

Regulation Number	Appointed District of Columbia Council Statues-at-Large Index Regulations 1969	Page
69-1	Regulation ordering a revision in policy concerning Supplemental Payments and corrections of underpayments	1
69-2	Regulation to revise policy concerning disregarding certain earned income in determining need for aid to families with dependent children	3
69-3	Regulation to establish policy concerning contributions from non-legally responsible relatives living with recipient of public assistance	5
69-4	Regulation to increase the allowance per month for personal household requirement in aid to families with dependent children and general public assistance	8
69-5	Regulation to increase the notes paid for recipients in intermediate care families	10
69-6	Regulations governing retail credit sales and retail installment sales contracts, etc.	12
69-7	Regulation- Amending articles 50 through 56 of the Police regulations of the District of Columbia (as adopted July 7, 1968, by the D.C. Council Regulation No. 68-15)	15
69-8	Regulation - Amendment to Chapter II, Section 29 of the Manual of the Metropolitan Police Department, Use of Firearms	66
69-9	Establishing Policies for the Provision of Day Care Services b the Department of Public Welfare	69
69-10	Amendment to Consumer Affairs Regulations Adopted Jan 6, 1969	79
69-11	Amendment to A.B.C. Regulations 2-136	82
69-12	Amendment Police Manual on Grievances, Public Press, etc.	84
69-13	Air Quality Control	86
69-14	Regulation to Amend Maximum Rates of Interest for Pawn-Broker Rates	99

Regulation Number	Appointed District of Columbia Council Statues-at-Large Index Regulations 1969	Page
69-15	Permit Use of Highway rights-of-way by Private Persons and Organizations for small gardens and parks	102
69-16	Regulation to Increase Water and Sewer Rates	105
69-17	Water Pollution (Sedimentation)	112
69-18	Vaccination of Dogs Against Rabies	115
69-19	Public Welfare Moving Costs for Recipients of Public Assistance	118
69-20	Anti-Theft Devices on Motor Vehicles (and signature page of 69-19)	120
69-21	Temporary Motor Vehicle Registration	122
69-22	Revise Policy Concerning Contributions from non-legally responsible relatives	124
69-23	Establishing Policy Governing Protective Vendor Payments to Public Assistance Recipients	125
69-24	Disregarding Certain Payments made to Public Assistance Recipients under the Economic Opportunity Act and the Manpower Development and Training Act, and to disregard income from sources to any extent permitted by the Social Security Act	128
69-25	Rental of Public Vault Space	130
69-26	Establish a Standard for Promptness in Disposing of an Application for Public Assistance	140
69-27	Establish Policy Governing Payment for Repairs to a Home owned by an individual who is receiving Public Assistance	142
69-28	Licensing Requirements for Class "A" tour guides (disapproved)	144
69-29	Prohibit a durational residence requirement as a condition for receiving Public Assistance	151
69-30	Authorize the Dept. Public Welfare to use the Principle of Family Budgeting in Determining the amount of total assistance to Families Receiving more than one assistance payment	153
69-31	Amend the Commissioners' Standard for Requirements to include payment of the Social Security Tax when Housekeeper Service is required	155

Regulation Number	Appointed District of Columbia Council Statues-at-Large Index Regulations 1969	Page
69-32	Amend Section 33(b), Part III of the Title and registration Regulations of the Traffic and Motor Vehicle Regulations for the District of Columbia	157
69-33	Amendment to Seat Belt Regulation	159
69-34	Repeal of Section 4 of Regulation 69-25 Concerning Rental of Surface Space Owned by the District of Columbia Government	161
69-35	Regulation Amending the 1961 Building Code to Permit Overhanging Construction Appurtenant to Windows required for Natural Light and Ventilation	162
69-36	Regulation Amending the 1961 Building Code to update Specifications References for Street and Structural Steel	164
69-37	Regulation to Establish Policy Governing action by the Department of Public Welfare when a client refuses admission to or inspection of his home	167
69-38	Amendment to 1961 Building Code in Connection with Automatic Fire Doors	170
69-39	Changes in Fire Prevention Code	175
69-40	Proposal Regulation Concerning Loans and Grants obtained for Purpose other than Current Living Costs	176
69-41	Day Care Nurseries	177
69-42	VOID	
69-43	Repeal of Requirements for One Year Residence or Employment in the District of Columbia as a Condition for obtaining Liquor License	179
69-44	Amendment to 1961 Building Code Relating to Design and construction of Open Plan Area Type Schools in the D.C.	185
69-45	Amendment to 1961 Building Code Relating to Engineered Design of Masonry Structures	191
69-46	Amendment to 1961 Building Code Relating to Separations Between Garages and L-2 Residential Uses	197
69-47	Regulation Relating to Subway Construction by the W.M.A.T.A.	202
69-48	Amendment to 1961 Building Code Relating to Requirements for Base and Roof Anchorage	207

Regulation Number	Appointed District of Columbia Council Statues-at-Large Index Regulations 1969	Page
69-49	Regulation Authorizing the Welfare Department to provide Aid to Families with Dependent Children in the Form of Foster Care	251
69-50	Regulation Revising Policy Concerning Retention of a Cash Reserve by Public Assistance Applicants and Recipients	256
69-51	Amendment to Regulation 69-19 Concerning Payment of Moving Costs for Public Welfare Recipients Moving to either Public or Private Housing	260
69-52	VOID	
69-53	Regulation to Assure Order and Decorum in Conduct of Official Business	265
69-54	Regulation Governing Certain Causes of Water Pollution	270
69-55	Regulation Governing Rental of Public Space	273
69-56	Regulation Re: Holiday for District Employees on Dec 26, 1969	290
69-57	Regulation to Revise the Dept. of Public Welfare's Standard for Requirements for Public Assistance Recipients	291
69-58	Regulation to revise the Income Scale to Determine ability of Legally Responsible Relatives to Support Persons in need of Public Assistance	296
69-59	Revision in Policies Relating to Methods of Applying the Standard of Requirements for Recipients of Public Assistance	299
69-60	Sale and Use Tax Act Income and Franchise Tax Act	301

Regulation
of the
District of Columbia

Regulation No. 69-1

Passed by the District of Columbia Council _____

January 6, 19 69

Attest: Stephen C. Swain Secretary, D. C. Council

Attest: John W. Hechinger Chairman, D. C. Council

Presented by me to the Mayor of the District of Columbia _____

January ~~7~~ 8, 19 69

Stephen C. Swain Secretary, D. C. Council

Approved and signed by me January 16, 19 69

Robert C. Washington Mayor

RECORD OF COUNCIL VOTES				
Item	Present	Absent	Not Voting	Overnight
1	X			X
2	X			X
3	X			X
4	X			X
5	X			X
6	X			X
7	X			X
8	X			X
9	X			X
10	X			X
11	X			X
12	X			X
13	X			X
14	X			X
15	X			X
16	X			X
17	X			X
18	X			X
19	X			X
20	X			X
21	X			X
22	X			X
23	X			X
24	X			X
25	X			X
26	X			X
27	X			X
28	X			X
29	X			X
30	X			X
31	X			X
32	X			X
33	X			X
34	X			X
35	X			X
36	X			X
37	X			X
38	X			X
39	X			X
40	X			X
41	X			X
42	X			X
43	X			X
44	X			X
45	X			X
46	X			X
47	X			X
48	X			X
49	X			X
50	X			X

John W. Hechinger

D. C. Council Form # 3

No. 69-1 1st Reading

Regulation

Date January 6, 1969

No. _____ L. O.

of the

Date to Mayor January 7, 1969

No. _____ L. O.

District of Columbia

Date Returned _____

Date Resubmitted to Council _____

No. _____ 2nd Rdg. and Final Passage
Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Charles T. Hansen
Corporation Counsel

Winifred S. Thompson
Title Director of Public Welfare

Councilman Polly Shackleton Presents the following regulation

1 Regulation ordering a revision in policy concerning supplemental
2 payments and correction of underpayments.

3
4 WHEREAS, D. C. Code, Section 3-204, specifies that: (a) The amount of
5 public assistance which any person shall receive shall be determined in
6 accordance with regulations approved by the Commissioners. (b) Such amount
7 as referred to in subsection (a) of this section shall not be less than the
8 full amount determined as necessary on the basis of the minimum needs of
9 such person as established in accordance with such regulations; and

10
11 Action of the Board of Public Welfare dated October 28, 1949, amending
12 regulations on "underpayments," implemented by Administrative Order 2.58/1
13 of the Director of Public Welfare dated October 31, 1949, is rescinded
14 herewith;

15
16 Commissioners' Order No. 58-1166 dated July 22, 1958, on supplemental
17 grants is rescinded herewith; and

18
19 WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorgani-
20 zation Plan #3 of 1967, the District of Columbia Council is authorized to
21 establish rules and regulations to carry out the provisions of the District
22 of Columbia Public Assistance Act of 1962, and to approve regulations under
23 which shall be determined the amount of public assistance which any person
24 shall receive.

25
26 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

27
28 Section 1. The Department of Public Welfare may authorize a supplemental
29 payment when necessary to meet the needs of its clients, according to estab-
30 lish budget standards. A supplemental payment is defined as the second
31 payment to a recipient of public assistance for the same month.

32
33 Section 2. Hereafter, when a recipient of public assistance receives a
34 payment or series of payments in an amount less than that to which he is
35 entitled, or does not receive payments to which he is entitled, the underpay-
36 ment shall be corrected retroactively to the date the underpayment first
37 occurred.

38
39 Section 3. The action of the Board of Public Welfare, dated October 28,
40 1949, amending regulations on "underpayments," and implemented by Admini-
41 strative Order 2.58/1 of the Director of Public Welfare, dated October 31,
42 1949 is hereby rescinded.

43
44 Section 4. Commissioners' Order No. 58-1166, dated July 22, 1958,
45 relating to supplemental grants, is hereby rescinded.

46
47 Section 5. Effective Date. This regulation shall become effective
48 upon passage.

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE											
COUNCILMAN	AYE	NAY	N.V.A.B.	COUNCILMAN	AYE	NAY	N.V.A.B.	COUNCILMAN	AYE	NAY	N.V.A.B.
Anderson	X			Shackleton			X	Yeldell	X		
Haywood	X			Thompson	X			Fauntroy	X		
Nevius	X			Daugherty	X			Hechinger	X		

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on December 17, 1968 Adopted on
second reading _____ and final passage on January 6, 1969

Rejected By _____ By Council _____ Date _____
John W. Hechinger Mayor Stephen C. Swain Council Chairman Secretary City Clerk

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA

Council Form # 3

69-2 1st Reading

Regulation

Date January 6, 1969

Date to Mayor January 7, 1969

No. L. O.

of the

Date Returned

No. L. O.

