

COUNCIL OF THE DISTRICT OF COLUMBIA

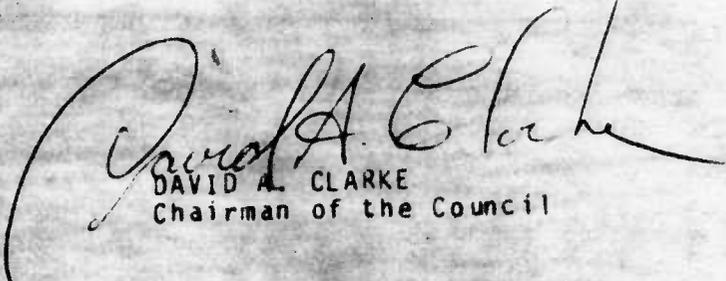
NOTICE

D.C. LAW 5-106

"Alcoholic Beverage Anti-Discrimination Act
of 1984".

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. 5-129 on first and second readings, May 29, 1984 and June 12, 1984, respectively. Following the signature of the Mayor on June 29, 1984, this legislation was assigned Act No. 5-148, published in the July 13, 1984 edition of the D.C. Register, (Vol. 31 page 3381) and transmitted to Congress July 5, 1984 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 5-106, effective September 26, 1984.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 23,24,25,26,27,30,31

August 1,2,3,6,7,8,9,10

September 5,6,7,10,11,12,13,14,17,18,19,20,21,24,25

D.C. LAW 5 - 106

EFFECTIVE DATE SEP 26 1984

AN ACT

D.C. ACT 5 - 148

Enroll

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUN 29 1984

To amend the District of Columbia Alcoholic Beverage Control Act and the Alcoholic Beverages and Food Regulations to require specific proof of age requirements in Class A, B, C, D, E, and G retail establishments and to establish penalties for violation of the Act; and for other purposes.

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

That this act may be cited as the "Alcoholic Beverage Anti-Discrimination Act of 1984".

Sec. 2. 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:

(a) Subsection (a) is amended by striking the phrase "; and ignorance of the age of such minors shall not be a defense to any action instituted under this section".

(b) Subsection (b) is amended as follows:

(1) by striking the phrase "No person being the holder of a license issued under section 11(m) of this Act shall permit" and inserting the phrase "No person being the holder of a retail license issued pursuant to this Act shall permit" in its place;

(2) by striking the phrase "; and ignorance of the age of such minors shall not be a defense to any action instituted under this section"; and

(3) by striking the phrase "on any premise licensed under section 11(m) of this Act" and inserting the phrase "on any premises

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licensed under this Act" in its place.

(c) New subsections (c) through (h) are added to read as follows:

"(c) Except as otherwise permitted by law, no licensee shall deny admittance to any person displaying proof of age in the manner prescribed in subsection (d). No licensee shall require proof of age to discriminate on any ground prohibited by the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code, sec. 1-2501 et seq.).

"(d)(1) Except as provided in paragraph (3) no licensee shall require more than one valid identification document as proof of the bearer's age.

"(2) For the purpose of this subsection, the term 'valid identification document' means any official identification issued by an agency of government (municipal, state, or federal), a foreign government, or any university or college located in the District of Columbia containing at a minimum the name, the date of birth, and a photograph of the bearer.

"(3) In the case of a person residing outside the District of Columbia presenting an identification which does not have a photograph affixed, that person may be required to present one additional piece of identification which has his or her signature affixed and must be able, upon request by the licensee, to manually reproduce the signature.

"(e) Each retail licensee shall post a notice on the licensed premises of the requirements of subsection (d) and of any further stipulations the Board may require, including the posting of the current legal drinking ages. The notice shall be posted in a place clearly visible from the point of entry to the licensed premises and

shall be maintained in good repair.

"(f) A licensee or his designee shall make a good faith effort to ascertain whether any person to whom he sells, delivers, or serves alcoholic beverages is of legal drinking age as provided by law. Any person who supplies proof of age showing his or her age to be the legal drinking age as provided in subsection (d) shall be deemed to be of legal drinking age and the licensee shall not be liable solely because the person is not of the legal drinking age as provided in subsections (a) and (b).

