

COUNCIL OF THE DISTRICT OF COLUMBIA

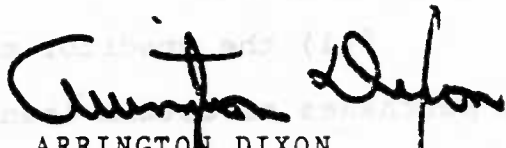
NOTICE

D.C. LAW 4-157

"Alcoholic Beverage Control Amendments Act of 1982".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 4-218 on first, amended first and second readings, June 8, 1982, June 22, 1982 and July 6, 1982, respectively. Following the signature of the Mayor on July 29, 1982, this legislation was assigned Act No. 4-231, published in the August 20, 1982, edition of the D.C. Register, (Vol. 29 page 3617) and transmitted to Congress on August 2, 1982 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 4-157, effective September 29, 1982.


ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

August 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20

September 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28

EFFECTIVE DATE SEP 29 1982

D.C. ACT 4-231

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 29 1982

To amend the District of Columbia Alcoholic Beverage Control Act and the Alcoholic Beverages and Food Regulations (23 DCMR).

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Alcoholic Beverage Control Amendments Act of 1982".

Sec. 2. Section 3 of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 319; D.C. Code, sec. 25-103) is amended by adding at the end thereof new subsections (s) and (t) to read as follows:

CODIFICATION
D.C. Code,
sec. 25-103
(1981 ed.)

"(s) The words 'credit card' mean consumer credit extended on a nationally recognized account pursuant to a plan under which:

"(1) the creditor may permit the customer to make purchases or obtain loans, from time to time, indirectly by the use of a credit card, check, or other device as the plan may provide;

"(2) the customer has the privilege of paying the balance in full or in installments; and

"(3) a finance charge may be computed by the creditor from time to time on an outstanding unpaid balance.

"(t) The word 'adult' means any person 21 years of age or older."

Sec. 3. Section 6 of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 322; D.C. Code, sec. 25-106) is amended as follows:

D.C.Code,
sec. 25-106
(1981 ed.)

(a) The first sentence (D.C. Code, sec. 25-106(a)) is amended by inserting after the phrase "under this Act" the phrase ", and the authority to accept an offer in compromise in lieu of suspension"; and

(b) By adding immediately following the first sentence a new sentence to read as follows:

"Notice shall be published in the D.C. Register by the Board upon acceptance of an offer in compromise in lieu of suspension."

Sec. 4. Section 7 of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 322; D.C. Code, sec. 25-107) is amended as follows:

D.C.Code,
sec. 25-107
(1981 ed.)

(a) The first paragraph is designated as subsection "(a)";

(b) The first sentence of the second paragraph beginning with the phrase "District of Columbia Council" is designated as subsection "(b)";

(c) The second and third sentences of the second paragraph beginning with the phrase "The powers and authority" are designated as subsection "(c)";

(d) The third paragraph beginning with the phrase "Any regulations promulgated" is designated as subsection "(d)";

(e) By striking in such designated subsection "(a)" the phrase "paragraph (1) of section 11" and inserting the phrase "section 11(m)" in lieu thereof; and

(f) By striking in the first sentence of such designated subsection "(b)" the phrase "and revocation of licenses" and inserting the phrase "revocation, suspension, and acceptance of offers in compromise in lieu of suspension of licenses" in lieu thereof.

Sec. 5. The first sentence of section 9(b) of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 323; D.C. Code, sec. 25-109(b)) is amended as follows:

D.C.Code,
sec. 25-109
(1981 ed.)

(a) By inserting after the phrase "any alcoholic beverage" the phrase "to District licensees"; and

(b) By striking the phrase "section 11 subsection (k)" and inserting the phrase "section 11 subsection (h)" in lieu thereof.

Sec. 6. Section 11 of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 324; D.C. Code, sec. 25-111) is amended by inserting at the end thereof a new subsection (j-1) to read as follows:

D.C.Code,
sec. 25-111
(1981 ed.)

"(j-1) RETAILER'S LICENSE, CLASS G. - Such a license shall authorize the holder thereof to sell

spirits, wine, and beer for consumption, or to authorize the holder to permit the consumption of spirits, wine, and beer, on the premises therein described for one day only. Such licenses may be issued for a banquet, cabaret, dance, picnic, bazaar, fair, reception, or similar public or private gathering, where food is served for consumption on the premises. No spirits, wine, or beer shall be sold or served to a customer in any unopened container. The issuance of such a license shall be solely within the discretion of the Board. The fee for each license shall be established by the Mayor."

Sec. 7. Section 12 of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 327; D.C. Code, sec. 25-113) is amended as follows:

D.C.Code,
sec. 25-113
(1981 ed.)