District of Columbia

Date Resubmitted to Council

No. 2nd Rdg. and Final Passage
Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Charles T. Deussen
Corporation Counsel

Title

Councilman Polly Shackleton Presents the following regulation

1
2 Regulation to revise policy concerning disregarding certain earned
3 income in determining need for Aid to Families with Dependent Children.

4
5 WHEREAS, Regulation No. 68-11, as implemented by Order of the
6 Commissioner No. 68-422a, dated June 19, 1968, provides for disregarding
7 a certain amount of income earned by recipients of Aid to Families with
8 Dependent Children (AFDC); and
9

10
11 WHEREAS, the Department of Health, Education, and Welfare has
12 issued additional requirements for State Plans to implement provisions of
13 the Social Security Amendments of 1967.
14

15
16 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
17 that:

18
19 Section 1. Section 1(a) of Regulation No. 68-11 is amended by
20 striking the word "monthly" and inserting in lieu thereof the word "earned".
21

22
23 Section 2. Sections 3 and 4 of Regulation No. 68-11 are amended
24 to read as follows:

25
26 Section 3. When the total family income of persons
27 applying for AFDC, with the exception of children specified
28 in Section 1(a) and Section 2, is sufficient to meet their
29 needs, according to the Department's Standard for Requirements,
30 the family is not eligible for assistance unless their needs
31 were met by an AFDC payment in any one of the four preceding
32 months.
33

34
35 Section 4. Income earned by any person specified in
36 Section 1(b) shall not be disregarded for any month in which
37 the Department determines that, within 30 days preceding
38 such month, any such person or persons, without good cause,
39 terminated his employment, reduced his income, or refused
40 a bona fide offer of employment."
41

42
43 Section 3. The amendments made by this regulation shall become
44 effective on passage.
45
46
47
48

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE														
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Anderson	X				Shackleton				X	Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on December 17, 1968 Adopted on
second reading _____ and final passage on January 6, 1969

Rejected By _____ By Council _____ Date _____
John W. Hechinger Mayor *Stephen C. Swain* City Clerk
Council Chairman

Regulation
District of Columbia

Charles T. Johnson

Regulation No. 69-3

Passed by the District of Columbia Council _____

January 6, 19 69

Attest: *Stephen C. Swain* Secretary, D. C. Council

Attest: *John W. Halperin* Chairman, D. C. Council

Presented by me to the Mayor of the District of Columbia _____

January ~~7~~ 8, 19 69

Stephen C. Swain Secretary, D. C. Council

Approved and signed by me _____ January 16 19 69

Walter Washington Mayor

2551

RECORD OF COUNCIL VOTE			
COUNCILMAN	AYE	NO	ABSENT
Thompson	X		
Daugherty	X		
Fanning	X		
Herlinger	X		

X - Indecent Vote A. B. - Absent N. V. - Not Voting D. O. N. - Indecent Vote to Opposite Vote

John W. Halperin

Council Form # 3

No. 69-3 1st Reading

Regulation

Date January 6, 1969

No. L. O.

of the

Date to Mayor January 7, 1969

No. L. O.

District of Columbia

Date Returned

Date Resubmitted to Council

No. 2nd Rdg. and Final Passage
Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Charles F. Duncan
Corporation Counsel

Winifred G. Thompson
Title

Councilman Polly Shackleton Presents the following regulation

1 Regulation to establish policy concerning contributions from non-
2 legally responsible relatives living with recipients of public assistance.

3
4 WHEREAS, the Department of Health, Education, and Welfare requires
5 that only income that is actually available and regular shall be considered
6 in determining need for public assistance; and

7
8 WHEREAS, the Department of Health, Education, and Welfare requires
9 that no inquiry shall be made of the amount of earnings of an AFDC child under
10 14 years of age; and

11
12 WHEREAS, the Federal Handbook of Public Assistance Administration
13 specifies that any AFDC child who has income sufficient to meet his own
14 needs may be removed from the assistance plan; and

15
16 WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorgani-
17 zation Plan #3 of 1967, the District of Columbia Council is authorized to
18 establish rules and regulations to carry out the provisions of the District
19 of Columbia Public Assistance Act of 1962, and to approve regulations under
20 which shall be determined the amount of public assistance which any person
21 shall receive.

22
23 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
24 that:

25
26 Section 1. The Department of Public Welfare shall, in determining
27 need, consider only net income that is regularly available to the assistance
28 unit.

29
30 Section 2. The Department shall make no inquiry concerning the
31 amount earned by a child under the age of 14; however, any regular amount
32 the child contributes to his parent or relative shall be considered in
33 determining the need of the family.

34
35 Section 3.(a) The Department shall include children in the AFDC
36 assistance unit according to the following provisions:

37
38 (1) Children under the age of 21 and attending school full
39 time or part time, unless a child is employed full time
40 and his earned income, in excess of any amounts that can
41 legally be disregarded, is sufficient to meet his total
42 requirements.

43
44 (2) Children under the age of 18 and not attending school,
45 unless a child has income, in excess of any amounts
46
47
48

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE														
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Anderson	X				Shackleton				X	Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on December 17, 1968 Adopted on
second reading _____ and final passage on January 6, 1969

Rejected By _____ Mayor _____ By Council _____ Date _____
John W. Hechinger Council Chairman *Stephen C. Swamin* City Clerk

that can legally be disregarded or that are being conserved for his future education, which is sufficient to meet his total requirements.

(b) The income of children who are included in the assistance unit, in excess of the amount which can be disregarded or which is being conserved, shall be considered a resource in determining need.

Section 4. The Department shall use the following guidelines in counseling children not included in the assistance unit as to the amount they may contribute toward the maintenance of their home: a suggested contribution to the family of one-third of any monthly income remaining after there have been deducted from the child's net income (a) earnings that can legally be disregarded, (b) \$80 for his own requirements, and (c) \$50 for each of his own dependents.

Section 5. The Action of the Board of Public Welfare, dated June 29, 1951, amending regulations on "Income from Working Children," and implemented by Administrative Order 2.24/1 of the Director of Public Welfare, dated July 5, 1951, is hereby rescinded.

Section 6. This regulation shall become effective December 1, 1968.

Regulation
District of Columbia

Regulation No. 69-4

Passed by the District of Columbia Council

January 6, 19 69

Attest:

Stephen C. Swain

Secretary, D. C. Council

Attest:

John W. H. H. H.

Chairman, D. C. Council

Presented by me to the Mayor of the District of Columbia

January 8, 19 69

Stephen C. Swain

Secretary, D. C. Council

Approved and signed by me

January 16

19 69

Walter Washington

Mayor

C. Council Form # 3

No. 69-4 1st Reading

Regulation

Date January 6, 1969

No. L. O.

of the

Date to Mayor January 7, 1969

No. L. O.

District of Columbia

Date Returned

Date Resubmitted to Council

No. 2nd Rdg. and Final Passage
Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Charles F. Deane
Corporation Counsel

Winifred G. Thompson
Title

Councilman Polly Shackleton Presents the following regulation

1 Regulation to increase the allowance per month for personal and
2 household requirements in Aid to Families with Dependent Children and General
3 Public Assistance.

4
5 WHEREAS, the Social Security Amendments of 1962 increased Federal
6 financial participation in the amount of assistance payments to recipients
7 of Old Age Assistance, Aid to the Blind, and Aid to the Permanently and
8 Totally Disabled; and

9
10 WHEREAS, Commissioners' Order No. 62-1951, dated October 16, 1962,
11 amended Commissioners' Order No. 58-1084, the Standard for Requirements, to
12 increase by \$4.20 the allowance for personal and household requirements in
13 Old Age Assistance, Aid to the Blind and Aid to the Permanently and Totally
14 Disabled; and

15
16 WHEREAS, the appropriation for the Department of Public Welfare
17 for Fiscal Year 1969 provides for increasing by \$4 the allowance for personal
18 and household requirements in AFDC and GPA, effective January 1, 1969; and

19
20 WHEREAS, pursuant to paragraph 84 of Section 402 of Reorganization
21 Plan #3 of 1967, the District of Columbia Council is authorized to approve
22 regulations under which shall be determined the amount of public assistance
23 which any person shall receive.

24
25 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
26 that:

27
28 Section 1. Commissioners' Order No. 58-1084, dated July 8, 1958,
29 is further amended to increase the allowance for personal and household
30 requirements by \$4.00 in Aid to Families with Dependent Children and General
31 Public Assistance, regardless of the living arrangements of the individuals.

32
33 Section 2. This regulation shall be effective January 1, 1969.
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DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE														
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Anderson	X				Shackleton				X	Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on December 17, 1968 Adopted on
second reading _____ and final passage on January 6, 1969

Rejected By _____ By Council _____ Date _____
John W. Thompson Mayor *Stephen C. Swain* City Clerk
Council Chairman

D. C. Council Form # 3

No. 69-5 1st Reading

Regulation

Date January 6, 1969

No. L. O.

of the

Date to Mayor January 7, 1969

No. L. O.

District of Columbia

Date Returned

Date Resubmitted to Council

No. 2nd Rdg. and Final Passage
Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Charles T. Dennis
Corporation Counsel

Winifred G. Thompson
Title

Councilman Polly Shackleton Presents the following regulation

1 Regulation to increase the rates paid for recipients in intermediate
2 care facilities.

3
4 WHEREAS, the rates for nursing care were established in the Com-
5 missioners' Standard for Requirements, Commissioners' Order No. 58-1084; and

6
7 WHEREAS, the appropriation for the Department of Public Welfare for
8 Fiscal Year 1969 provides for increasing nursing care rates effective
9 January 1, 1969; and

10
11 WHEREAS, the Social Security Amendments of 1967 define an inter-
12 mediate care facility, as distinguished from a skilled nursing home, and
13 such definition accurately applies to the facilities the Department of Public
14 Welfare has in the past referred to as nursing homes; and

15
16 WHEREAS, pursuant to paragraphs 83 and 84 of Section 402 of Reorgani-
17 zation Plan #3 of 1967, the District of Columbia Council is authorized to
18 establish rules and regulations to carry out the provisions of the District
19 of Columbia Public Assistance Act of 1962, and to approve regulations under
20 which shall be determined the amount of public assistance which any person
21 shall receive.

