

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

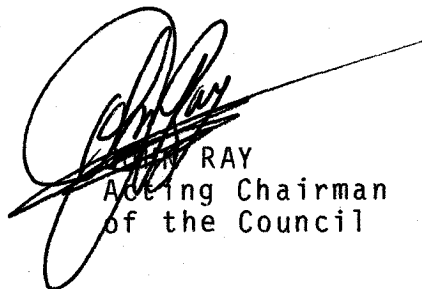
NOTICE

D.C. LAW 10-12

"Underage Drinking Temporary Amendment
Act of 1993".

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. 10-261 on first and second readings, May 4, 1993, and June 1, 1993, respectively. Following the signature of the Mayor on June 16, 1993, this legislation was assigned Act No. 10-40, published in the June 25, 1993, edition of the D.C. Register, (Vol. 40 page 4020) and transmitted to Congress on June 23, 1993 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 10-12, effective September 11, 1993.


RAY
Acting Chairman
of the Council

Dates Counted During the 30-day Congressional Review Period:

June 23,24,25,28,29,30

July 1,13,14,15,16,19,20,21,22,23,26,27,28,29,30

August 2,3,4,5,6

September 7,8,9,10

AN ACT

D.C. ACT 10-40

Codification
District of Columbia Code
(1994 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 16, 1993

To amend, on a temporary basis, the District of Columbia Alcoholic Beverage Control Act to make it illegal for persons under 21 years of age to purchase, attempt to purchase, or possess an alcoholic beverage, to make it illegal to deliver an alcoholic beverage to persons under 21 years of age, to strengthen proof of age requirements, to establish stricter penalties, including suspension of driver's licenses for up to 1 year, for violations of the underage drinking provisions, to require registration by purchasers of kegs of beer and other alcohol, and to require the Metropolitan Police Department to file reports regarding establishments with the Alcoholic Beverage Control Board; to amend the District of Columbia Traffic Act to eliminate any permissible content of alcohol in drivers under 21 years of age; to amend the Motor Vehicle Safety Responsibility Act of the District of Columbia and the District of Columbia Municipal Regulations to require revocation of the driver's license of any person under 21 years of age who operates a motor vehicle while the person's blood, breath, or urine contains any measurable amount of alcohol; and to amend the District of Columbia Implied Consent Act to subject drivers under 21 years of age to alcohol testing requirements if a police officer has reasonable grounds to believe the drivers have consumed any alcohol.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Underage Drinking Temporary Amendment Act of 1993".

Sec. 2. The District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 319; D.C. Code § 25-101 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Code § 25-103) is amended by adding a new paragraph (28) to read as follows:

Note,
§ 25-103

"(28) The word 'keg' means any container capable of holding 4 gallons or more of beer, wine, or spirits, and which is designed to dispense beer, wine, or spirits, directly from the container."

(b) Section 17 (D.C. Code § 25-118) is amended by adding a new subsection (f) to read as follows:

Note,
§ 25-118

"(f) Whenever a licensed establishment is the subject of a report by the Metropolitan Police Department, the Metropolitan Police Department

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shall file a copy of the report with the Board. The Board shall make the reports available for public inspection upon request."

(c) Section 20(d) (D.C. Code § 25-121(d)) is amended to read as follows:

Note,
§ 25-121

"(d)(1) A licensee shall refuse to sell, serve, or deliver an alcoholic beverage to any person who, upon request of the licensee, fails to produce a valid identification document displaying proof of legal drinking age as required by this section.

"(2) For the purpose of this subsection, the term "valid identification document" means an official identification issued by an agency of government (local, state, federal, or foreign) containing at a minimum the name, date of birth, signature, and photograph of the bearer."

(d) Section 30 (D.C. Code § 25-130) is amended to read as follows:

Note,
§ 25-130

"(a) No person who is under 21 years of age shall purchase, attempt to purchase, possess, or drink any alcoholic beverage in the District, except that a person who is under 21 years of age may temporarily possess an alcoholic beverage if the temporary possession is necessary to perform lawful employment responsibilities.

"(b) No person shall falsely represent his or her age, or possess or present as proof of age an identification document which is in any way fraudulent, for the purpose of procuring an alcoholic beverage in the District.

"(c) No person shall, within the District, purchase an alcoholic beverage for the purpose of delivering the alcoholic beverage to a person who is under 21 years of age.

"(d) No person shall, within the District, offer, give, provide, or otherwise make available an alcoholic beverage to any person who is under 21 years of age, except when necessary to allow the person who is under 21 years of age to perform lawful employment responsibilities that require the person who is under 21 years of age to have temporary possession of alcoholic beverages, such as the lawful employment responsibilities set forth in section 20(j).

"(e) Any person who violates any provision of this section shall be subject to the following penalties:

"(1) Upon the first violation, shall have his or her driving privileges in the District suspended for a period of 90 consecutive days;

"(2) Upon the second violation, shall have his or her driving privileges in the District suspended for a period of 180 days;

"(3) Upon the third violation and each subsequent violation, shall have his or her driving privileges in the District suspended for a period of 1 year; and

"(4) For each violation, shall be fined not less than \$100 and not more than \$300."

(e) A new section 48 is added to read as follows:

Note,
§ 25-147

"Sec. 48. Keg registration.

