

COUNCIL OF THE DISTRICT OF COLUMBIA

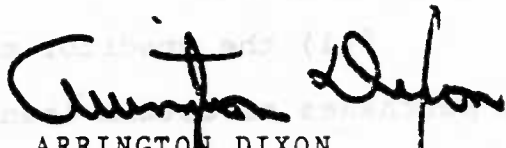
NOTICE

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.

"402.3 The holder of a retailer's license class A may sell and deliver alcoholic beverages only between the hours of 9:00 a.m. and 9:00 p.m., Monday through Thursday, 9:00 a.m. to 10:00 p.m., Friday, and 9:00 a.m. to 12:00 midnight Saturday.

"402.4 The holder of a retailer's license class B may sell and deliver beer and light wines only between the hours of 8:00 a.m. and 12:00 midnight daily.

"402.5 The holder of a retailer's license class A or class B 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 subsections 402.3 and 402.4.

"402.6 The holder of a retailer's license class A may sell and deliver no less than six (6) miniatures of spirits, wines, and beer per purchase during the hours identified in subsection 402.3.

"402.7 The holder of a retailer's license class C, class D, class E, class F, or a consumption license issued under section 11(m) of the Act, may sell or serve alcoholic beverages at any time except between the hours of:

"(a) 2:00 a.m. and 8:00 a.m., Monday through Friday;

"(b) 3:00 a.m. and 8:00 a.m. on Saturday;
and

"(c) 3:00 a.m. and 10:00 a.m. on Sunday:
EXCEPT, That on each January 1st, service shall be

lawful until 4:00 a.m.

"402.8 A hotel holding a retailer's license class C or class D may make available in the room of a registered adult guest, and charge to such registered guest if consumed, closed miniature containers of spirits, wines, and beer at all hours on any day of the week.

"402.9 The holder of a retailer's license class A may, with the approval of the Board, utilize a portion of the premises for the sampling of alcoholic beverages during permitted hours. Containers of alcoholic beverages used for sampling purposes must be labeled as such and may not be sold.

"402.10 The holder of a retailer's license class C, class D, class E, class F, or a consumption license issued under section 11(m) of the Act, may sell, dispense, serve, or give away any beverages for consumption on the said premises during any hour or on any day other than during those hours prohibited by section 402.7.

"402.11 The holder of a retailer's license class G may sell, dispense, serve, or give away any beverages for consumption, or permit the consumption of beverages on the premises for which the license is issued only on the day or days and during the hours specified in such license."

(c) Section 409 is amended to read as follows:

"409 SHELF PRICES

"409.1 The retail price of all alcoholic beverages displayed on the shelves, display racks, or counters in that part of the licensed premises of a retail licensee class A used for public sale shall be plainly marked under or on each brand or bottle size: EXCEPT, That the marking of prices on shelves which are utilized for the storage of surplus merchandise which is not being offered for public sale shall not be required.

"409.2 No sale shall be made for a price in excess of that marked and exhibited.

"409.3 Figures and letters stating price shall not exceed three (3) inches in height."

(d) Chapter 4 is amended by adding at the end thereof the following new section to read as follows:

"412 NOTICE OF PRICE CHANGES

"412.1 Each manufacturer shall provide notice of proposed price changes to the Alcoholic Beverage Control Board ('Board') and to each District of Columbia wholesaler with which said manufacturer does business not less than thirty (30) days in advance of said changes.

"412.2 Each District of Columbia wholesaler shall provide notice of proposed price increases to each District of Columbia retail licensee to which it sells not less than thirty (30) days in advance of such increases."

(e) Section 514 is amended by adding at the end

thereof the following new subsections to read as follows:

"514.6 The Board may, in its discretion, accept from any licensee or permittee an offer in compromise in lieu of the suspension of any license or permit previously imposed by the Board.

"514.7 Such an offer in compromise may be in such amount as the Board, in its discretion, may deem proper.

"514.8 Such offer must be submitted in writing to the Board not later than ten (10) days from the date of the order of suspension and must include a waiver of appeal and judicial review and a certified check in the amount designated by the Board.

"514.9 Any sums of money so collected by the Board shall be paid forthwith to the D.C. Treasurer and credited to the General Fund.

"514.10 In computing the amount which will be acceptable as an offer in compromise in lieu of suspension of a license, the Board shall divide the figure furnished by the licensee for gross sales of alcoholic beverages for the previous twelve (12) months by three hundred sixty-five (365) to determine the average daily sales, and the daily sales average shall be multiplied by fifty percent (50%).

"514.11 The offer shall be fifty percent (50%) of the average daily sales per day of proposed suspension, or fifty dollars (\$50.00) per day of proposed

suspension, whichever is greater:

EXCEPT, That such offer shall not exceed two hundred dollars (\$200.00) per day.

"514.12 If the business licensed has been in operation for less than one (1) year, the licensee shall furnish the amount of gross sales of alcoholic beverages from the date of the issuance of the license until the first day of the month preceding the date of notice of the violation.

"514.13 The amount of gross sales shall be divided by the number of days for which the gross sales figure has been furnished to determine the average daily sales."

(f) Section 507 is amended to read as follows:

"507 GIFTS, PRIZES, AND INDUCEMENTS

"507.1 A licensee, for promotional purposes may participate in nationwide sweepstakes, provided, the promotional offerings of consumer rebates, discounts, gifts, prizes, or premiums, do not require the customer to purchase alcoholic beverages in order to participate in such contest.

"507.2 A licensee, for purposes of nationwide sweepstakes, may keep on the licensed premises any specially designated or marked merchandise, gifts, prizes, and premiums for distribution in said sales campaign relating to any alcoholic beverages: Provided, That such sales campaign

may be conducted outside the District of Columbia."

(g) Subsections 509.1 and 509.2 are amended to read as follows:

"509.1 It shall be unlawful for any wholesaler to purchase any distilled spirits, for resale unless said alcoholic beverages are purchased from the primary American source of supply for the brand of distilled spirits, sought to be resold.

"509.2 It shall be unlawful for any wholesaler to sell any distilled spirits, to licensees in the District of Columbia if said alcoholic beverages have not been purchased by said wholesaler from the primary American source of supply."

(h) Section 600 is amended to read as follows:

"600 RESTRICTIONS ON ADVERTISEMENTS

"600.1 Advertisement relating to prices of alcoholic beverages may be displayed in windows of any licensed premises; Provided, That such advertisement does not exceed twenty-five percent (25%) of the window space.

"600.2 No advertisement of any kind relating to alcoholic beverages shall be displayed on the exterior of any window and exterior or interior of any door."

Sec. 17. A Regulation Concerning Offering of Alcoholic Beverages For Sale in Original Containers (Wine Sampling), enacted May 31, 1974 (Reg. 73-12; 21 DCR 2) is repealed.

DCMR

Sec. 18. 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)).

Enrolled Original