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COUNCIL OF THE DISTRICT OF COLUMBIA

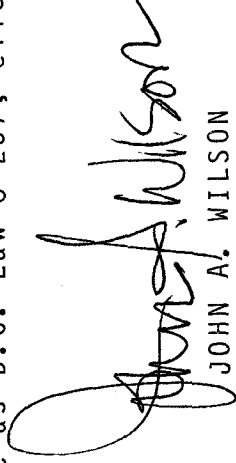
NOTICE

D.C. LAW 8-237

"Department of Consumer and Regulatory Affairs
Civil Infractions Act of 1985 Technical and
Clarifying Amendments Act of 1990".

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. 8-203 on first and second readings, December 4, 1990, and December 18, 1990, respectively. Following the signature of the Mayor on December 27, 1990, this legislation was assigned Act No. 8-320, published in the January 11, 1991, edition of the D.C. Register, (Vol. 38 page 314) and transmitted to Congress on January 15, 1991 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 8-237, effective March 8, 1991.



JOHN A. WILSON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 15,16,17,18,22,23,24,25,28,29,30,31

February 1,4,5,6,7,19,20,21,22,25,26,27,28

March 1,4,5,6,7

AN ACT

D.C. ACT 8-320

Codification
District of Columbia Code
(1991 Supplement) and
District of Columbia Municipal
Regulations

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC. 27, 1990

To amend the Department of Consumer and Regulatory Affairs Civil Infraction Act of 1985 to give the Mayor padlock authority, to make technical and clarifying amendments, and to extend the coverage of Titles I through III of the act to additional regulatory programs.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 Technical and Clarifying Amendments Act of 1990".

Sec. 2. The Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Code, sec. 6-2701 et seq.), is amended as follows:

(a) Section 102(2) (D.C. Code, sec. 6-2702(2)) is amended by striking the period at the end and inserting the following phrase:

Section
6-2702

", or for which another civil sanction may be imposed under any District laws or regulations."

(b) Section 103 (D.C. Code, sec. 6-2703) is amended as follows:

Section
6-2703

(1) By striking the phrase "Sec. 103. Hearing Examiners." and inserting the phrase "Sec. 103. Administrative law judges and attorney examiners." in its place;

(2) By striking, wherever it appears, the phrase "hearing examiners" and inserting the phrase "administrative law judges or attorney examiners" in its place;

(3) By amending paragraph (5) in subsection (b) to read as follows:

(A) Paragraph (5) is amended to read as follows:

"(5) Permitting the payment of monetary fines, penalties, and hearing and inspection costs in excess of \$50 in monthly installments over a period not greater than 6

months and allowing a fee of 1 percent per month of the outstanding amount owed by a respondent for the installment service; and";

(4) By adding in subsection (b) a new paragraph (7) to read as follows:

"(7) Sealing the premises wher the conduct occurred which is the basis of the citation to enforce orders requiring the payment of monetary fines, penalties, or hearing and inspection costs.";

(4) Subsection (c) is amended to read as follows:

(5) By inserting in subsection (c) immediately before the word "established" the phrase "or successor entity"; and

(6) By adding a new subsection (e) to read as follows:

"(e) Administrative law judges and attorney examiners appointed pursuant to this section may hear cases pursuant to the District of Columbia Consumer Protection Procedures Act, effective July 22, 1976 (D.C. Law 1-76; D.C. Code, sec. 28-3901 et seq.)."

(c) Section 104(b) (D.C. Code, sec. 6-2704(b)) is amended by striking the phrase "a hearing examiner" and inserting the phrase "an administrative law judge or attorney examiner" in its place.

Section
6-2704

(d) A new section 106 is added to read as follows:

Section
6-2706

"Sec. 106. Summary action.

"(a) If the Mayor determines, after investigation, that the conduct of a licensee presents an imminent danger to the health or safety of the residents of the District, the Mayor may order the sealing of the premises upon which the respondent is engaged in the unlawful conduct, provided that the premises are primarily used for the unlawful activity.

"(b) At the time of the sealing of the premises, the Mayor shall provide the licensee with written notice stating the action being taken, the basis for the action, and the right of the licensee to request a hearing.

"(c) A licensee shall have the right to request a hearing within 72 hours after service of notice of the sealing of the premises. The Mayor shall hold a hearing within 72 hours of receipt of a timely request, and shall issue a decision within 72 hours after the hearing.

