

COUNCIL OF THE DISTRICT OF COLUMBIA

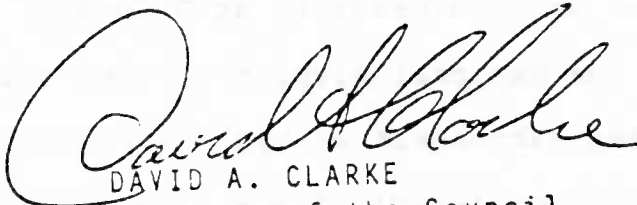
NOTICE

D.C. LAW 4-174

"Eviction Limitation, Fire and Casualty Amendment Act, and Anti-Drunk Driving Clarifying 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. 4-398 on first and second readings, October 19, 1982 and November 16, 1982, respectively. Following the signature of the Mayor on December 8, 1982, this legislation was assigned Act No. 4-257, published in the December 31, 1982, edition of the D.C. Register, (Vol. 29 page 5753). This act was originally transmitted to Congress on December 13, 1982, and resubmitted on January 6, 1983 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 4-174, effective March 9, 1983.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	6, 25, 26, 27, 28, 31
February	1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 22, 23, 24, 25, 28
March	1, 2, 3, 4, 7, 8

D.C. LAW 4-174
EFFECTIVE DATE MAR 09 1983

AN ACT

D.C. ACT 4-257

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC 08 1982

To prohibit a landlord from evicting a tenant when the temperature is predicted not to exceed 25 degrees Fahrenheit; to make a technical amendment to the Fire and Casualty Act; and to make technical and clarifying amendments to the Anti-Drunk Driving Act of 1982 and the acts amended by the Anti-Drunk Driving Act of 1982.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Eviction Limitation, Fire and Casualty Amendment Act, and Anti-Drunk Driving Clarifying Amendments Act of 1982".

Sec. 2. The Rental Housing Act of 1980, effective March 4, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1501 et seq.) is amended by inserting the following new section 501a to read as follows:

CODIFICATION
New
D.C.Code,
sec. 45-1561.1
(1981 ed.)

"Sec. 501a. Limitation on Evictions.

"No landlord shall evict a tenant on any day when the National Weather Service predicts at 8:00 a.m. that the temperature at the National Airport weather station will not exceed 25 degrees Fahrenheit within the next 24 hours."

Sec. 3. Section 18(10) of the Fire and Casualty Act, effective October 30, 1981 (D.C. Law 4-50; D.C. Code, sec. 35-1521(a)(10)) is amended by striking the phrase "this Title" and inserting the phrase "the Life Insurance Act, approved June 19, 1934 (48 Stat. 1152; D.C. Code, sec.

D.C.Code,
sec. 35-1521
(1981 ed.)

35-634)" in lieu thereof.

Sec. 4. Section 2(1) of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Code, sec. 40-717.1) is amended as follows:

D.C.Code,
sec. 40-717.1
(1981 ed.)

(a) by inserting after the phrase "Defendant's blood contained less than .05 percent by weight, of alcohol," the phrase "or defendant's urine contained less than .06 percent, by weight, of alcohol,"; and

(b) by striking the phrase "(true breath or alveolar air having 5 1/2 per centum of carbon dioxide)".

Sec. 5. Section 2(2) of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Code, sec. 40-717.1) is amended as follows:

D.C.Code,
sec. 40-717.1
(1981 ed.)

(a) by inserting after the phrase "Defendant's blood contained .05 percent or more, by weight, of alcohol," the phrase "or defendant's urine contained .06 percent or more, by weight, of alcohol,"; and

(b) by striking the phrase "(true breath or alveolar air having 5 1/2 per centum of carbon dioxide)".

Sec. 6. Section 3 of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Code, sec. 40-716.1) is amended by inserting after the phrase "within the past 3 months and has been found to be accurate" the phrase "or, in the case of a blood or urine specimen, that the testimony has been certified to be accurate by the chief toxicologist, Office of the Chief Medical Examiner or his or her designee".