22
23 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
24 that:

25
26 Section 1. Commissioners' Order No. 58-1084, dated July 8, 1958,
27 is further amended to establish monthly rates for room, board and care of
28 public assistance recipients in intermediate care facilities as follows:

- 29
- 30 Class I - \$125
- 31 Class II - \$165
- 32 Class III - \$225
- 33

34 Section 2. This regulation shall be effective January 1, 1969.

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE														
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Anderson	X				Shackleton				X	Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on December 17, 1968. Adopted on second reading _____ and final passage on January 6, 1969

Rejected By *Sol C. Heung* Mayor By Council _____ Date *Stephen C. Swain* City Clerk
Over Ride Vote Aye Nay

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

Regulation

District of Columbia

Regulation No. 69-6

Passed by the District of Columbia Council

January 6, 19 69

Attest: Stephen C. Swain Secretary, D. C. Council

Attest: John W. Hechinger Chairman, D. C. Council

Presented by me to the Mayor of the District of Columbia

January 8, 19 69

Stephen C. Swain Secretary, D. C. Council

Approved and signed by me January 18 19 69

Roeta Washington Mayor

2551

COUNCILMAN				COUNCILMAN				COUNCILMAN			
1	2	3	4	5	6	7	8	9	10	11	12

John W. Hechinger

D. C. Council Form # 3

No. 69-6 1st Reading

Regulation

Date January 6, 1969

No. L. O.

of the

Date to Mayor January 8, 1969

No. L. O.

District of Columbia

Date Returned

Date Resubmitted to Council

No. 2nd Rdg. and Final Passage
Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Corporation Counsel

Title

Councilman Hechinger, Shackleton, Presents the following regulation
Anderson

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REGULATIONS GOVERNING RETAIL CREDIT SALES AND RETAIL INSTALLMENT SALES CONTRACTS IN THE DISTRICT OF COLUMBIA; PROVIDING FOR THE LICENSING OF RETAIL CREDITORS; ESTABLISHING AN OFFICE OF CONSUMER AFFAIRS; AND FOR OTHER PURPOSES

WHEREAS, Sec. 402(4) of Reorganization Plan No. 3 of 1967 transferred to The District of Columbia Council the regulatory and other functions of the Board of Commissioners under D. C. Code, Sec. 1-226 with respect to making reasonable and usual police regulations for the protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property within the District of Columbia; and

WHEREAS, Sec. 402(9) of Reorganization Plan No. 3 of 1967 transferred to the District of Columbia Council the regulatory and other functions of the Board of Commissioners under D. C. Code, Sec. 1-237 with respect to making investigations of municipal matters and administering oaths; and

WHEREAS, Sec. 402(391) of Reorganization Plan No. 3 of 1967 transferred to the District of Columbia Council the regulatory and other functions of the Board of Commissioners under D. C. Code, Sec. 47-2344 with respect to requiring a license of businesses or callings which require inspection, supervision, or regulation by any municipal agency or agencies; and

WHEREAS, Sec. 402(394, 395 and 396) of Reorganization Plan No. 3 of 1967 transferred to the District of Columbia Council the regulatory and other functions of the Board of Commissioners under D. C. Code, Sec. 47-2345 in the particulars described in said subdivisions of Sec. 402 of the Reorganization Plan;

NOW, THEREFORE, BE IT ENACTED BY THE DISTRICT OF COLUMBIA COUNCIL THAT:

SECTION 1. Enactment of Regulations Governing Retail Credit Sales and for other purposes. Title 1 of the Consumer Affairs Regulations of the District of Columbia (which may be called the "Retail Credit Regulations"), which is set forth in the attached Appendix A and is incorporated in this Section by reference as if herein written, is hereby adopted.

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE														
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Anderson	X				Shackleton				X	Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Neivus	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on December 17, 1968 and adopted on second reading January 6, 1969 and final passage on January 6, 1969

Rejected By Stephen C. Swain Mayor By Council Stephen C. Swain Council Chairman Date Stephen C. Swain Over Ride Vote Aye Nay City Clerk Secretary

2550 This Regulation when adopted must remain in the custody of the Secretary. Certified copies are available.

USE REVERSE SIDE FOR POSTPONEMENT AND RECONSIDERATION DATA

SECTION 2. Incorporation of the Home Improvement Regulations. The regulations promulgated May 11, 1961, by Commissioners' Order No. 61-863, entitled "Regulations Governing the Conduct of Home Improvement Business in the District of Columbia", shall constitute Title II of the Consumer Affairs Regulations of the District of Columbia, and may be published as such.

SECTION 3. Incorporation of the Motor Vehicle Sales and Financing Regulations. The regulations promulgated October 20, 1960, by Commissioners' Order No. 60-2219, entitled "Regulations Governing the Businesses of Buying, Selling and Financing of Motor Vehicles in the District of Columbia," shall constitute Title III of the Consumer Affairs Regulations of the District of Columbia, and may be published as such.

SECTION 4. Authority of the Department of Consumer Affairs. All authority, powers and responsibilities vested in the Department of Consumer Affairs by Part 6 of Title I, Retail Credit Regulations, shall temporarily vest in the Commissioner until such time as the Department of Consumer Affairs is funded, staffed and operative. The Commissioner may, in his discretion, temporarily delegate all such authority, powers and responsibilities to the Director of the Department of Licenses and Inspection or to any other agency or employee of the District as he deems advisable. Such authority, powers and responsibility that temporarily vest in the Commissioner and which may be delegated by him under this section shall vest in the Department of Consumer Affairs upon the appointment of the Director of said Department.

SECTION 5. Effective Date. (a) Title I of the Consumer Affairs Regulations of the District of Columbia, as promulgated by Section 1 of this regulation, shall become effective sixty (60) days after adoption; PROVIDED, however, that the Commissioner of the District of Columbia may appoint the Director of the Department of Consumer Affairs and members of the Consumer Affairs Board immediately after adoption of this regulation.

(b) All other provisions of this regulation shall become effective immediately upon adoption.

Regulation

Regulation No. 69-7

Passed by the District of Columbia Council _____

January 21, 19 69

Attest: Stephens C. Swain Secretary, D. C. Council

Attest: John W. Heinger Chairman, D. C. Council

Presented by me to the Mayor of the District of Columbia _____

January 21, 19 69

Stephens C. Swain Secretary, D. C. Council

Approved and signed by me January 30 19 69

Maeter Washington Mayor

RECORD OF COUNCIL VOTE

Article	Yeas	Nays	Present	Absent	Excused	Other
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D. C. Council Form # 3

No. 69-7 1st Reading

Regulation

Date January 21, 1969

No. L. O.

of the

Date to Mayor January 21, 1969

No. L. O.

District of Columbia

Date Returned

Date Resubmitted to Council

No. 2nd Rdg. and Final Passage
Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Charles F. Duncan
Corporation Counsel

Title

Councilman _____ Presents the following regulation

1 Amending Articles 50 through 56 of the Police Regulations of the
2 District of Columbia (as adopted July 7, 1968, by D. C. Council
3 Regulation No. 68-15
4

5 NOW, THEREFORE, BE IT ENACTED BY THE DISTRICT OF COLUMBIA
6 COUNCIL that:
7

8
9 SECTION 1. Amending Article 50 of the Police Regulations. Article 50 of the
10 Police Regulations of the District of Columbia, "General Provisions" (as adopted
11 by D. C. Council Regulation No. 68-15) is hereby amended as follows:
12

13 (a) The title of Article 50 is amended to read: "ARTICLE 50: DEFINITIONS."
14

15 (b) Article 50, Section 1 is amended by inserting following the word
16 "Regulations" in the first sentence the parenthetical clause "(Articles 50 through
17 55 of the Police Regulations of the District of Columbia)."
18

19 (c) Article 50, Section 1 (k) is amended to read as follows:
20

21 "(k) 'Manufacturing' means manufacturing, producing, making or
22 remaking any firearm, destructive device or ammunition for sale or distribution."
23

24 (d) Article 50, Section 1(m) is amended by deleting the number "56" and
25 substituting therefor the number "55".
26

27 (e) Article 50, Sections 2 through 5 are renumbered as Sections 1 through 4
28 respectively and added in proper sequence to Article 55 of the Police Regulations
29 (as said article is adopted by Section 7 hereof) with the following amendments:
30

31 (i) Article 50, Sec. 3 is amended by deleting all of subsection (c).
32

33 (ii) Article 50, Sec. 4 is amended by deleting the words "a permit to
34 purchase" and substituting in their place the words "an application to transfer."
35

36 (f) Article 50, Sec. 6 is deleted in its entirety.
37

38 (g) Article 50, Secs. 7 through 10 are renumbered as Sections 5 through 8
39 and added in proper sequence to Article 55 of the Police Regulations (as said
40 article is adopted by Section 7 hereof) with the following amendments:
41

42 (i) Article 50, Sec. 8 is amended to read as follows:
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DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE														
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Anderson	X				Shackelton	X				Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on January 6, 1969 Adopted on
second reading _____ and final passage on January 21, 1969

Rejected By _____ By Council _____ Date _____
Sole W. Heung Mayor *Stephen C. Swain* City Clerk
Over Ride Vote Aye Nay

-2-

"Sec. 6. Except for transfers to licensed dealers, no person shall loan or otherwise allow another person to possess, carry or use any firearm unless such firearm is being loaned for a legitimate purpose, and for a period not to exceed 30 days; and unless--

"(a) the person to whom the firearm is loaned possesses a valid license for such firearm issued to him pursuant to section 6 of the Act (D. C. Code, Sec. 22-3206) or to Art. 52 of these Regulations; or

"(b) such person to whom the firearm is loaned is at least fifteen years of age, does not possess a valid license because of his age, and is a member or student of an organization or school which teaches firearm safety and use. Where such circumstances exist, it shall be lawful to loan a rifle or shotgun to such person for instruction, military or military type drill, or legitimate recreational activity; Provided, that the use of the rifle or shotgun is immediately supervised by a person licensed pursuant to Art. 52 of these Regulations; and Provided, the rifle or shotgun is registered to the organization, school, parent or guardian of the user; and Further Provided, that the rifle or shotgun is surrendered immediately following its use to the organization, school, or parent or guardian of the user."

(ii) Article 50, Sec. 9(a) is amended by deleting the word "No" and substituting in its place the words "Except as provided in the immediately preceding section, no."

SECTION 2. Amending Art. 51 of the Police Regulations. Article 51 of the Police Regulations of the District of Columbia, "Requiring the Registration of Pistols, Rifles and Shotguns in the District" (as adopted by D. C. Council Regulation 68-15) is hereby amended as follows:

(a) The title of Article 51 is amended to read: "ARTICLE 51: REQUIRING THE REGISTRATION OF FIREARMS IN THE DISTRICT OF COLUMBIA."