"(d) Every decision and order adverse to a licensee shall be accompanied by findings of fact and conclusions of law. The findings shall be supported by, and in accordance with, reliable, probative, and substantial evidence. The Mayor shall provide a copy of the decision and order and accompanying findings of fact and conclusions of law to each party to a case or to each party's attorney of record.

"(e) Any person aggrieved by a final summary action may seek judicial review in accordance with title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.)."

(e) Section 201(a) (D.C. Code, sec. 6-2711(a)) is amended by striking the phrase "title I-III" and inserting the phrase "title I and II" in its place.

Section
6-2711

(f) Section 201(c) (D.C. Code, sec. 6-2711(c)) is amended by striking the phrases "a hearing examiner" and inserting the phrase "administrative law judge or attorney examiner" in its place.

(h) Section 202(g) (D.C. Code, sec. 6-2712(g)) is amended to read as follows:

Section
6-2712

"(g) No notice of infraction issued pursuant to titles I and II shall abridge or abrogate any time periods established by the laws and regulations amended by title IV regarding cure of an infraction."

(i) Section 203 (D.C. Code, sec. 6-2713) is amended as follows:

Section
6-2713

(1) By striking wherever they appear the phrases "hearing examiner" and "hearing examiner's" and inserting the phrases "administrative law judge or attorney examiner" and "administrative law judge's or attorney examiner's" respectively in their places; and

(2) By adding a new subsection (i) to read as follows:

"(i) The Mayor may place liens on property for non-payment of fines, penalties, and costs as follows:

"(1) Whenever the owner of real property in the District of Columbia fails to pay all fines, penalties, or costs associated with a final adjudication under this act, the District shall have a continuing lien upon the property and upon any improvements on the property in the amount of the outstanding charges;

"(2) These liens shall have priority over all other liens except liens for District taxes and District water charges; and

"(3) If outstanding charges remain unpaid 90 days after the date to appeal a final adjudication, and no appeal has been taken, the property may be sold for costs at the next tax sale in the same manner and under the same conditions as property sold for delinquent general taxes, if the outstanding charges, together with penalties and costs, have not been paid in full prior to the sale."

(j) Section 204 (D.C. Code, sec. 6-2714) is amended as follows:

Section
6-2714

(1) By striking the phrase "hearing examiner" and inserting the phrase "administrative law judge or attorney examiner" in its place; and

(2) By designating the existing text as subsection (a) and adding a new subsection (b) to read as follows:

"(b) The Mayor may prepare a listing of delinquent respondents who have not paid or appealed within fifteen days of service, fines, penalties, or costs resulting from final decisions issued by attorney examiners and may periodically publish such a list in one or more general circulation newspapers published in the District of Columbia."

(k) Section 301 (D.C. Code, sec. 6-2721) is amended as follows: Section 6-2721

(1) By striking the word "final" preceding the word "orders" and

(2) By striking the phrase "March 1, 1899 (30 Stat. 923; D.C. Code, sec. 5-601 et seq.)" and inserting the phrase "June 1, 1910 (36 Stat. 452; D.C. Code, sec. 5-401 et seq.)" in its place.

(1) Section 302 (D.C. Code, sec. 6-2722) is amended as follows: Section 6-2722

(1) By striking the word "final" preceding the word "order";

(2) By striking the phrase "titles I - III" and inserting the phrase "titles I and II" in its place; and

(3) By striking the phrase "a hearing examiner" and inserting the phrase "an administrative law judge or attorney examiner" in its place.

(m) Section 303 (D.C. Code, sec. 6-2723) is amended as follows: Section 6-2723

(1) By striking, wherever they appear, the phrase "hearing examiner" and "a hearing examiner" and inserting the phrase "administrative law judge or attorney examiner" and "an administrative law judge or attorney examiner" respectively, in their places; and

(2) By striking the phrase "title I - III" and inserting the phrase "titles I and II" in its place.

(n) Section 414 is amended in the lead-in text by striking the year "1979" and inserting the year "1977" in its place.

(o) Section 431 is amended in the lead-in text by striking the year "1942" and inserting the year "1962" in its place.

(p) Section 442 is amended in the lead-in text by striking the phrase "64 Stat. 685" and inserting the phrase "64 Stat. 865" in its place.