D.C.Code,
sec. 40-716.1
(1981 ed.)

D.C.Code,
secs. 40-501
& 40-502
(1981 ed.)

Sec. 7. Section 2(a) and (b) of the District of

Columbia Implied Consent Act, effective September 14, 1982 (D.C. Law 4-145; D.C. Code, sec. 40-502(a) & (b)) is amended by striking the phrase "contains .10 percent or more, by weight, of alcohol," and inserting the phrase "or breath contains .10 percent or more, by weight, of alcohol, or that person's urine contains .13 percent or more, by weight, of alcohol," in lieu thereof.

Sec. 8. Section 5 of the District of Columbia Implied Consent Act, approved October 21, 1972 (86 Stat. 1018; D.C. Code, sec. 40-505), as amended by section 4(d) of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; 29 DCR 3142) is amended by striking the phrase "while the individual's blood contains .10 percent or more, by weight, of alcohol," and inserting the phrase "while the individual's blood or breath contains .10 percent or more, by weight, of alcohol, or defendant's urine contains .13 percent or more, by weight, of alcohol," in lieu thereof.

D.C.Code,
sec. 40-505
(1981 ed.)

Sec. 9. Section 6 of the District of Columbia Implied Consent Act, approved October 21, 1972 (86 Stat. 1018; D.C. Code, sec. 40-506), as amended by section 4(e) of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; 29 DCR 3143) is amended by striking the phrase "the person's blood contains .10 percent or more, by weight, of alcohol," and inserting the phrase "the person's blood or breath contains .10 percent or more, by weight, of alcohol, or the person's urine contains .13 percent or more, by weight, of alcohol," in lieu thereof.

D.C.Code,
sec. 40-506
(1981 ed.)

Sec. 10. Section 10(b)(1) of the District of Columbia Traffic Act, 1925, effective September 14, 1982 (D.C. Law 4-145; D.C. Code, sec. 40-716(b)(1)) is amended as follows:

D.C.Code,
sec. 40-716
(1981 ed.)

(a) by inserting after the phrase "of his breath)" the phrase "or defendant's urine contains .13 percent or more, by weight, of alcohol,"; and

(b) by striking the phrase "(true breath or alveolar air having 5 1/2 per centum of carbon dioxide)".

Sec. 11. Section 10(d)(1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1124; D.C. Code, sec. 40-716(d)(1)), as amended by section 5(b) of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; 29 DCR 3145) is amended by striking the phrase "while the individual's blood contains .10 percent or more, by weight, of alcohol," and inserting the phrase "while the individual's blood or breath contains .10 percent or more, by weight, of alcohol, or the individual's urine contains .13 percent or more, by weight, of alcohol," in lieu thereof.

D.C.Code,
sec. 40-716
(1981 ed.)

Sec. 12. Section 13(a) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1125; D.C. Code, sec. 40-302(a)), as amended by section 6 of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Code, sec. 40-3146) is amended by striking the phrase "while the individual's blood contains .10 percent or more by weight, of alcohol," and inserting the phrase "while the individual's blood or breath contains .10 percent or more, by weight, of alcohol, or the

D.C.Code,
sec. 40-302
(1981 ed.)

individual's urine contains .13 percent or more, by weight, of alcohol," in lieu thereof.

Sec. 13. Section 37(a) of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 130; D.C. Code, sec. 40-437(a)), as amended by section 9 of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; 29 DCR 3147) is amended by striking the phrase "while the individual's blood contains ten one-hundredths of 1 per centum or more, by weight, of alcohol," and inserting the phrase "while the individual's blood or breath contains ten one-hundredths of 1 per centum or more, by weight, of alcohol, or defendant's urine contains .13 percent or more, by weight, of alcohol," in lieu thereof.

D.C.Code,
sec. 40-437
(1981 ed.)