(b) Article 51, subsections 2(b), (c), (d), and (e) are amended by amending the words "shall register" wherever they appear to read "shall make an application to register," and subsection 2(b) is further amended by deleting the word "ninety" and substituting in its place the number "120."

(c) Article 51, Sec. 3 is amended to read as follows:

"Sec. 3(a) Each application required by this Article shall contain when filed with the Chief of Police the following information:

"(1) The name, occupation, residence and business address, and date of birth of the applicant. Where the applicant is not a natural person, this information shall refer to principal officer of the applicant, and shall contain in addition the name and address of the applicant.

"(2) The make, model, caliber, or gauge, manufacturer's identification number, serial number and other identifying marks of the pistol, rifle or shotgun; and

"(3) The name and address of the person from whom the firearm was acquired, and the date and place of acquisition."

(d) Article 51, Sec. 4 is redesignated as subsection (b) of Art. 51, Sec. 3; and Secs. 5, 8 and 9 are renumbered as Secs. 4, 7 and 8 respectively.

(e) Article 51, Sec. 6 is renumbered as Sec. 5 and is amended by changing the last period in said section to a semi-colon and adding the following words: "Provided, that no natural person, regardless of the number of guns acquired or owned by him prior to the effective date of these Regulations shall be required to pay a registration fee hereunder in excess of \$100 for the registration of all firearms acquired by him prior to the effective date of these Regulations."

(f) Article 51, Sec. 7 is renumbered as Sec. 6 and is amended by adding following the word "his" the word "immediate", by deleting the words "or under his custody", and by deleting the words "custody, or control" and the comma immediately preceding these words.

-3-

(g) Article 51, Sec. 10 is amended by deleting all of subsections (a) and (c); by deleting the word "directly" wherever it appears in subsection (b) (2); and by deleting all of subsection (b) (4). In addition, subsections (b) (1), (2) and (3) are redesignated as Sec. 10(a), (b) and (c) respectively.

SECTION 3. Amending Article 52 of the Police Regulations. Article 52 of the Police Regulations of the District of Columbia, "Regulating the Sale and Transfer of Pistols in the District" (as adopted by D. C. Council Regulation No. 68-15) is hereby deleted in its entirety.

SECTION 4. Amending Article 53 of the Police Regulations. Article 53 of the Police Regulations of the District of Columbia, "Regulating the Carrying of Pistols in the District" (as adopted by D. C. Council Regulation No. 68-15) is hereby deleted in its entirety.

SECTION 5. Amending Article 54 of the Police Regulations. Article 54 of the Police Regulations of the District of Columbia, "Regulating the Sale, Transfer, Possession and Carrying of Rifles and Shotguns in the District" (as adopted by D. C. Council Regulation 68-15) is hereby redesignated and adopted as Article 52, and the title of said article is amended to read "ARTICLE 52:

REGULATING THE SALE, AND CARRYING OF FIREARMS IN THE DISTRICT OF COLUMBIA."

Said article is amended to read as follows:

"Sec. 1(a) Any person who is not subject to any of the disabilities enumerated in Sec. 7 of the Act (D. C. Code, sec. 22-3207) shall be entitled to purchase a pistol within the District, and a seller is lawfully entitled to sell a pistol to such a person. No such person shall be denied the purchase of a pistol except as provided in the Act.

"(b) Any person who meets the requirement of Sec. 6 of the Act (D. C. Code, sec. 22-3206) shall be entitled to carry a pistol within the District, and no such person shall be denied a license to carry a pistol except as provided in the Act.

"(c) Any person who is not subject to any of the disabilities set forth in sec. 5(c) of this article shall be entitled to purchase and carry a rifle or shotgun in the District, and a seller shall be entitled to sell a rifle or shotgun to such a person.

"Sec. 2(a) No person shall carry either openly or concealed on or about his person any pistol unless he possesses a valid license therefor issued to him pursuant to Sec. 4 of the Act (D. C. Code, sec. 22-3204); except as otherwise authorized by said section of the Act.

"(b) No person shall purchase, own, possess or carry on or about his person any rifle or shotgun unless he possesses a valid rifle and shotgun license therefor issued to him pursuant to Sec. 5 of this Article.

"(c) No person shall within the District sell or transfer any rifle or shotgun to a purchaser who is not a retail dealer licensed under Art. 54 of these Regulations; and no person who is not a licensed retail dealer shall purchase or otherwise acquire any rifle or shotgun from any seller unless-

"(1) the purchaser exhibits to the seller a valid rifle and shotgun license issued according to Section 5 of this Article; and

"(2) the seller forwards to the Chief of Police at the time of the sale the purchaser's application to register the rifle or shotgun being sold pursuant to Art. 51, Sec. 2(a) of these Regulations; or within forty-eight hours following the sale, a written notification of sale pursuant to Art. 51, Sec. 8(b).

"(d) No person within the District shall import or cause to be delivered to him within the District any rifle or shotgun unless he shall within forty-eight hours following delivery to him, submit an application to register the rifle or shotgun pursuant to Art. 51, Sec. 2(c) of these Regulations.

-4-

"Sec. 3. Each person who is required by Sec. 8 of the Act (D. C. Code, Sec. 22-3208) to submit a statement when applying to purchase a pistol, or who is required by Sec. 4 of the Act (D. C. Code, sec. 22-3204) to have a license to carry a pistol, or who is required by sec. 2(b) of this Article to have a license to purchase or carry a rifle or shotgun shall submit such statement to the seller or an application for such license directly to the Chief of Police in the form and number prescribed by the Chief.

"Sec. 4(a) Each statement on application to purchase a pistol shall be signed by the applicant purchaser and the seller, and each application for a license shall be signed by the applicant for the license.

"(b) Each such statement or application shall contain that information prescribed by the Chief of Police which in his judgment is necessary to conduct efficient and thorough investigations, and to effectuate the purposes of the Act and these Regulations. Each statement or application shall contain at least the following information.

"(1) the full name, and any other name by which the applicant is or has been known;

"(2) the home address, and any other address at which the applicant has resided within five years immediately prior to the submission of the statement or application.

"(3) the present business or occupation, and any business or occupation in which the applicant has engaged for five years immediately prior to the application, and the addresses of such businesses or places of employment;

"(4) the date and place of birth of the applicant;

"(5) the sex of the applicant;

"(6) a statement by the applicant that he is not ineligible to purchase or possess a pistol under Section 7 of the Act (D. C. Code, sec. 22-3207), or not ineligible for a license to carry a pistol under Sec. 6 of the Act (D. C. Code, sec. 22-3206, or not ineligible under Sec. 5(c) of this Article to purchase or carry a rifle or shotgun; and indicating whether he has previously been denied any pistol, or rifle or shotgun license, registration certificate or permit by the Federal Government or any state government or subdivision thereof including the District Government; and whether he has been involved in any mishap involving a pistol, or rifle or shotgun, including the date, place, and circumstances and the names of any persons injured or killed;

"(7) a statement by the applicant of his need to purchase or carry a pistol, rifle or shotgun, and his intended use of the same;

"(8) the caliber, make, model, manufacturer's identification number, serial number, and any other identifying marks on the pistol, rifle or shotgun, to be purchased or carried; and

"(9) the name and address of the seller, and his retail license number if he is a licensed dealer under Art. 55 of these Regulations.

"(c) The Chief of Police may require each applicant to be fingerprinted if this in his judgment is necessary to conduct efficient and thorough investigations and to effectuate the purposes of the Act and these Regulations; Provided, that any person who has been fingerprinted by the Chief within five years prior to submitting his statement or application shall not be fingerprinted again if he offers other satisfactory proof of his identify. In addition, the Chief may require each applicant for a license to carry a pistol, or a rifle or shotgun to submit with his application two full face, black and white photographs of himself. 1 -3/4 by 1-7/8 inches in size which shall have been taken within thirty days of the filing of the application.

-5-

"Sec. 5(a) No person shall be approved by the Chief of Police to purchase a pistol if the Chief after investigation determines that a pistol could not lawfully be sold to such person under Section 7 of the Act (D. C. Code, Sec. 22-3307).

"(b) No person shall be issued a license to carry a pistol by the Chief of Police if the Chief after investigation determines that such person is ineligible for such license under Section 6 of the Act (D. C. Code, Sec. 22-3206).

"(c) Except as provided for in subsection (d) of this section, no person shall be issued a license to purchase or carry a rifle or shotgun if the Chief of Police determines after investigation that such person--

"(1) is under the age of twenty-one years;

"(2) is not of sound mind; Provided, that the Chief of Police shall determine that the person is not of sound mind to purchase, possess and carry a rifle or shotgun if he determines that such person has been adjudicated mentally incompetent, or has been acquitted of any criminal charge by reason of insanity by any court; or has been adjudicated a chronic alcoholic by any court; and Provided, that three years after such conviction adjudication or acquittal, the Chief of Police shall disregard the disabilities of this subsection if, after an investigation, he is satisfied that the applicant is mentally and physically capable of owning, possessing and using a pistol in a safe and responsible manner;

"(3) is a drug addict; Provided, that the Chief of Police shall determine that the person is a drug addict if he determines that such person (i) is an abusive user of narcotic drugs as defined by section 4731 of the Internal Revenue Code 1954, as amended (Aug. 16, 1954, 68A Stat. 557, ch 736; Apr. 22, 1960, 74 Stat. 57 Pub. L. 88-429, sec. 4(a), (b); 26 U.S.C., sec. 4731); or (ii) is an abusive user of dangerous drugs as defined by or under the Act entitled the "Dangerous Drug Act for the District of Columbia", approved July 24, 1956 (70 Stat. 612, title II, sec. 202; D. C. Code, sec. 33-701);

"(4) has been convicted in any jurisdiction of a crime involving the use of physical force against a person punishable by imprisonment for more than one year, or is under indictment for such a crime; or

"(5) he has been convicted in any jurisdiction of any of the following offenses punishable by imprisonment for less than one year: any offense involving a physical assault; any offense committed while carrying a firearm or weapon; using, possessing or selling any narcotic or dangerous drug; or any violation of a law restricting the sale, receipt, possession, use or transportation of a firearm or destructive device; Provided, that three years after such conviction, the Chief of Police may disregard the disabilities of this subsection if, after an investigation, he is satisfied that the applicant is mentally and physically capable of owning, possessing and using a rifle or shotgun in a safe and responsible manner; or

"(6) suffers from a physical defect which would make it unsafe for him to use a rifle or shotgun; or

"(7) has indicated by threatening speech or other behavior that he is likely to make unlawful use of a rifle or shotgun; or

"(8) has been adjudicated negligent in a firearms mishap causing death or injury to another human being; or

"(9) is otherwise ineligible to purchase or possess a pistol under section 3 of the Act (D. C. Code, sec. 22-3203).