(q) Section 443 is amended as follows:

(1) By amending the lead-in text to read as follows:

"Section 615 of the District of Columbia Revenue Act of 1949, effective March 10, 1982 (D.C. Law 4-71; D.C. Code,

sec. 47-2414), is amended by adding a new subsection (d) to read as follows:" and

(2) By changing the designation of the new subsection from "c" to "d".

(r) Section 447 is amended as follows:

(1) Subsection (a) is amended in the lead-in text by striking the phrase "Section 3(b)" and inserting the phrase "Section 3 of chapter II" in its place;

(2) Subsection (b) is amended in the lead-in text by striking the phrase "Section 36(b)" and inserting the phrase "Section 36 of chapter II" in its place; and

(3) Subsection (c) is amended in the lead-in text by inserting immediately following the phrase "Section 43" the phrase "of chapter II".

(s) Section 448 is amended as follows:

(1) Subsection (a) is amended in the lead-in text by striking the phrase "subsection (d)" and inserting the phrase "paragraph at the end" in its place; and

(2) Subsection (b) is amended in the lead-in text as follows:

(A) By striking the phrase "Section 37(b)" and inserting the phrase "Section 37" in its place; and

(B) By inserting in the first sentence after the word "amended" the phrase "in the second paragraph".

(t) Section 453 is amended by amending the lead-in text to read as follows:

"Section 4 of title II of the District of Columbia Revenue Act of 1937, effective September 26, 1984 (D.C. Law 412; D.C. Code, sec. 47-2604), is amended by adding 2 sentences to the end to read as follows:"

(u) Section 462 (D.C. Code, sec. 35-1425) is amended in the lead-in text by striking the phrase "42 Stat. 412; D.C. Code, sec. 35-1425" and inserting the phrase "42 Stat. 414; D.C. Code, sec. 35-1428" in its place.

(v) Section 485 (D.C. Code, sec. 6-905) is amended to read as follows:

"Sec. 485. 20 DCMR is amended as follows:

"(a) Section 105 of chapter 1 is amended by inserting a new subsection 105.2 to read as follows:

"105.2. Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this subtitle, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this subtitle shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

"(b) Section 3013 of chapter 30 is amended by adding a new subsection 3013.4 to read as follows:

Sections
47-2602,
47-2604

Sections
35-1425,
35-1428

20
DCMR
105.2

20
DCMR
3013.4

"3013.4. Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of chapters 30 or 31, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of chapters 30 or 31 shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 3. Section 16 of the Veterinary Practice Act of 1982, effective March 9, 1983 (D.C. Law 4-171; D.C. Code, sec. 2-2735), is amended by designating the existing text as subsection (a) and adding a new subsection (b) to read as follows:

Section
2-2735

"(b) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this act, or any rules and regulations issued under the authority of this act, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this act shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 4. D.C. Code, sec. 28-3902(e) is amended to read as follows:

Section
28-3902

"(e) The Mayor shall appoint 1 or more attorneys qualified to serve as administrative law judges or attorney examiners to conduct adjudicatory proceedings. Any administrative law judge or attorney examiner appointed pursuant to this subsection may hear cases pursuant to section 103 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 5. Section 7 of An Act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia, approved February 4, 1913 (37 Stat. 659; D.C. Code, sec. 26-707), is amended by designating the existing text as subsection (a) and adding a new subsection (b) to read as follows:

Section
26-707

"(b) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this act, or any rules or regulations issued under the authority of this act, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this act shall be pursuant to titles I-III of the Department

of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 6. Title III of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Code, sec. 33-531 et seq.), is amended by adding a new section 309 to read as follows:

Section
33-539

"Sec. 309. Civil infractions.

Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this title, or any rules or regulations issued under the authority of this title, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this title shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 7. Section 200 of chapter 2 of the Business, Industry, and Professions Regulations (17 DCMR sec. 200) is amended by adding a new subsection 200.9 to read as follows:

17
DCMR
200.9

"200.9. Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this chapter pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this chapter shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 8. Section 111 of chapter 1 of the Public Health and Medicine Regulations (22 DCMR sec. 111) is amended by adding a new subsection 111.16 to read as follows:

22
DCMR
111.16

"111.16. Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this chapter pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this chapter shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 9. Section 8-2:808 of the District of Columbia Health Regulations, effective September 28, 1977 (D.C. Law 2-23; 21 DCMR sec. 508), is amended by adding a new subsection (d) to read as follows:

21
DCMR
508

"(d) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this chapter pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil

Infractions Act of 1985. Adjudication of any infraction of this chapter shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 10. Appendix I of the Regulation Establishing Administrative Rules for Occupational and Professional Licensing Boards, enacted January 28, 1972 (Reg. 72-3; 17 DCMR sec. 100), is amended by adding a new section 70.1 to read as follows:

17
DCMR
100

"Sec. 70.1 Alternative Adjudication as a Civil Infraction.