Sec. 14. Section 802(a) of An Act To establish a code of law for the District of Columbia, approved June 17, 1935 (49 Stat. 385; D.C. Code, sec. 40-713) is amended by striking the word "misdemeanor" and inserting the word "felony" in lieu thereof.

D.C.Code,
sec. 40-713
(1981 ed.)

Sec. 15. 18 DCMR is amended as follows:

(a) Subsection 301.1(a) is amended to read as follows:

D.C. Municipal
Regulations
(DCMR)

"(a) Operating a motor vehicle while the person's blood or breath contains ten one-hundredths of one percent (0.10%) or more, by weight, of alcohol, or the person's urine contains .13 percent or more, by weight, of alcohol, or while the person is under the influence of intoxicating liquor or any drug or any combination thereof;"

(b) Subsection 303.1(m) is amended to read as follows:

"(m) Operating a motor vehicle while the person's blood or breath contains ten one-hundredths of one percent (0.10%) or more, by weight, of alcohol, or the person's urine contains .13 percent or more, by weight, of alcohol, or while the person is under the influence of intoxicating liquor or any drug or any combination thereof, or while the ability to operate a vehicle is impaired by the consumption of intoxicating liquor.....12 points".

(c) Subsection 306.8 is amended by striking the phrase "operating a vehicle while the person's blood contains ten one-hundredths of one percent (0.10%) or more, by weight, of alcohol," and inserting the phrase "operating a vehicle while the person's blood or breath contains ten one-hundredths of one percent (0.10%) or more, by weight, of alcohol, or the person's urine contains .13 percent or more, by weight, of alcohol," in lieu thereof.

(d) Subsection 1034.2 is amended to read as follows:

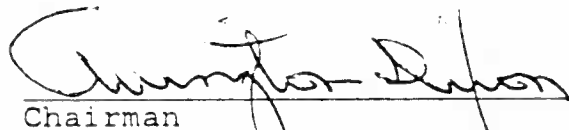
"If the operator's blood contained less than .05 percent, by weight, of alcohol, or the operator's urine contained less than .06 percent, by weight, of alcohol, or that an equivalent quantity of alcohol was contained in at least 2,000 cubic centimeters of his breath, it shall be deemed prima facie proof that the operator at the time was not under the influence of intoxicating liquor."

(e) Subsection 1034.3 is amended to read as follows:

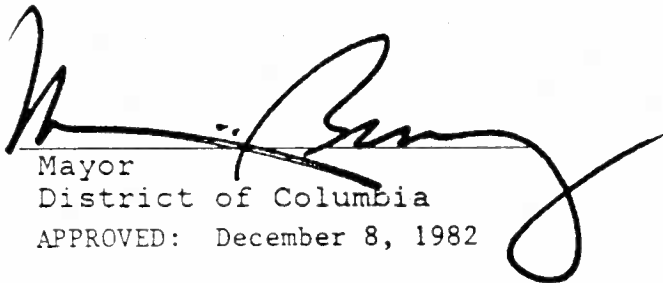
"If the operator's blood contained .05 percent or more, by weight, of alcohol, or the operator's urine contained .06 percent or more by weight, of alcohol, or an equivalent

quantity of alcohol was contained in at least 2,000 cubic centimeters of his breath, it shall be deemed prima facie proof that the operator at the time was under the influence of intoxicating liquor."

Sec. 16. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED: December 8, 1982



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Four
Second Session

DOCKET NO: B 4-398

Item on Consent Calendar

ACTION: Adopted First Reading, 10-19-82

VOICE VOTE: Unanimous

Absent: Moore

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

Vivian B. Cunningham
Secretary to the Council

Nov 29, 1982
Date

Item on Consent Calendar

ACTION: Adopted Final Reading, 11-16-82

VOICE VOTE: Unanimous

Absent: Shackleton

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

Vivian B. Cunningham
Secretary to the Council

Nov 29, 1982
Date

Item on Consent Calendar

ACTION: _____

VOICE VOTE: _____

Absent: _____

ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

Secretary to the Council

Date