(a) Subsection (b) (D.C. Code, sec. 25-113(b)) is amended to read as follows:

"(b) No person, franchise, franchisee, partnership, firm, or corporation which holds any interest, direct or indirect, in a retailer's license class C or class D, shall hold any interest, direct or indirect, in any other license except retailer's license class C, class D or class E. No person, franchise, franchisee, partnership, firm, or corporation which holds any interest, direct or indirect in a retailer's license class A or class B shall hold any interest, direct or indirect, in any

other license, except retailer's license class E. When used in this subsection, the word "interest" shall include, but is not limited to, any pecuniary interest in the operation, management, or profits of a licensed establishment but does not include bona fide agreements for the lease of real property." and;

(b) A new subsection (c) is added at the end thereof to read as follows:

"(c) Any franchisee who controls or will control all interest in the receipts, profits, inventory, purchases, pricing, and sales of beverages under the license; and who held a license on June 22, 1982, or whose application for a license was pending on June 22, 1982, shall not be rejected solely on the basis of this section, as it existed on June 22, 1982, or as it exists as a result of amendments effected by section 7 of the Alcoholic Beverage Control Amendments Act of 1982."

Sec. 8. Section 14 of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 327; D.C. Code, sec. 25-115) is amended as follows:

D.C.Code,
sec. 25-115
(1981 ed.)

(a) Subsection (b) (D.C. Code, sec. 25-115(b)) is amended:

(1) by striking the phrase "section 11(1)" and inserting the phrase "section 11(m)" in lieu thereof; and

(2) by striking the phrase "class F" and

inserting the phrase "class F, or class G" in lieu thereof.

(b) Subsection (c) (D.C. Code, sec., 25-115(c)) is amended by striking the phrase "section 11(1)" and inserting the phrase "section 11(m)" in lieu thereof.

Sec. 9. The first sentence of section 17 of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 330; D.C. Code, sec. 25-118(a)) is amended by striking the phrase "the license of said licensee may be revoked or suspended by the Board" and inserting the phrase "the Board may suspend or revoke the license of said licensee, or, in lieu of suspension, may accept an offer in compromise of said suspension" in lieu thereof.

D.C.Code,
sec. 25-118
(1981 ed.)

Sec. 10. Section 18 of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 330; D.C. Code, sec. 25-119) is amended by striking the figure "\$10" and inserting the figure "\$50" in lieu thereof.

D.C.Code,
sec. 25-119
(1981 ed.)

Sec. 11. Section 19 of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 331; D.C. Code, sec. 25-120) is amended by striking the figure "\$10" each place it appears and inserting the figure "\$50" in lieu thereof.

D.C.Code,
sec. 25-120
(1981 ed.)

Sec. 12. Section 20 of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 331; D.C. Code, sec. 25-121) is amended as follows:

D.C.Code,
sec. 25-121
(1981 ed.)

(a) By designating the first and second paragraphs (D.C. Code, sec. 25-121(a) & (b)) as subsections "(a)" and "(b)" respectively.

(b) By striking in designated subsection "(b)" the phrase "section 11(l)" and inserting the phrase "section 11(m)" in lieu thereof.

Sec. 13. Section 28(a) of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 333; D.C. Code, sec. 25-128(a)) is amended by striking the phrase "section 11(l)" each place it appears and inserting the phrase "section 11(m)" in lieu thereof.

D.C.Code,
sec. 25-128
(1981 ed.)

Sec. 14. Section 35 of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 336; D.C. Code, sec. 25-133) is amended to read as follows:

D.C.Code,
sec. 25-133
(1981 ed.)

"No holder of a retailer's license, except a retailer's license, class E, shall sell on credit any beverages except beer and light wines. For purposes of this section, the extension of credit by the holder of a class A retailer's license in connection with a sale by such license holder of any beverage through any document, device, or plan intended or adapted for the purpose of establishing credit, except through the use of a credit card as defined in section 3(s), as added by the Alcoholic Beverage Control Amendments Act of 1982, shall be considered a sale on credit of such beverage by such license holder. This section shall

not prohibit a club from extending credit to its members or the guests of members, or a hotel from extending credit to its registered guests."

Sec. 15. The District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 319; D.C. Code, sec. 25-102 et seq.) is amended by striking the word "Commissioners" each place it appears and inserting the phrase "Council of the District of Columbia" in lieu thereof.

D.C. Code,
sec. 25-101--13
(1981 ed.)

Sec. 16. 23 DCMR (May 1982) is amended as follows:

D.C. Municipal
Regulations
(DCMR)

(a) Subsection 201.3 is amended by adding the phrase "class G".

(b) Section 402 is amended to read as follows:

"402. HOURS OF SALE, CONSUMPTION, AND DELIVERY

"(a) Sales by Manufacturer and Wholesaler.

"402.1 The holder of a manufacturer's license class A or class B, and the holder of a wholesaler's license class A or class B may sell and deliver alcoholic beverages only between the hours of 6:00 a.m. and 1:00 a.m., Monday through Saturday, but they may also make deliveries only between 5:00 a.m. and 6:00 a.m., Monday through Saturday.

"402.2 The holder of a manufacturer's license or the holder of a wholesaler's license shall not sell or deliver alcoholic beverages during any hour or on any day other than during those days and during those hours stated in subsection 402.1.