

ENROLLMENT(S)

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COUNCIL OF THE DISTRICT OF COLUMBIA

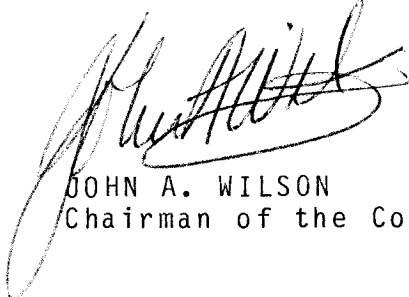
NOTICE

D.C. LAW 9-80

"Natural Disaster Consumer Protection Act of 1992".

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. 9-78 on first and second readings, December 3, 1991, and January 7, 1992, respectively. Following the signature of the Mayor on January 28, 1992, this legislation was assigned Act No. 9-137, published in the February 7, 1992, edition of the D.C. Register, (Vol. 39 page 675) and transmitted to Congress on January 30, 1992 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 9-80, effective March 20, 1992.



JOHN A. WILSON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 30,31

February 3,4,5,6,7,18,19,20,21,24,25,26,27,28

March 2,3,4,5,6,9,10,11,12,13,16,17,18,19

Codification

AN ACT

District of Columbia Code

D.C. ACT 9-137

(1993 Supplement)
New Chapter 41 of Title 28

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 28, 1992

To amend title 28 of the District of Columbia Code to prohibit overcharging for merchandise and 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 Act of 1992".

Sec. 2. Title 28 of the District of Columbia Code is amended as follows:

(a) By amending the table of contents by designating §§28-4101 through 28-4103 as "Chapter 41. Natural Disaster Consumer Protection." and

Title 28
Table of
Contents
New Chapter
41

(b) By adding a new Chapter 41 to read as follows:
"Chapter 41. Natural Disaster Consumer Protection.
"Sec.

- "28-4101. Definitions.
- "28-4102. Overcharging.
- "28-4103. Penalties.

"§28-4101. Definitions.

New
Section
28-4101

"For the purposes of this act, the term:

"(1) "Natural disaster" means the actual or imminent consequence of any disaster, catastrophe, or emergency, including fire, other than a fire caused by human error or arson, flood, earthquake, storm, or other serious act of nature, which threatens the health, safety, or welfare of persons or causes damage to property in the District of Columbia.

"(2) "Normal average retail price" means:

(A) In the case of services, not more than 10% more than the price at which similar services were sold or offered in the Washington Metropolitan Area during the 90-day period that 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 for similar merchandise sold in the Washington Metropolitan Area 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).

(Inmate's name)

DEPT OF CORRECTIONS

CHICAGO

Enrolled Original

"(3) "Person" means a corporation, firm, agency, company, association, organization, partnership, society, joint stock company, or an individual.

"§28-4102. Overcharging.

New Section
28-4102

"(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 issuance of a 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.

"§28-4103. Penalties.

New Section
28-4103

"(a)(1) A person who violates section 3(a) shall be subject to a fine of not more than \$1,000.

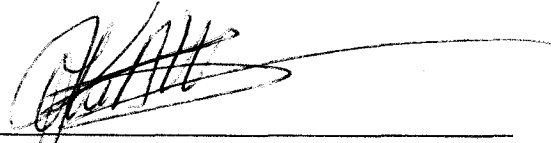
"(2) The Mayor may revoke, suspend, or limit the license, permit, or certificate of occupancy of a person who violates section 3(a).

"(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 §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."

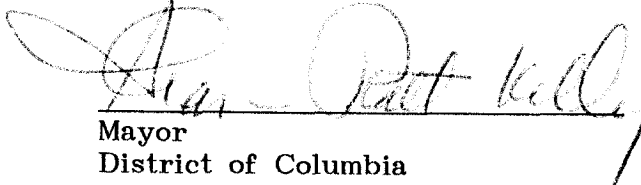
Sec. 3. Effective date.

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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: January 28, 1992



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 9-78

[X] Item on Consent Calendar

[X] ACTION & DATE: Adopted First Reading, 12-3-91

[X] VOICE VOTE: Approved

Recorded vote on request

Absent: all present

[] ROLL CALL VOTE: - RESULT ()

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. (repeated 3 times). Rows include CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

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

CERTIFICATION RECORD

Secretary to the Council (Signature)

Date: January 13, 1992

[X] Item on Consent Calendar

[X] ACTION & DATE: Adopted Final Reading, 1-7-92

[X] VOICE VOTE: Approved

Recorded vote on request

Absent: Lightfoot

[] ROLL CALL VOTE: - RESULT ()

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. (repeated 3 times). Rows include CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

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

CERTIFICATION RECORD

Secretary to the Council (Signature)

Date: January 13, 1992

[] Item on Consent Calendar

[] ACTION & DATE:

[] VOICE VOTE:

Recorded vote on request

Absent:

[] ROLL CALL VOTE: - RESULT ()

Table with 15 columns: COUNCIL MEMBER, AYE, NAY, N.V., A.B. (repeated 3 times). Rows include CHMN. WILSON, BRAZIL, CRAWFORD, CROPP, EVANS, JARVIS, LIGHTFOOT, MASON, NATHANSON, RAY, ROLARK, SMITH, JR., THOMAS, SR.

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

CERTIFICATION RECORD

Secretary to the Council

Date