"(d) The Chief of Police shall deny a rifle or shotgun license if the Chief determines, after investigation or test, that the applicant--

-6-

"(1) does answer to one or more of the descriptions enumerated in subparagraphs (c) (1) through (c) (9) of this section; or

"(2) has failed to demonstrate satisfactorily a knowledge of the laws of the District of Columbia pertaining to rifles and shotguns and the safe and responsible use of the same in accordance with tests and standards prescribed by the Chief of Police; or

"(3) has vision less than that required to obtain a valid driver's license under the laws of the District; Provided that, possession of a valid driver's license shall be prima facie evidence that an applicant's vision is not deficient.

"(e) The Chief of Police shall issue to the applicant a numbered rifle and shotgun license if the Chief determines, after investigation that the applicant does not answer to any of the descriptions enumerated in subparagraphs (c) (1) through (c) (9) of this section.

"(f) The Chief of Police may issue to an applicant between the ages of eighteen and twenty-one years old who is otherwise qualified under subsection (c) a numbered restricted rifle and shotgun license if--

"(1) the application is accompanied by a signed statement by the parent or guardian of the applicant (i) that the applicant has the permission of the parent or guardian to use a rifle or shotgun, and (ii) that the parent or guardian assumes civil liability for all damages resulting from the actions of the applicant in the use of the rifle or shotgun; and

"(2) if the applicant is not disqualified by subsection (d) in any respect except his age.

"Sec. 6. Any person in the District carrying or having in his immediate possession any pistol for which a license has been issued to him pursuant to sec. 6 of the Act (D. C. Code, sec. 22-3206), or any rifle or shotgun for which a license has been issued to him pursuant to sec. 5(e) or (f) of this Article, shall have such license within his immediate possession, and upon demand of any law enforcement officer shall exhibit his license.

"Sec. 7. Any rifle and shotgun license issued under this Article--

"(a) may include such reasonable restrictions and prohibitions consistent with applicable laws of the District with respect to the possession, purchase or carrying about of such rifle or shotgun as the Chief of Police may deem essential to the public safety or in the public interest; any license issued under section 3(d) of this Article shall be limited to use of the rifle or shotgun for sport or recreation, only during daylight hours, and only in the presence and under the supervision of a person licensed under section 5(e) of this Article.

"(b) may be revoked by the Chief of Police when he has reason to believe that the licensee no longer has the qualification requisite for the issuance of such a license: Provided, that the Chief of Police shall first issue and serve upon the licensee, an order to show cause why his license should not be revoked. This licensee may request in writing a hearing before the Chief within 5 days, and the Chief shall grant such hearing within 15 days. If the licensee does not request a hearing or show proper cause why his license should not be revoked the Chief of Police shall issue and serve upon the licensee an order revoking the license and no license issued under these Regulations shall be in effect beyond the date of an order revoking such a license.

-7-

"(c) shall expire five years after issuance unless sooner revoked.

"Sec. 8(a) Section 2(a) of this Article shall not apply to--

"(1) any person directly transporting a registered pistol to the business address of a licensed dealer for purpose of repair or sale, or to any person directly transporting such pistol from the business address of a licensed dealer to his residence, place of business or other land owned by him after the purchase or repair;

"(2) any person directly transporting a registered pistol to the residence, place of business or other land owned by the purchaser after the private sale of such pistol approved by the Chief of Police;

"(3) any person directly transporting any pistol to any police precinct house to surrender the same to the Chief of Police;

"(4) any nonresident of the District actively participating in any lawful recreational activity in the District involving the use of a pistol, or transporting such pistol directly to or directly from such lawful recreational activity; Provided, that such nonresident shall upon demand of any law enforcement officer exhibit proof that his carrying about of a pistol is permitted and legal in the jurisdiction in which he resides; or proof of residence in a jurisdiction which does not license the carrying about of a pistol;

"(5) any officer, agent or employee of the District of Columbia or the Federal Government, or any officer, agent or employee of the government of any state or subdivision thereof, or any member of the Armed Forces of the United States, the National Guard, or the Organized Reserves, when such officer, agent, employee or member is authorized to carry a pistol, and is carrying a pistol while on duty in the performance of his official authorized functions; or

"(6) the regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States, provided such members are at or are going to or from their places of assembly or target practice as required by Section 5 of Act (D. C. Code, Sec. 22-3205).

"(b) Any pistol carried by any person not having a license issued under these Regulations shall be carried in a closed container or securely wrapped, and while being carried shall be kept unloaded. Containers of such pistols or such securely wrapped pistols shall be carried in open view.

"Sec. 9(a) Section 2(b) of this Article shall not apply to--

"(1) any person directly transporting any rifle or shotgun to any police precinct house to surrender the same to the Chief of Police;

"(2) any nonresident of the District actively participating in any lawful recreational activity in the District involving the use of a rifle or shotgun, or transporting a rifle or shotgun directly to or directly from such lawful recreational activity; Provided, that such nonresident shall upon demand of any law enforcement officer exhibit proof that his carrying about of a rifle or shotgun is permitted and legal in the jurisdiction in which he resides; or proof of residence in a jurisdiction which does not license the carrying about of a rifle or shotgun;

"(3) any officer, agent or employee of the District of Columbia or the Federal Government, or any officer, agent or employee of the government of any state or subdivision thereof, or any member of the armed forces of the United States, the National Guard or the Organized Reserves, when such officer, agent, employee or member is authorized to carry a rifle or shotgun, and who is carrying a rifle or shotgun while on duty in the performance of his official authorized functions;

-8-

"(4) any person between the ages of 15 and 18 years of age uses a rifle or shotgun as authorized by Art. 55, sec. 8(b) of these Regulations.

"(b) Notwithstanding any provision of this Article, it shall be lawful in the District for a seller to sell a rifle or shotgun to a nonresident of the District who is a citizen of the United States and who does not have a license issued under this Article; Provided, that such nonresident purchaser possesses and exhibits to the seller a valid license or permit for the purchase, possession or use a rifle or shotgun issued to him by the United States government or by any state or subdivision thereof.

"(c) Any rifle or shotgun being carried shall, except when lawful use is imminent, be unloaded and securely wrapped or encased in a closed container."

SECTION 6. Amending Article 55 of the Police Regulations. Article 55 of the Police Regulations of the District of Columbia, "Regulating and Licensing Dealers in Dangerous Weapons" (as adopted by D. C. Council Regulation No. 68-15), is hereby redesignated and adopted as Article 54 of said Regulations, amended as follows:

(a) Article 55 is amended by deleting "Art. 55" wherever it appears and substituting in lieu thereof "Article 54."

(b) Article 55, Secs. 4(b) and (c) are amended by inserting the word "such" after the word "If" in each section.

(c) Article 55, Sec. 5(a) is amended by deleting the words "Article 52 and 54" and substituting in lieu thereof the words "Section 7 of the Act (D. C. Code, Sec. 22-3207) or Article 52, Sec. 5(c)."

(d) Article 55, Sec. 6(b) is amended by deleting the words "Article 53, Sec. 3 of these Regulations" and the words "Article 53, Sec. 3" and substituting in lieu thereof the words "Section 6 of the Act (D. C. Code, Sec. 22-3206)."

SECTION 7. Amending Article 56 of the Police Regulations. Article 56 of the Police Regulations of the District of Columbia, "Miscellaneous Provisions" (as adopted by D. C. Council Regulation 68-15), is hereby redesignated and adopted as Article 55 of said Regulations, and is amended as follows:

(a) Article 56, Sections 1 through 5 are renumbered and adopted as Sections 10 through 14, respectively, provided that Sec. 5 is amended to read as follows:

"Sec. 14. These Regulations shall become effective on February 15, 1969; provided that the Chief of Police may accept applications for registration of firearms immediately upon adoption of these Regulations."

(b) Sections 1 through 4 of Article 55 are adopted as amended by Sec. 1(e) hereof.

(c) Sections 5 through 8 of Article 55 are adopted as amended by Sec. 1(g) hereof.

(d) Section 9 of Article 55 is adopted as follows:

"Sec. 9. The Chief of Police is hereby authorized to issue and promulgate such other orders, rules and regulations as he deems necessary to carry out the purposes of the Act and these Regulations."

Appendix A

CONSUMER AFFAIRS REGULATIONS OF THE
DISTRICT OF COLUMBIA

Title I

Regulations Governing Retail Credit Sales and Retail Installment Sales
Contracts in the District of Columbia; Providing for the Registration of Retail
Creditors; Establishing an Office of Consumer Affairs; and for Other Purposes.

PART 1. DEFINITIONS

Sec. 1.101. As used in this Title, unless the context requires a different
meaning:

- a. "Commissioner" means the Commissioner of the District of Columbia
or his designated agent.
- b. "Council" means the District of Columbia Council or its designated
agent.
- c. "Director" means the Director, Department of Licenses and Inspections,
or his designated agent.
- d. "Department" means the Department of Consumer Affairs, the
Director of said Department, or his designated agent.
- e. "District" means the District of Columbia.

-4-

f. "Consumer goods" means tangible chattels bought for use primarily for personal, family, or household purposes, including certificates or coupons exchangeable for such goods; but the term "consumer goods" does not include goods acquired for commercial or business use or for resale, nor shall such term include any motor vehicle as such term is defined in the first section of the Act approved April 22, 1960 (74 Stat. 69; title 40, ch. 9, D. C. Code), providing for the regulation of finance charges for retail installment sales of motor vehicles in the District of Columbia.

g. "Cash price" of goods or services means the price at which the goods or services are advertised or offered for sale whichever is lower, by the seller to cash buyers in the ordinary course of business and may include, if separately itemized, any applicable taxes. The cash price of goods may include the cash price of delivery, installation, servicing, repairs, alterations, or improvements if no separate charge is made for such services. The amount by which the cash price stated in a retail installment contract exceeds the cash price of goods or services offered for sale by the seller to other buyers in the ordinary course of business shall be deemed a finance charge.

h. "Outstanding balance" means the total amount remaining to be paid by the buyer to discharge buyer's obligation to the seller and to any assignee of seller.