"(a) No licensee authorized by the Board to sell wine, beer, or spirits at retail for off-premises consumption shall sell any alcoholic beverage in a keg without having affixed a registration seal on the keg at the time of sale; provided, that if a purchaser takes possession of or purchases a keg at the premises of a wholesale licensee, then the wholesale licensee shall affix a registration seal on the keg. The licensee

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shall be responsible for affixing a registration seal to each keg container prior to the container leaving the premises of the seller.

"(b) For the purposes of this section, the keg "registration seal" shall be defined as any seal, decal, sticker, or other device approved by the Board, which is designed to be affixed to kegs, and which displays a registration number, name of the licensee offering the keg for sale to consumer, and any other information as required by the Board.

"(c) Prior to the sale of any alcoholic beverage in a keg, the licensee shall complete a keg declaration of receipt on a form provided by the Board, which shall contain the following information:

"(1) Keg registration seal number;

"(2) The name and address of the purchaser verified by a valid identification document as defined in section 20(d)(2);

"(3) The type and registration number of the identification presented by the purchaser;

"(4) A statement signed by the purchaser stating that:

"(A) The purchaser is 21 years of age or older;

"(B) The purchaser does not intend to allow persons under 21 years of age to consume any of the alcoholic beverage purchased; and

"(C) The purchaser will not remove or obliterate the keg registration seal affixed to the keg or allow its removal or obliteration; and

"(5) The specific address or location where the alcoholic beverage in the keg will be consumed, and the date or dates on which it will be consumed.

"(d) Upon return of a registered keg from a consumer, the licensee shall remove or obliterate the keg registration seal on the keg and note that removal or obliteration on the keg declaration of receipt form to be retained by the licensee on the licensed premises. If a keg is made of disposable packaging that does not have to be returned by the consumer to the licensee, the licensee shall indicate on the keg declaration of receipt form that the keg is disposable.

"(e) Licensees shall maintain the keg declaration of receipt form on the licensed premises for a period of 2 years following the date of purchase. These records shall be open at all reasonable times for inspection by the Board or its authorized representatives, and other law enforcement officers.

"(f) The requirements of this section shall not apply to the wholesale sale of any keg between a wholesaler and a retailer or to the import of any keg by a retailer pursuant to the laws and regulations of the District."

Sec. 3. Section 10(b)(1) of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Code § 40-716(b)(1)), is amended by adding the following sentence after the first sentence:

"No individual under 21 years of age shall, when the individual's blood, breath, or urine contains any measurable amount of alcohol, operate or be in physical control of any vehicle in the District."

Note,
Section
40-716

Sec. 4. 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 § 40-437(a)), is amended by adding the phrase ", or an

Note,
Section
40-437

individual under 21 years of age operating a motor vehicle when the individual's blood, breath, or urine contains any measurable amount of alcohol" after the phrase "consumption of intoxicating liquor".

Sec. 5. The District of Columbia Implied Consent Act, approved October 21, 1972 (86 Stat. 1016; D.C. Code § 40-501 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Code § 40-502) is amended by adding the phrase ", or while that person's blood, urine, or breath contains any measurable amount of alcohol if the person is under 21 years of age" after the phrase "consumption of intoxicating liquor" wherever it appears.

Note,
Section
40-502

(b) Section 5(a) (D.C. Code § 40-505(a)) is amended by adding the phrase "or while that person's blood, urine, or breath contains any measurable amount of alcohol if the person is under 21 years of age," after the phrase "consumption of intoxicating liquor,".

Note,
Section
40-505

Sec. 6. Title 18 of the District of Columbia Municipal Regulations (Vehicles and Traffic) is amended as follows:

DCMR

(a) Section 301.1 is amended as follows:

(1) By striking the word "or" at the end of paragraph (d);

(2) By striking the period and inserting the phrase "; or" in its place at the end of paragraph (e); and

(3) By adding a new paragraph (f) at the end of the section to read as follows:

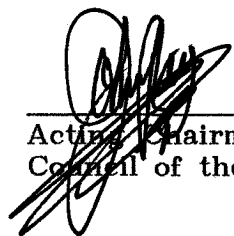
"(f) If the person is under 21 years of age, operating a motor vehicle while the person's blood, breath, or urine contains any measurable amount of alcohol."

(b) Section 303.1 is amended by adding a new paragraph (o) to read as follows:


"(o) If the person is under 21 years of age, operating a motor vehicle while the person's blood, breath, or urine contains any measurable amount of alcohol."

Sec. 7. (a) 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 § 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.

(b) This act shall expire on the 225th day of its having taken effect.



Acting Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: June 16, 1993



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TEN

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B10-261

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 5-4-93

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. (repeated 4 times). Rows include CHMN. RAY, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, SMITH, JR., THOMAS, SR.

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

CERTIFICATION RECORD

Signature of Secretary to the Council

Secretary to the Council

Date: June 3, 1993

Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 6-1-93

VOICE VOTE: Approved

Recorded vote on request

Absent: Chavous and Jarvis

ROLL CALL VOTE: - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. (repeated 4 times). Rows include CHMN. RAY, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, SMITH, JR., THOMAS, SR.

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

CERTIFICATION RECORD

Signature of Secretary to the Council

Secretary to the Council

Date: June 3, 1993

Date

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE: - RESULT

Table with 16 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. (repeated 4 times). Rows include CHMN. RAY, BARRY, BRAZIL, CHAVOUS, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, SMITH, JR., THOMAS, SR.

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

CERTIFICATION RECORD

Secretary to the Council

Date