"(g)(1) Upon finding that a licensee has violated subsections (c), (d), or (e), the Board shall:

"(A) upon the first violation, fine the licensee not less than \$1,000 and not more than \$2,000, or suspend the license for ten consecutive days;

"(B) upon the second violation, fine the licensee not less than \$2,000 and not more than \$4,000 and suspend the license for twenty consecutive days; and

"(C) upon the third violation and each subsequent violation, fine the licensee not less than \$4,000 and not more than \$10,000 and suspend the license for thirty consecutive days, or revoke the license.

"(2) In the event of revocation or suspension of the license pursuant to this subsection the Alcoholic Beverage Control Division shall post a notice in a conspicuous place on the exterior of the premises stating the reason for the revocation or suspension. The notice shall remain posted through the prescribed dates. The licensee shall immediately notify the Alcohol Beverage Control Division if the notice is removed or defaced. Failure of the licensee to notify the Alcohol Beverage Control Division may result

in the extension of the prescribed period of revocation or suspension.

"(h) The rights and remedies contained in this section shall not be construed to limit or exclude other rights and remedies provided by law with respect to discrimination."

Sec. 3. Section 33(a) of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 336; D.C. Code, sec. 25-132(a)), is amended by inserting the phrase "for which no specific penalty is provided" after the phrase "promulgated pursuant thereto".

D.C. Code, sec. 25-132 Note, D.C. Code, sec. 23-101 (1984 sup

Sec. 4. Chapter 5 of the Alcoholic and Beverage and Food Regulations (23 DCMR) is amended by adding a new section 503a to read as follows:

Codification D.C.M.F.

"503a PROOF OF AGE

"503a.1 Except as otherwise permitted by law, no licensee shall deny admittance to any person displaying proof of age in the manner prescribed in § 503a.2. No licensee shall require proof of age to discriminate on any ground prohibited by the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code, sec. 1-2501 et seq.).

"503a.2 (a) Except as provided in paragraph (c), no licensee shall require more than one (1) valid identification document as proof of the bearer's age.

"(b) For the purpose of this section the term 'valid identification document' means any official identification issued by an agency of government (municipal, state, or federal), a foreign government, or any university or college located in the District of Columbia containing at a minimum the name, date of birth, and a photograph of the bearer.

"(c) In the case of a person residing outside the District of Columbia presenting an identification which does not have a photograph affixed, that person may be required to present one (1) additional piece of identification which has his or her signature affixed and must be able, upon request by the licensee, to manually reproduce the signature.

"503a.3 All retail licensees shall post a notice on the licensed premises of the requirements of § 503a.2 and of any further stipulation the Board may require, including the posting of the current legal drinking ages. The notice shall be posted in a place clearly visible from the point of entry to the licensed premises, shall be maintained in good repair, and shall at a minimum state the following:

"NOTICE: PROOF OF AGE REQUIREMENT

"YOU MAY BE REQUESTED TO SHOW NO MORE THAN ONE (1) CURRENT VALID PICTURE IDENTIFICATION, HOWEVER MORE THAN ONE (1) IDENTIFICATION MAY BE REQUESTED IF NO VALID PICTURE IDENTIFICATION IS PRESENTED.

"YOUR IDENTIFICATION MUST BE ISSUED BY AN AGENCY OF GOVERNMENT, A FOREIGN GOVERNMENT, OR ANY UNIVERSITY LOCATED IN THE DISTRICT OF COLUMBIA, AND MUST CONTAIN AT THE MINIMUM:

- "(1) YOUR NAME;
- "(2) YOUR DATE OF BIRTH; AND
- "(3) YOUR PHOTOGRAPH.

"IF YOU RESIDE OUTSIDE THE DISTRICT OF COLUMBIA AND PRESENT IDENTIFICATION WHICH DOES NOT HAVE A PHOTOGRAPH AFFIXED, YOU MAY BE REQUIRED TO PRESENT ONE (1) ADDITIONAL PIECE OF IDENTIFICATION WHICH HAS YOUR SIGNATURE AFFIXED AND MUST BE ABLE UPON REQUEST BY THE LICENSEE TO MANUALLY REPRODUCE THE SIGNATURE.