-5-

i. "Person" means an individual, firm, concessionaire engaged in retail installment transactions in its own name, partnership, joint stock company, corporation, association, incorporated society, statutory or common law, trust, estate, executor, administrator, receiver, trustee, conservator, liquidator, committee, assignee, officer, employee, principal, or agent.

j. "Retail buyer" or "buyer" means a person who buys consumer goods or services from a retail seller in a retail installment transaction.

k. "Open-end credit agreement" means a plan prescribing the terms of credit transactions which may be made thereunder from time to time and under the terms of which a finance charge may be computed on the outstanding unpaid balance from time to time thereafter.

l. "Retail installment contract" means a contract entered into by a retail buyer and a retail seller evidencing a retail installment transaction.

m. "Retail installment transaction" means any retail transaction between a retail seller and a retail buyer in which there is an agreement for the purchase of consumer goods, or services, or both consumer goods and services, for which the price is to be paid in one or more deferred installments, and such term shall include any transaction involving a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay compensation for the use of the consumer goods or services or both which are the subject of such contract and it is agreed that the bailee or lessee is bound to become, or, for no further,

-6-

or a merely nominal, consideration, has the option, upon full compliance with the provisions of the bailment or lease, of becoming the owner of the consumer goods or services, or both; except that the term shall not include any retail transaction in which the purchase price is to be paid in full within not more than ninety days from the initial billing date, and no security interest in the consumer goods is retained by the seller and no other collateral or security is required or accepted by the seller, and no charge is made as consideration for the deferral of payment or as an incident to the extension of credit. For the purposes of this Title, "security interest", "collateral" and "security" shall not be construed to include any mechanic lien.

n. "Retail seller" or "seller" means a person engaged in the District of Columbia in the business of selling consumer goods or services in retail installment transactions, whether (1) by consummating transactions in the District or (2) by (a) holding out in the District, by maintaining a place of business or in any other manner that the person so holding out sells consumer goods or services, or both; and (b) performing in the District one or more acts resulting in the making of a retail installment transaction or the collection of a debt arising from a retail installment transaction.

o. "Services" means work, labor, or other kind of activity furnished, or agreed to be furnished, primarily for personal, family, or household use, and not for commercial or business use, whether or not furnished or agreed to be

-7-

furnished in connection with the delivery, installation, servicing, repair, or improvement of consumer goods; but the term "services" shall not include work, labor, or other activity furnished or agreed to be furnished for which the price or tariff charged or to be charged is required by law to be determined or approved by, or to be filed, subject to approval or disapproval, with the United States, or the District, or a department, division, agency, officer, or official of either of such governments.

p. "Finance charges" means the sum of all the charges directly or indirectly payable by a retail buyer, as an incident to the extension of credit in a retail installment transaction, including, but not limited to amounts deemed a finance charge under paragraph "g" of this Title, loan fees, service and carrying charges, discounts, interest, time price differentials, investigators' fees, and, except as stated below, charges or premiums for credit life, accident, or health insurance or for any guarantee or insurance protecting the creditor against obligors default or other credit loss. If itemized and disclosed in compliance with Sec. 3.104 or these regulations, the term finance charges does not include: (1) fees and charges prescribed by law which actually are or will be paid to public officials for determining the existence of or for perfecting or releasing or satisfying any security related to a retail installment transaction;

or (ii) taxes; or (iii) charges or premiums for credit life, accident, or health insurance for any guarantee or insurance protecting the creditor against obligor's default or other credit loss, lawfully written in connection with any retail installment transaction, if:

(1) The coverage of the debtor by the insurance is not a factor in the approval by the creditor of the extension of credit, the debtor is given the option to accept or reject such insurance coverage, and these facts are disclosed orally and in writing to the person applying for or obtaining the extension of credit; and

(2) The person to whom the credit is extended gives a specific written affirmation of his desire to obtain insurance after written disclosure to him of the cost thereof; and

(3) The person extending the credit fully discloses in writing such interest, commission, or rebate as will inure to his benefit by the buyer's obtaining the insurance coverage offered by the seller.

q. "Sales finance company" means any person other than a retail seller, engaged in whole or in part, in the District of Columbia, in the business of purchasing retail installment contracts or instruments of security arising from retail installment transactions, from one or more retail sellers. Any person (1) who purchases such contracts or instruments in the District; or (2) who (a) holds out in the District by maintaining a place of business or in any other manner that he purchases such contracts or instruments, and (b) performs one or more acts in the District resulting in either the purchase of such

contracts or instruments, or the collection of the debt or enforcement of the security interest arising from such contract or instrument, shall be deemed to be engaging in the business in the District of Columbia for the purpose of these regulations.

r. "Annual Percentage Rate" means, (1) in the case of retail installment transactions other than under an open end credit plan, (a) that nominal annual percentage rate which will yield a sum equal to the amount of the finance charge when it is applied to the unpaid balances of the amount financed, calculated according to the actuarial method of allocating payments made on a debt between the amount financed and the amount of the finance charge, pursuant to which a payment is applied first to the accumulated finance charge and the balance is applied to the unpaid amount financed; or (b) that percentage rate calculated in accordance with regulations issued by the Federal Reserve Board, pursuant to its authority under Sec. 107 of the Consumer Credit Protection Act (P.L. 90-321); (2) in the case of any extension of credit under an open-end credit plan, that quotient (expressed as a percentage) of the total finance charge for the period to which it relates divided by the amount upon which the finance charge for that period is based, multiplied by the number of such periods in a year.

PART 2. LICENSES AND FEES

Sec. 2.101. License required. No person shall in the District of Columbia engage in the business of retail installment transactions, or in the business of a sales finance company, as these terms are defined in Secs. 1.101 (m) and (q) without first having obtained a license.

Sec. 2.102. Application for a license. (a) Every person required to be licensed under this Title shall submit in writing an application to the Director. Every application shall be signed by such person or the principal officer thereof, and shall be in such form and contain such information as the Director shall by regulation require.

(b) Every application for a license under this title shall contain, without limitation:

- (1) name of the person;
- (2) name in which business is transacted if different from (1);
- (3) address of principal office, which may be outside the District of Columbia;
- (4) address of all offices or retail stores, if any, in the District at which retail installment transactions are made, or in the case of a person taking assignments of obligations, the offices or places of business within the District at which business is transacted;
- (5) name and home address of the chief executive officer;
- (6) names and home addresses of the persons, up to ten in number, who hold or own the largest beneficial interest in the person (firm, etc.)

engaged in retail installment transactions;

(7) all parent and subsidiary companies and companies under common ownership which engage in retail installment transactions or sales financing in the District of Columbia;

(8) if retail installment transactions are made otherwise than at an office or retail store in the District, a brief description of the manner in which they are made; and

(9) name and address of attorney-in-fact or general agent upon whom service of process may be made in the District.

(c) Every person required to be licensed shall submit with his application the fee required by Sec. 2.10 of these regulations, and a copy of every retail installment contract form used by him at the time of submission of his application.

(d) If information in an application becomes inaccurate after filing, the Director must be notified with an amended notification within 20 calendar days from the date information becomes available.

Sec. 2.103. Notice of application. Upon the filing of any application, the Director shall give due notice thereof to the public in such manner as the Director may by regulation prescribe. Any person may file with the Director a statement of opposition to or in support of the issuance of a license.

Sec. 2.104. Qualifications for a license. (a) No person shall be issued a license under this Title unless such person, or the principal officer thereof--

(1) shall be at least twenty-one years of age;

-4-

(b) (1) No person shall hold himself out or engage in the business of retail installment transactions or sales financing as a licensee under any name other than the name appearing on his license.

(2) Any licensee desiring to conduct his business under a name other than that stated in his license shall file with the Director an application to change such name and shall surrender his existing license. The Director shall issue a new certificate setting forth such new name, together with the statement that such licensee formerly conducted his business under such old name.

(c) A license issued under these regulations shall not be transferrable or assignable.

Sec. 2.106. Effective date and duration of license. Every license shall be effective for one license year beginning on the 1st day of November of the year issued and shall continue in effect until the 31st day of October following, unless such license is issued for a shorter time pursuant to D. C. Code, Sec. 47-2305, or unless such license is sooner suspended or revoked as hereinafter provided.

Sec. 2.107. Continuance of business until disposition of license application. The Director shall by regulation set a date by which persons required to be licensed must file applications for a license. Any person who has duly filed an application by that date may continue to engage in business already licensed until the final disposition of his license application.

-5-

Sec. 2.108. Posting of License. The licensee shall have each valid license framed under glass and shall post or cause the license to be posted in a conspicuous place in the licensee's principal place of business. If a licensee has more than one place of business, the address of every such place shall appear on his certificate of license, and a duplicate certificate bearing the same information appearing on the original shall be obtained from the Director for each address other than the first. Where the licensee transacts business as a solicitor, or in other door-to-door vendor operations, licensee shall produce, upon demand by buyer, a copy of said license to be shown to the buyer.

Sec. 2.109. Appointment of Attorney-in-Fact or General Agent.

(a) Every person covered under this Title, who is a nonresident of the District of Columbia, shall appoint or employ and maintain in the District an attorney-in-fact or general agent who is a resident of the District, upon whom all judicial and other process or legal notice directed to such person may be served, and shall notify the Director of such appointment or employment, and the name and address of the appointee or employee.

(b) Within five business days after any change in the appointment or employment of the attorney-in-fact or general agent, every nonresident person covered under this Title shall notify the Director of the identity and the address of the substituted appointee or employee.

(c) Upon certification to the Director by any officer of the District required to serve notices in connection with the operation of a retail

-6-

installment transaction business that a nonresident person or the attorney-in-fact or general agent of a nonresident person cannot be found after reasonable search, or that the attorney-in-fact or general agent has not been appointed, proceedings against the nonresident person may be instituted by serving notice upon the Director who shall be an agent upon whom any process against such person may be served and upon whom any notice or demand required or permitted by law to be served upon such person may be served. Service on the Director of any such process, notice or demand shall be made by delivering to and leaving with the Director, or with any clerk having charge of his office, duplicate copies of such process, notice or demand. In the event of such service, the Director shall cause one of such copies to be forwarded by registered or certified mail, addressed to the last known address of such person.

(d) The Director shall keep a record of all processes, notices, and demands served upon him under this section, and shall record therein the time of such service and his action with reference thereto.

Sec. 2.110. Procedure for denial, suspension or revocation of licenses. (a) On petition or complaint or on his own initiative, the Director may deny, suspend or revoke any license issued under this Title, or place it in probationary status in the manner hereinafter provided.

