

AN ACT

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

“(3) “Covered item” means:

“(A) An e-bike;

“(B) An e-cargo bike;

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

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

“(E) Annual maintenance; or

“(F) A bicycle lock.

“(4) “E-cargo bike” means an e-bike:

“(A) Designed to carry:

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“(i) One or more passengers in addition to the rider; or
“(ii) A cargo load of at least 100 pounds; and
“(B) With an extended frame, such as a long tail, long john, Bakfiet, or
box bike.

“(5) “Electric bicycle” or “e-bike” means a vehicle with:
“(A) A post-mounted seat or saddle for each person that the device is
designed and equipped to carry;
“(B) Two or 3 wheels that are in contact with the ground and are at least
16 inches in diameter;
“(C) Fully operative pedals for human propulsion; and
“(D) A motor incapable of propelling the device at a speed of more than
20 miles per hour on level ground.

“(6) “Preferred applicant” means an applicant who is currently enrolled in:
“(A) Temporary Assistance for Needy Families, the Supplemental
Nutrition Assistance Program, or Medicaid; or
“(B) The Healthcare Alliance, pursuant to the Healthcare
Privatization Amendment Act of 2001, effective July 12, 2001 (D.C. Law 14-18; D.C. Official
Code § 7-1401 *et seq.*)

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

“(2) The Program, subject to the availability of funding, shall issue:
“(A) Rebates to eligible applicants to reimburse the applicants for the cost
of a covered item the applicant has already purchased from a retailer within the District; and
“(B) Vouchers to eligible applicants to be accepted by an authorized
retailer for a discount on the purchase price of a covered item purchased from the authorized
retailer at the point of sale; and
“(C) Payments to authorized retailers to cover the costs of accepting
vouchers for a discount on the purchase price of a covered item at the point of sale.

“(3) The Program shall not issue rebates, nor shall authorized retailers accept
vouchers, for the purchase of a covered item unless the covered item:
“(A) Can legally be owned and, if applicable, operated in the District; and
“(B) Is in compliance the following safety standards:
“(i) ANSI/CAN/UL 2272 – Standard for Electrical
Systems for Personal E-Mobility Devices and ANSI/CAN/UL 2849 – Standard for Safety for
Electrical Systems for e-bikes; or

“(ii) Any safety standard endorsed by the U.S. Consumer Products
Safety Commission that supersedes the safety standards described in sub-subparagraph (i) of this
paragraph.

“(c)(1) To be eligible for a rebate or voucher, an individual shall submit an application, in
a form to be determined by DDOT, demonstrating that the applicant:

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

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

“(C) If:

“(i) Seeking a rebate, has purchased any covered item for personal use, including commuting, after the effective date of the Electric Bicycle Incentive Program Amendment Act of 2023, passed on 2nd reading on September 19, 2023 (Enrolled version of Bill 25-115); or

“(ii) Seeking a voucher, is seeking to purchase a covered item for personal use, including commuting; and

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

“(i) An e-bike or e-cargo bike, has not previously received a rebate or voucher from the Program for the purchase of an e-bike or e-cargo bike;

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

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

“(2) DDOT may:

“(A) Adopt additional requirements:

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

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

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

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

“(d)(1) Upon approval of a:

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

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

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

“(A) For preferred applicants:

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

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

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

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

“(v) \$250 for e-bike components intended to address an applicant’s

disability; and

“(vi) \$150 for a bicycle lock; or

“(B) For other applicants:

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

“(ii) \$750 for a qualifying e-bike;

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

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

“(v) \$125 for e-bike components intended to address an applicant’s

disability; and

“(vi) \$75 for a bicycle lock.

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

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

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

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

“(f) DDOT shall maintain on its website:

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

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

“(g)(1) The Mayor may enter into a memorandum of agreement with a retailer allowing the retailer to become an authorized retailer and establishing a process for:

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

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

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

“(2) To be eligible to serve as an authorized retailer, the retailer shall:

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“(A)(i) Have a physical retail location in the District as of the effective date of the Electric Bicycle Incentive Program Amendment Act of 2023, passed on 2nd reading on September 19, 2023 (Enrolled version of Bill 25-115); or

“(ii) Be eligible to be certified as a certified business enterprise, as that term is defined in section 2302(1D) of the Small and Certified Business Enterprise Development Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.02(1D)); and

“(B) Offer repair services at the physical location in the District for any e-bikes purchased with a rebate or voucher under this section for a period of time to be determined by the Program.”.

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

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

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

“(A) Sells e-bikes; or

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

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

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

“(ZZ) Rebates issued pursuant to section 9r of the Department of Transportation Establishment Act of 2002, passed on 2nd reading on September 19, 2023 (Enrolled version of Bill 25-115).”.

Sec. 4. Fiscal impact statement.

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

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

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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