"In the alternative, adjudication of any infraction of the regulations to which the Administrative Rules for Occupational and Professional Licensing Boards are applicable may be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of the regulations applicable to the Administrative Rules for Occupational and Professional Licensing Boards pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 11. Section 8-6:120 of the District of Columbia Health Regulations, effective January 19, 1974 (Reg. 74-1, sec. 21; 23 DCMR, chapter 20), is amended as follows:

(a) Subsection (b) (23 DCMR sec. 2001.3) is amended by striking the word "health" and inserting the phrase "health, the Director may take corrective action, including, but not limited to, the following" in its place;

23
DCMR
2001.3

(b) Subsection (b)(1) is amended by striking the word "shall" and inserting the word "may" in its place;

(c) Subsection (b)(2) is amended by striking the word "shall" and inserting the word "may" in its place; and

(d) Subsection (e) (23 DCMR sec. 2004.2) is amended by designating the existing text as paragraph (1) and adding a new paragraph (2) to read as follows:

23
DCMR
2004.2

"(2) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this part pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this part shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 12. Section 8-6:908 of the District of Columbia Health Regulations, effective September 15, 1967 (C.O. 67-1301; 23 DCMR sec. 3200.4), is amended by designating the

23
DCMR
3200.4

existing text as subsection (a) and adding a new subsection (b) to read as follows:

"(b) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this part pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this part shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 13. Section 8-6:724 of the District of Columbia Health Regulations, effective September 1, 1963 (C.O. 63-1891; 23 DCMR secs. 3125.5 and 3125.4), is amended by designating the existing text as subsection (a) and adding a new subsection (b) to read as follows:

23
DCMR
3125.4
3125.5

"(b) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this part pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this part shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 14. Section 2 of article 39 of the Police Regulations of the District of Columbia (24 DCMR sec. 2010) is amended by designating the existing text as subsection (a) and adding a new subsection (b) to read as follows:

24
DCMR
2010

"(b) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this article which involve any container that has been left unattended within a residential building or structure or which is not in plain view from public space pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this article which is not in plain view from public space shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 15. Section 8 of the Real Property Wet Settlement Act of 1986, effective February 24, 1987 (D.C. Law 6-187; D.C. Code, sec. 45-2807), is amended by designating the existing text as subsection (a) and adding a new subsection (b) to read as follows:

Section
45-2807

"(b) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this act, or any rules or regulations issued under the authority of this act, pursuant to titles I-III of

the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this act shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 16. Section 12 of the District of Columbia Interior Designer Licensure Act of 1986, effective February 24, 1987 (D.C. Law 6-172; D.C. Code, sec. 2-3411), is amended by designating the existing text as subsection (a) and adding a new subsection (b) to read as follows:

Section
2-3411

"(b) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this act, or any rules or regulations issued under the authority of this act, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this act shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 17. Section 5 of the Phosphate Soaps and Detergent Restriction Act of 1985, effective March 25, 1986 (D.C. Law 6-98; D.C. Code, sec. 6-974), is amended by adding a new subsection (e) to read as follows:

Section
6-974

"(e) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this act, or any rules or regulations issued under the authority of this act, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this act shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 18. Section 12 of the Security Alarm Systems Regulations Act of 1980, effective September 26, 1980 (D.C. Law 3-107; D.C. Code, sec. 6-3111), is amended by adding a new subsection (c) to read as follows:

Section
6-3111

"(c) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this act, or any rules or regulations issued under the authority of this act, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this act shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 19. Section 7 of the Hearing Aid Dealers and Consumers Act of 1977, effective October 26, 1977 (D.C. Law 2-33; D.C. Code, sec. 28-4006), is amended by adding a new subsection (c) to read as follows: Section 28-4006

"(c) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this act, or any rules or regulations issued under the authority of this act, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this act shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 20. Section 401 of the District of Columbia Prescription Drug Price Information Act, effective September 10, 1976 (D.C. Law 1-81; D.C. Code, sec. 33-741), is amended by designating the existing text as subsection (a) and by adding a new subsection (b) to read as follows: Section 33-741