(b) Whenever the Director finds probable cause to deny, suspend or revoke a license or place it in probationary status, he shall serve upon the applicant or licensee a proposal of revocation, suspension,

- 7 -

denial or probation which shall:

- (1) be in writing and be signed by the Director;
- (2) state the facts constituting the basis for the action proposed;
- (3) indicate, where applicable, each provision of statute or regulation violated or not complied with;

- (4) state the action he proposes to take in the matter;

- (5) advise that he will take the proposed action unless, within 15 calendar days following service of the proposal, the licensee or applicant request in writing a hearing on the proposed action.

(c) Such proposal shall be deemed to be properly served upon the person to whom it is directed when it or a copy of it is:

- (1) served on him personally, his attorney-in-fact or general agent;
- or
- (2) mailed by certified mail, postage prepaid, to the address stated on the license, or on the application in case of an applicant, and not returned, by the post office authorities. If any notice mailed as authorized by the preceding sentence be returned by the post office authorities by reason of refusal of the addressee to accept delivery, it shall be deemed to have been served on the addressee by mail.

Sec. 2.111. Hearings. (a) Upon written request, the licensee or applicant is entitled to a hearing on the question of his qualifications for a license if;

- (1) The Director has served upon such person a proposal pursuant to Sec. 2.110; or

-8-

(2) The Director has failed to issue a license within 60 days after the application for the initial application was filed.

(b) Within 5 days, following receipt of a request for a hearing, the Director shall designate a time and place for such hearing and shall notify the licensee or application of such designation. No hearing shall be held sooner than 15 days following receipt of a request for a hearing.

(c) At the hearing, the licensee or applicant shall be given the opportunity to show compliance with all lawful requirements for retention or granting of the license. The Director may take the action described in the proposal, or any lesser action, if he finds following the hearing, that:

(1) the licensee has repeatedly and willfully violated these regulations or any rule or order lawfully made pursuant to these regulations; or

(2) facts or conditions exist which would clearly have justified the Director in refusing to grant a license had these facts or conditions been known to exist at the time the application for the license was made.

(d) Notwithstanding any other provision of this section, no license shall be revoked or suspended for more than 30 days unless a cease and desist order has been issued against the licensee for the same conduct or conduct substantially the same as that complained of in the Director's proposal to suspend or revoke.

-3-

(2) shall be fit, willing and able to conduct the business for which the license is sought and to comply with these regulations, other laws applicable to retail installment transactions and to sales finance companies, and the rules, regulations and requirements of the Department hereunder;

(3) shall not have been engaging in extensive or continuous conduct that violates these regulations, and other laws applicable to retail installment transactions, or sales finance companies; and

(4) shall not have engaged in a course of unconscionable or fraudulent conduct in connection with retail installment transactions.

(b) If the Director is satisfied that such person or the principal officer thereof has met the required qualifications he shall issue the license.

(c) All qualifications set forth in these regulations as prerequisite to the issuance of any license shall be maintained during the entire license period. Failure so to maintain any such qualification shall be cause for suspension, or revocation of such license, pursuant to Sec. 2.107 of these regulations.

Sec. 2.105. Licenses. (a) Every certificate of license shall be issued in the true and lawful name of the person thereby authorized to conduct business as a retail seller or sales finance company and shall contain the name under which such business will be conducted, the address or addresses at which such business is to be conducted, the period for which granted, and the date of issuance. Each certificate of license shall be signed by the Director.

-9-

(e) After each hearing the Director shall enter such orders as he deems appropriate, and shall serve upon the licensee or applicant notice of his findings and a copy of the order. Such notice shall contain a statement of the licensee or applicant's right to an appeal. No order shall take effect sooner than 7 calendar days following service upon the licensee or applicant, or until finally reviewed by the Board of Appeals and Review if appealed pursuant to the following section

Sec. 2.112. Appeal procedures. (a) Any person upon whom an order has been served pursuant to the preceding section may file with the Board of Appeals and Review a written notice of appeal within 7 calendar days following service upon him of such order.

(b) Hearings on appeal shall follow procedural rules for review promulgated by the Chairman of the Board of Appeals and Review and such rules shall prescribe the scope of the review.

(c) The record on appeal shall consist of the entire record made before the Director. Evidence and points not presented to the Director shall not be considered by the Board of Appeals and Review.

(d) Oral hearings shall be ordered upon request by the appellant or upon the motion of the Chairman of the Board of Appeals

Sec. 3.109. Referral Sales. With respect to any retail installment transaction the seller may not give or offer to give a rebate or discount or otherwise pay or offer to pay value to the buyer as an inducement for a sale in consideration of his giving to the seller the names of prospective purchasers, or otherwise aiding the seller in making a sale to another person, if the earning of the rebate, discount or other value is contingent upon the occurrence of an event subsequent to the time the buyer agrees to buy. If a buyer is induced by a violation of this section to enter into a retail installment transaction, the agreement is unenforceable by the seller and the buyer, at this option, may rescind the agreement or retain the goods delivered and the benefit of any services performed, without any obligation to pay for them.

Section 3.110. Advertising.

(a) No person covered by these regulations shall engage in false or misleading advertising concerning the terms or conditions of credit with respect to retail installment transaction.

(b) Among other provisions and without limitation, an advertisement with respect to a retail installment transaction, made by the posting of a public sign, or by a catalog, magazine, newspaper, radio, television, or similar mass media, is to be considered misleading if:

1) it states the rate of finance charge and the rate is not stated in the form required in the disclosure sections of this regulation; or

(2) it states the dollar amounts of the finance charge or installment payments, and does not also state the rate of any finance charge and the number and amount of the installment payments.

(c) Among other provisions and without limitation, no advertisement to aid, promote, or assist directly or indirectly any retail installment transaction, may state:

(1) that a specific periodic consumer credit amount or installment amount can be arranged, unless the creditor usually and customarily arranges credit payments or installments for that period and in that amount.

(2) that a specified downpayment is required in connection with any extension of consumer credit, unless the creditor usually and customarily arranges downpayments in that amount.

(d) For purposes of this section, a catalog or other multiple-page advertisement is considered a single advertisement if it clearly and conspicuously displays a credit terms table setting forth the information required by this section.

(e) This section imposes no liability on the owner or personnel, as such, of any medium in which an advertisement appears or through which it is disseminated.

Sec. 3.111. Sales Made by Telephone or Mail. If a creditor receives a purchase order by mail or telephone without personal solicitation by the creditor, and the cash price and the method of determining the deferred payment price and the terms of financing, including the annual percentage rate, are conspicuously set forth in the seller's catalogued or other printed material distributed to the public, then the disclosures required under Sec. 3.104 may be made at any time not later than the date on which the first payment is due. Such a sale shall not be subject to the requirements of Secs. 3.101, 3.102 and 3.103 if the seller delivers to the buyer, not later than the time of delivery of the goods or services, a memorandum of the sale containing all of the essential elements of the contract and the disclosures required

by Sec. 3.104.

Sec. 3.112. No person subject to these regulations shall engage in fraudulent or unconscionable conduct in the making or collection of a retail installment contract.

-10-

and Review. Oral argument shall be restricted to the record on appeal and points raised in the appellant's brief. Where no oral argument is ordered, the Board will consider and decide the appeal on the basis of the documents filed and the record on appeal.

(e) The Board of Appeals and Review shall either affirm or reverse the order entered by the director. Orders reversed by the Board shall have no effect, and orders affirmed shall become effective as ordered by the Board following service upon the appellant of notice of its findings and conclusions.

Sec. 2.112. License fees. Every person required to obtain a license under this Title shall submit with his application a license fee fixed by the Commissioner with the approval of the Council. The Director may designate different classes of licensees and license fees for the various classes need not be identical.

-11-

Sec. 2.113. Records and annual reports.

(a) Every person covered by these regulations shall maintain records in conformity with generally accepted accounting principles and practices in a manner that will enable the Director to determine whether that person is complying with the provisions of these regulations. The record keeping system of any person covered by these regulations shall be sufficient if he makes the required information reasonably available. The records need not be kept in the place of business in the District if the Director is given free access to the records wherever located.

(b) On or before April 15 of each year, every person covered by these regulations shall file with the Director a composite annual report/in the form prescribed by the Director. The Director shall consult with comparable officials in other states for the purpose of making the kinds of information required in annual reports uniform among the states and the District. Information contained in annual reports shall be confidential and may be published only in composite form.

Sec. 2.114. Examinations and investigations.

(a) The Director shall periodically examine at such intervals as he deems appropriate the transactions, business, and records of every person covered by these regulations. In addition, for the purpose of discovering violations of these regulations or securing information lawfully required, the Director may at any time investigate the transactions, business, and records

-12-

of any licensee or registree. For these purposes, he shall have free and reasonable access to the offices, places of business, and records of businesses.

(b) If records are located outside the District, the licensee or registree shall, at his option, either make them available to the Director at a convenient location within the District, or pay the reasonable and necessary expenses for the Director or his representative to examine them at the place where they are maintained. The Director may designate representatives, including comparable officials of the State in which the records are located, to inspect them on his behalf.

(c) For the purposes of this section, the Director may administer oaths or affirmations, and upon his own motion or upon request of any party may subpoena witnesses, compel their attendance, adduce evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts, or any other matter reasonably calculated to lead to the discovery of admissible evidence.

(d) Upon failure without lawful excuse to obey a subpoena or to give testimony and upon reasonable notice to all persons affected thereby, the Director may apply to the Council for appropriate action.

PART 3. THE RETAIL INSTALLMENT CONTRACT AND CONDUCT
RELATING TO RETAIL INSTALLMENT TRANSACTIONS

Sec. 3.101. Single Documents; General Provision for Form and Contents.

(a) Every retail installment contract shall be contained in a single document, each page of which shall be signed by both the buyer and the seller. The contract shall be completed as to all provisions before it is signed by the buyer. Each such contract shall include the name, address, and telephone number of both the seller and the buyer, a description of the goods or services purchased, a description of collateral securing the buyer's obligations under the agreement, if any, and at the top of the first page of the agreement in at least twelve-point extrabold type the words "Retail installment contract." The description of goods purchased shall include where applicable: the manufacturer's name, model year, model number, latest suggested retail price, and a statement whether the goods are used, seconds or damaged.

(b) Prior to delivery of the consumer goods or services, the seller shall furnish a copy of the retail installment contract to the buyer.

(c) The printed terms of every retail installment contract shall be clearly legible. If the terms of a retail installment contract are contained on both sides of a page, there shall appear on the first page the following words in boldface type, "The terms of this contract are contained on both sides of this page." If the terms of a retail installment contract are contained on more than both sides of each preceding page, the following words shall appear on each page in boldface

type, "The terms of this contract are contained on more than one page."