"IF YOU ARE A RESIDENT OF THE DISTRICT OF COLUMBIA YOU MAY

Enrolled copy

OBTAIN PHOTO IDENTIFICATION WITH YOUR BIRTHDATE FROM THE D.C.
DEPARTMENT OF PUBLIC WORKS, BUREAU OF MOTOR VEHICLE SERVICES. FOR
INFORMATION CALL _____.

"DISCRIMINATION IN PROOF OF AGE REQUIREMENTS IS ILLEGAL. IF YOU
BELIEVE THE LAW HAS BEEN VIOLATED CALL THE OFFICE OF HUMAN RIGHTS AT
_____, OR THE BUSINESS REGULATION ADMINISTRATION, ALCOHOLIC
BEVERAGE CONTROL BOARD, OFFICE OF THE CHIEF INSPECTOR, AT _____.

"503a.4 Upon finding that a licensee has violated § 503a.2 or §
503a.3, the Board shall:

"(1) upon the first violation, fine the licensee not less
than \$1,000 and not more than \$2,000, or suspend the license for ten
(10) consecutive days;

"(2) upon the second violation, fine the licensee not less
than \$2,000 and not more than \$4,000 and suspend the license for
twenty (20) consecutive days; and

"(3) upon the third violation and each subsequent
violation, fine the licensee not less than \$4,000 and not more than
\$10,000 and suspend the license for thirty (30) consecutive days or
revoke the license.

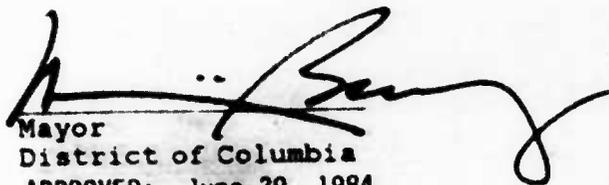
"In the event of revocation or suspension of the license
pursuant to this subsection, the Board shall post a notice in a
conspicuous place on the exterior of the premises stating the reason
for the revocation or suspension. The notice shall remain posted
through the prescribed dates. The licensee shall immediately notify
the Alcohol Beverage Control Division if the notice is removed or
defaced. Failure of the licensee to notify the Alcohol Beverage
Control Division may result in the extension of the prescribed
period of revocation or suspension.

"503a.5 A licensee or his designee shall make a good faith

effort to ascertain whether any person to whom he sells, delivers, or serves alcoholic beverages is of legal drinking age as provided by law. Any person who supplies proof of age showing his or her age to be of legal drinking age as provided in § 503a.2 shall be deemed to be of legal drinking age and the licensee shall not be liable solely because the person is not of the legal drinking age."

Sec. 5. 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: June 29, 1984



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Five - Second Session

RECORD OF OFFICIAL COUNCIL VOTE

Roll Call No. B 5-129

Item on Consent Calendar

X ACTION & DATE Adopted First Reading, 5-29-84

X VOICE VOTE By Majority

Recorded vote on request

Absent Winter

ROLL CALL VOTE - RESULT

COUNCIL MEMBER	AYE	NAY	NV	AB	COUNCIL MEMBER	AYE	NAY	NV	AB	COUNCIL MEMBER	AYE	NAY	NV	AB
CHMN CLARKE					MOORE JR					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH JR									

X - Indicates Vote A B - Absent N V - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date

Item on Consent Calendar

X ACTION & DATE: Adopted Final Reading, 6-12-84

X VOICE VOTE Unanimous

Recorded vote on request

Absent Crawford

ROLL CALL VOTE - RESULT

COUNCIL MEMBER	AYE	NAY	NV	AB	COUNCIL MEMBER	AYE	NAY	NV	AB	COUNCIL MEMBER	AYE	NAY	NV	AB
CHMN CLARKE					MOORE JR					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH JR									

X - Indicates Vote A B - Absent N V - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date

Item on Consent Calendar

ACTION & DATE

VOICE VOTE

Recorded vote on request

Absent

ROLL CALL VOTE - RESULT

COUNCIL MEMBER	AYE	NAY	NV	AB	COUNCIL MEMBER	AYE	NAY	NV	AB	COUNCIL MEMBER	AYE	NAY	NV	AB
CHMN CLARKE					MOORE JR					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH JR									

X - Indicates Vote A B - Absent N V - Present, not voting

CERTIFICATION RECORD