"(c) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this act, or any rules or regulations issued under the authority of this act, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this act shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 21. Part 1, chapter of title 8 of the District of Columbia Health Regulations, effective March 21, 1967 (C.O. 67-380; 22 DCMR, chapters 20-23), is amended by adding a new section 8-7:137 to read as follows: 22 DCMR 20-23

"8-7:137. ENFORCEMENT AS A CIVIL INFRACTION

Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this act, or any rules or regulations issued under the authority of this act, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this act shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 22. Section 8-2:1009 of the District of Columbia Health Regulations, effective July 9, 1970 (Reg. 70-33; 20 DCMR sec. 2010), is amended by designating the two existing paragraphs as subsections (a) and (b) respectively and adding a new subsection (c) to read as follows: 20 DCMR 2010

"(c) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this act, or any rules or regulations issued under the authority of this act, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this act shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 23. Section 901(f) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Code, sec. 45-2591(f)), is amended by striking the phrases "subsections (a) through (e)" and "this section" and inserting the phrases "subsections (b), (d), and (e)" and these subsections" respectively in their places. Section 45-2591

Sec. 24. Section 4 of the District of Columbia Consumer Credit Protection Act of 1971, approved December 17, 1971 (85 Stat. 678; D.C. Code, sec. 28-3815), is amended by adding a new subsection (c) to read as follows: Section 28-3815

"(c) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this act, or any rules or regulations issued under the authority of this act, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this act shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 25. Section 124 of the District of Columbia Business Corporation Act, effective October 5, 1985 (D.C. Law 6-42; D.C. Code, sec. 29-399.25), is amended by striking the phrase "of this act" the 3 places it appears and inserting the phrase "of this section" in its place. Section 29-399.25

Sec. 26. The District of Columbia Cooperative Association Act, approved June 19, 1940 (54 Stat. 480; D.C. Code, sec. 29-1101 et seq.), is amended as follows: Section 29-1101

(a) Section 34 (D.C. Code, sec. 29-1134) is amended by striking the second internal subsection designation "(d)"; and

(b) Section 37 (D.C. Code, sec. 29-1137(b)) is amended by striking the internal subsection designation "(b)". Section 29-1137

Sec. 27. The 11th paragraph of section 1 of An Act To authorize the Commissioners of the District of Columbia to make police regulations for the government of said District, Section 1-315

approved January 26, 1887 (24 Stat. 369; D.C. Code, sec. 1-315(9)), is amended by striking the phrase "(of the)".

Sec. 28. Paragraph 48 of section 7 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, approved July 1, 1902 (32 Stat. 628; D.C. Code, sec. 47-2846), is amended in the first and second sentences by striking the phrase "of this section" and inserting the phrase "of this paragraph" in its place. Section 45-2846

Sec. 29. Section 9a(c)(1) of the Smoke Detector Act of 1978, effective March 13, 1985 (D.C. Law 5-139; D.C. Code, sec. 5-537(c)(1)), is amended to read as follows: Section 5-537

"(c)(1) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of this act, or any rules or regulations issued under the authority of this act, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this act shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 30. Section 7(c) of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Code, sec. 5-1306(c)), is amended by deleting the phrase "not to exceed \$300". Section 5-1306

Sec. 31. Section 8-3:612 of the District of Columbia Solid Waste Regulations, enacted June 29, 1971 (Reg. 71-21; 21 DCMR sec. 700), is amended by designating the existing text as subsection (a) and adding a new subsection (b) to read as follows: 21
DCMR
700

"(b) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of sections 704.3 through 704.5, and 711 pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of sections 704.3 through 704.5 and 711 shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 32. Section 6.103 of the District of Columbia Consumer Retail Credit Regulation, enacted June 11, 1971 (Reg. 71-18; 16 DCMR sec. 122.1), is amended by designating the existing text as subsection (a) and adding a new subsection (b) to read as follows: 16
DCMR
122.1

"(b) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of this

regulation pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this regulation shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 33. Section 15 the Regulations Governing the Business of Furnishing Towing Service for Motor Vehicles, effective August 21, 1956 (C.O. No. 56-1678; 16 DCMR secs. 409.4 and 409.5) is amended by designating the existing text as subsection (a) and adding a new subsection (b) to read as follows:

