, the proposed rules shall be deemed approved.”.

173 Sec. 3. Section 47–1803.02(a)(2) of the District of Columbia Code is amended by adding
174 a new subparagraph (ZZ) to read as follows:

ENGROSSED ORIGINAL

175 “(ZZ) Rebates issued pursuant to section 9r of the Department of
176 Transportation Establishment Act of 2002, as approved by the Committee on Transportation and
177 the Environment on June 16, 2023 (Committee print of Bill 25-115).”.

178 Sec. 4. Applicability.

179 This act shall apply as of October 1, 2023.

180 Sec. 5. Fiscal impact statement.

181 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
182 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
183 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

184 Sec. 6. Effective date.

185 This act shall take effect following approval by the Mayor (or in the event of veto by the
186 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
187 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,
188 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
189 Columbia Register.