

# ENROLLMENT(S)

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COUNCIL OF THE DISTRICT OF COLUMBIA

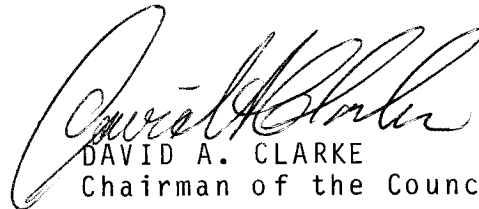
NOTICE

D.C. LAW 8-51

"Natural Disaster Consumer Protection  
Temporary Act of 1989".

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. 8-330 on first and second readings, June 27, 1989, and July 11, 1989, respectively. Following the signature of the Mayor on August 1, 1989, this legislation was assigned Act No. 8-85, published in the August 11, 1989, edition of the D.C. Register, (Vol. 36 page 5801) and transmitted to Congress on August 8, 1989 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 8-51, effective October 19, 1989.

  
DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

September 6,7,8,11,12,13,14,15,18,19,20,21,22,25,26,27,28,29

October 2,3,4,5,6,10,11,12,13,16,17,18

AN ACT

D.C. ACT 8 - 85

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUG 0 1 1989

To prohibit, on a temporary basis, overcharging for merchandise or services during an emergency that results from a natural disaster.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Natural Disaster Consumer Protection Temporary Act of 1989".

Note,  
Sections  
1-229  
6-1504  
28-3904

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Normal average retail price" means:
  - (A) In the case of a service, not more than 10% more than the price at which the person sold similar services during the 90-day period that immediately preceded an emergency that resulted from a natural disaster, if an emergency is declared pursuant to section 3(b); or
  - (B) In the case of merchandise, the price equal to the wholesale cost plus a retail mark-up that is the same percentage over wholesale cost as the retail mark-up at which the person sold similar merchandise during the 90-day period that immediately preceded an emergency that resulted from a natural disaster, if an emergency has been declared pursuant to section 3(b).
- (2) "Natural disaster" means the actual or imminent consequence of any disaster, catastrophe, or emergency, including a flood, earthquake, or storm, other serious acts of nature or fire, other than a fire caused by human error or arson, which threatens the health, safety, or welfare of persons or causes damage to property in the District of Columbia.
- (3) "Person" means a corporation, firm, agency, company, association, organization, partnership, society, joint stock company, or an individual.

Sec. 3. Overcharging.

(a) It shall be unlawful for any person to charge more than the normal average retail price for any merchandise or service sold during an emergency that resulted from a natural disaster, if an emergency has been declared pursuant to subsection (b) of this section.

(b)(1) Within 48 hours of a natural disaster, the Mayor may declare, for not more than 30 calendar days, a state of emergency for the purposes of this act. The Mayor shall prepare an emergency declaration that shall include a description of the existence, nature, extent, and duration of the emergency.

(2) Upon the declaration of an emergency or as soon as practicable given the nature of the emergency, the Mayor shall publish a copy of the emergency declaration in the District of Columbia Register and in 2 daily newspapers of general circulation.

(c) In determining whether to charge a violation of this act, the Mayor may require an affidavit that states the price at which a suspected violator sold similar services or merchandise, including, if applicable, the wholesale cost and the retail mark-up, during the 90-day period that immediately preceded an emergency that resulted from a natural disaster, if an emergency has been declared pursuant to subsection (b) of this section.

(d) The Mayor, in determining whether to charge a violation of this act, and the hearing examiner, that presides over the adjudication of a charge brought under this act, shall take into consideration all evidence of mitigating circumstances, including the existence of significantly increased costs or overhead incurred by a suspected violator in providing services or merchandise during an emergency that resulted from a natural disaster, if an emergency has been declared pursuant to subsection (b) of this section.

#### Sec. 4. Penalties.

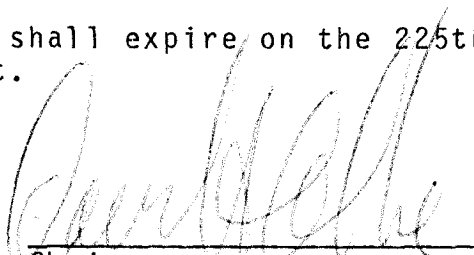
(a) A person who violates section 3(a) shall be subject to a fine of not more than \$1,000. The Mayor may revoke, suspend, or limit the license, permit, or certificate of occupancy of a person who violates section 3(a).

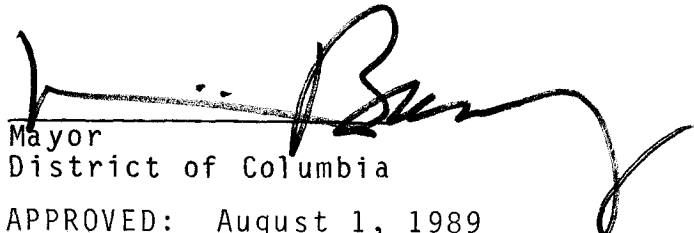
(b) A violation of section 3(a) shall be a civil infraction for the purposes of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Code, sec. 6-2701 et seq.) ("Civil Infractions Act"). Civil fines, penalties, and fees may be imposed as sanctions for any infraction, pursuant to titles I-III of the Civil Infractions Act. Adjudication of any infraction shall be pursuant to titles I-III of the Civil Infractions Act.

Sec. 5. Effective date.

(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, 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.

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

  
\_\_\_\_\_  
Chairman  
Council of the District of Columbia

  
\_\_\_\_\_  
Mayor  
District of Columbia  
APPROVED: August 1, 1989



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Council Period Eight**

**RECORD OF OFFICIAL COUNCIL VOTE**

DOCKET NO: Bill 8-330

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 6-27-89

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

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

*Rosalea J. ...*  
 Secretary to the Council

7-17-89  
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 7-11-89

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

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

*Rosalea J. ...*  
 Secretary to the Council

7-17-89  
 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