16
DCMR
409.4,
409.5

"(b) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of this regulation pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this regulation shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 34. Section 7.101 of the Regulation of the Business of Transporting Household Goods, enacted February 25, 1971 (Reg. 71-5; 16 DCMR sec. 700.5), is amended by designating the existing text as subsection (a) and adding a new subsection (b) to read as follows:

16
DCMR
700.5

"(b) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of this regulation pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this regulation shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 35. Section 26 of the Regulations Governing the Conduct of the Home Improvement Business in the District of Columbia, effective May 11, 1961 (C.O. No. 61-563 DCMR sec. 800.6), is amended by designating the existing text as subsection (a) and adding a new subsection (b) to read as follows:

16
DCMR
800.6

"(b) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of this regulation pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this regulation shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 36. Section 9 of Article 36 of the District of Columbia Police Regulations, effective November 1, 1948 (C.O. 301/904/2; 19 DCMR sec. 1400.7), is amended by designating the existing text as subsection (a) and adding a new subsection (b) to read as follows:

19
DCMR
1400.7

"(b) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this article pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this article shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 37. Article 31 of the Police Regulations of the District of Columbia (24 DCMR sec. 523) is amended by adding a new section 7 to read as follows:

24
DCMR
523

"7. Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this article pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this article shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 38. The District of Columbia Applications Insurance Implementation Act, effective May 26, 1976 (D.C. Law 1-64; D.C. Code, sec. 5-301 et seq.), is amended by inserting a new section 6A to read as follows:

Section
5-306

"Sec. 6A.

"Violations of any provision of this act, including the implementing regulations, are punishable by the following penalties:

"(1) Any person who violates any provision of this act shall be guilty of a misdemeanor and shall, upon conviction, be punishable by a fine of not more than \$300 for each day of the violation, or imprisoned for not more than 30 days, or both.

"(2) Any person who violates any provision of this act shall be liable to the District of Columbia for any and all consequential damages resulting from the violation, in addition to related costs and attorney fees.

"(3) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this act pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this act shall be pursuant to titles I-III of the Department

of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 39. Section 8-4:911 of the District of Columbia Health Regulations, effective November 6, 1967 (C.O. 67-1196; 22 DCMR subsection 700.12), is amended by designating the existing text as subsection (a) and adding a new subsection (b) to read as follows: 22 DCMR 700.12


"(b) Civil fines, penalties, and fees may be imposed as alternative sanctions of this part pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infraction Act of 1985. Adjudication of any infraction of this part shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

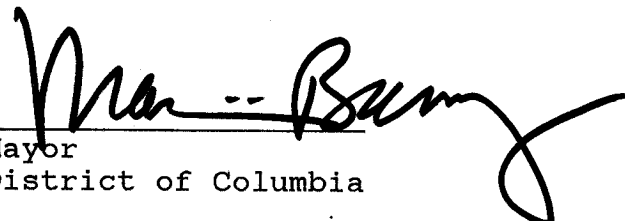
Sec. 40. Section 28 of A Regulation Governing Vending Businesses in Public Space, enacted December 13, 1974 (Reg. 74-39; 24 DCMR subsection 501.9), is amended by designating the existing text as subsection (a) and adding a new subsection (b) to read as follows: 24 DCMR 501.9

"(b) Civil fines, penalties, and fees may be imposed as alternative sanctions of this act, or any rules and regulations issued under the authority of this act, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of this act shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 41. 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)), and publication in either the District of Columbia Register, the District of Columbia

Statutes-at-Large, or the District of Columbia Municipal
Regulations.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED: December 27, 1990



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B8-203

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 12-04-90

VOICE VOTE: Approved

Recorded vote on request

all present

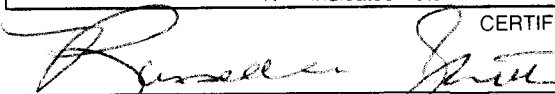
Absent: _____

ROLL CALL VOTE: — RESULT _____ (_ / _ / _)

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. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

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

CERTIFICATION RECORD



Secretary to the Council

12-04-90

Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-18-90

VOICE VOTE: Approved

Recorded vote on request

Absent: Wilson

ROLL CALL VOTE: — RESULT _____ (_ / _ / _)

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. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

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

CERTIFICATION RECORD



Secretary to the Council

12-04-90

Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____ (_ / _ / _)

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. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

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

CERTIFICATION RECORD

 Secretary to the Council

 Date