Section 3.102. Signing blank or incompletd form prohibited. No person covered by these regulations shall cause or permit any contract or other document relating to a retail installment transaction to be signed by the buyer before all blank spaces (other than signature spaces) are filled in with easily legible writing and such seller has submitted to the buyer the completed contract or other document and given him a reasonable opportunity to examine it. Each contract shall contain a notice, satisfactory

to the Department, in bold type no smaller than 10-point stating in substance that the buyer shall not sign the contract in blank and that the buyer is entitled to a readable copy of the contract at the time he signs it.

Sec. 3.103. Delivery of Copy of Completed Contract to Buyer: Acknowledgment of Delivery. Seller shall deliver to the buyer, or mail to him at his address shown on the retail installment contract, a legible, executed and completed copy thereof. Any acknowledgment by the buyer of delivery of a copy of the contract or compliance by the seller with the requirements of 3.102 shall be a rebuttable presumption of such delivery and such compliance. Acknowledgments may contain statements to the effect that "buyer acknowledges that before buyer signed the contract, seller submitted the contract to buyer with all blank spaces filled in, that buyer had a reasonable opportunity to examine it, and that thereafter a legible, executed and completed copy thereof was delivered to buyer."

Sec. 3.104. Disclosure.

(a) There shall be included on the first page of every retail installment contract not under an open end credit plan, in such order as can be clearly and easily understood, the dollar amounts of the following items, if applicable:

- (1) the cash price of the consumer goods or services purchased, itemized to differentiate between the cash price of such goods and the cash price of such services;
- (2) All other costs, individually described and itemized, for incidental services, as defined in Sec. 1.101 (g);
- (3) the sum of any amounts credited as downpayment, including any trade-in, itemized to show the amounts paid in money and in goods, with a description of such goods, if any, sufficient to identify them;

(4) the sum of the amounts in paragraphs (1) and (2) less the amount in paragraph (3);

(5) all other charges, individually described and itemized, which are included in the amount of the credit extended but which are not part of the finance charge as defined in Title I (g) of these regulations;

(6) the total amount to be financed (the sum of the amounts described under (3) and (4) above);

(7) the amount of the finance charge;

(8) the total amount due (the sum of (6) and (7) above);

(9) the finance charge expressed as an annual percentage rate;

(10) the number, amount, and due dates or periods of payments scheduled to repay the indebtedness;

(11) the default, delinquency, or similar charges payable in the event of late payments; and

(12) A description of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and a clear identification of the property to which the security interest relates.

(b) If a retail installment transaction is one of a series of retail installment transactions made pursuant to an agreement providing for the addition of the deferred payment price of that sale to an existing outstanding balance, and the person to whom the credit is extended has approved in writing both the annual percentage rate or rates and the method of computing the finance charge or charges, and the creditor retains no security interest in any property as to which he has received payments aggregating the amount of the sales price including any finance charges attributable thereto, then the disclosure required under subsection (a) for the particular sale may be made at any time not later than the date the first payment for that sale is due.

For the purpose of

this subsection, in the case of items purchased on different dates, the first purchased shall be deemed first paid for, and in the case of items purchased on the same date, the lowest priced shall be deemed first paid for.

(c) Disclosure in Open-End Credit Agreement.-

(1) Before opening any account under an open-end credit agreement, the seller shall, to the extent applicable, disclose in writing to the buyer-

(a) the conditions under which a finance charge may be imposed, including the time period, if any, within which any credit extended may be repaid without incurring a finance charge;

(b) the method of determining the balance upon which a finance charge will be imposed;

(c) the method of determining the amount of the finance charge, including any minimum or fixed amount imposed as a finance charge.

(d) where one or more periodic rates may be used to compute the finance charge, each such rate, the range of balances to which it is applicable, and the corresponding nominal annual percentage rate determined by multiplying the periodic rate by the number of periods in a year.

(e) If the creditor so elects,

(i) the average effective annual percentage of rate of return received from accounts under the plan for a representative period of time; or

(ii) whenever circumstances are such that the computation of a rate under subparagraph (i) would not be feasible or practical, or would be misleading or meaningless, a projected rate of return to be received from accounts under the plan.

The Department shall prescribe regulations, consistent with commonly accepted standards for accounting or statistical procedures, to carry out the purposes of this paragraph.

(f) the conditions under which any other charges may be imposed, and the method by which they will be determined.

(g) the conditions under which the creditor may retain or acquire any security interest in any property to secure the payment of any credit extended under the plan, and a description of the interest or interests which may be so retained or acquired.

(2) The creditor of any account under an open-end consumer credit plan shall transmit to the obligor, for each billing cycle at the end of which there is an outstanding balance in that account or with respect to which a finance charge is imposed, a statement setting forth each of the following items to the extent applicable:

(a) the outstanding balance in the account at the beginning of the billing period;

(b) the amount and date of each extension of credit during the period and, if a purchase was involved, a brief identification (unless previously furnished) of the goods or services purchased;

(c) the total amount credited to the account during the period;

(d) the amount of any finance charge added to the account during the period, itemized to show the amount, if any, due to the application of a percentage rate and the amount, if any, imposed as a minimum or fixed charge;

(e) Where one or more periodic rates may be used to compute the finance charge, each such rate, the range of balances to which it is applicable, and, unless the annual percentage rate is required to be disclosed pursuant to paragraph (f), the corresponding nominal annual percentage rate determined by multiplying the periodic

rate by the number of periods in a year.

(f) Where the total finance charge exceeds 50 cents for a monthly or longer billing cycle, or the pro-rata part of 50 cents for a billing cycle shorter than monthly, the total finance charge expressed as an annual percentage rate, except that if the finance charge is the sum of two or more products of a rate times a portion of the balance, the creditor may, in lieu of disclosing a single rate for the total charge, disclose each such rate expressed as an annual percentage rate, and the part of the balance to which it is applicable.

(g) At the election of the creditor, the average effective annual percentage rate of return (or the projected rate) under the plan as prescribed in subsection (1) (e).

(h) The balance on which the finance charge was computed and a statement of how the balance was determined. If the balance is determined without first deducting all credits during the period, that fact and the amount of such payments shall also be disclosed.

(i) The outstanding balance in the account at the end of the period.

(j) the date by which, or the period (if any) within which, payment must be made to avoid additional finance charges.

(3) If a seller adds to this billing under an open-end credit plan one or more installments of other indebtedness from the same obligor, the creditor is not required to disclose under this subsection any information which has been disclosed previously in compliance with subsection (A).

(d) Additional items may be included to explain the calculations involved in determining the balance to be paid by the buyer.

(e) If information disclosed in accordance with this section is subsequently rendered inaccurate as the result of a pre-payment, late payment, adjustment, or amendment of the retail installment contract through mutual consent of the parties or as permitted by law, or as the result of any act or occurrence subsequent to the delivery of the required disclosures, the inaccuracy resulting therefrom shall not constitute a violation of this section.

(f) In the case of any open end consumer credit plan in existence on the effective date of this subsection, the items described in subsection (b), to the extent applicable, shall be disclosed in a notice mailed or delivered to the obligor not later than thirty days after that date.

Sec. 3.105. Completion Certificate Invalid Unless True. - In any transaction involving the modernization, rehabilitation, repair, alteration, improvement, or construction of real property, a writing signed by the buyer that such work has been satisfactorily completed shall not be valid nor of any effect unless the work to be performed by the seller has been actually completed prior to the time of signing.

Sec. 3.106. Waiver of Regulations Prohibited. No provision shall be inserted in any retail installment contract or extension or refinancing agreement designed to nullify and make ineffective the provisions of this regulation, or otherwise deprive a retail buyer of the protection afforded him by this regulation, nor shall any provision be inserted in any such contract or agreement whereby the buyer waives or purports to waive any provision of this regulation. The insertion in any such contract or agreement of a provision designed or intended to nullify this regulation, or to waive the requirements of this regulation, shall constitute a violation of this regulation, and, in addition, such provision shall be void and of no effect.

Sec. 3.107. Third Party Transactions. Any promissory note taken in connection with a retail installment contract subject to these regulations shall state on its face: "This instrument is subject to a retail installment contract."

Section 3.108. Contract forms requirements. No person subject to these regulations shall use any contract form or any other instrument arising in connection with a retail installment transaction which provides:

(a) any schedule of payments under which any one installment, except the downpayment, is not equal or substantially equal to all other installments, excluding the downpayment, or under which the intervals between any consecutive installments differ substantially, except that --

(1) the intervals for the first installment payment may be longer or shorter than the other intervals,

(2) the final installment payment may be less in amount than the preceding installment payment, and

(3) where a buyer's livelihood is dependent upon seasonal or intermittent income, the seller and the buyer may agree that one or more installment payments in the schedule of payments may be reduced or deferred;

(b) any provision for the acceleration of the time when any part or all of the indebtedness becomes payable other than for a substantial default in payment or performance by the buyer, or on the same grounds as would authorize an attachment before judgment under paragraphs (3) through (5) of subsection (d) of section 16-501 of the District of Columbia Code;

(c) any provision by which the buyer agrees not to assert against a seller, or against an assignee, any claim or defense arising from the sale of the consumer goods or services which are the subject matter of the contract.

(d) any provision by which the buyer grants authority to the seller or assignee to enter the buyer's premises without consent obtained immediately prior thereto in the repossession of the collateral, if any;

(e) any provision by which the buyer waives any right of action against the seller, assignee or other person acting on behalf of either, for any illegal act committed in the collection of payments under the contract or in the repossession of goods;

(f) any provision whereby the buyer executes a power of attorney appointing the seller, assignee, or other persons acting in the seller's behalf, as the buyer's agent in the collection of payments under the contract or in the repossession of collateral security; and

(g) Notwithstanding any other provision of this section, any written provision in a retail installment contract or agreement which provides for settlement by arbitration of any controversy thereafter arising out of or related to such contract or agreement or breach thereof, or any agreement in writing to submit to arbitration any such controversy, shall be valid and enforceable under these regulations.

PART 4. PAYMENTS

Sec. 4.101. Receipts: Statement of Account -

(a) When any payment is made on account of any retail installment contract, the seller receiving such payment shall, if the payment is made in cash, give the buyer a complete written receipt therefor. If the buyer specifies that the payment is made on one of several obligations, the receipt shall so state.

(b) (1) Within six months after the execution of a retail installment transaction, including an open-end credit agreement, and within every six-month period thereafter until the buyer has discharged all his obligations under the contract, the seller or a subsequent assignee, in addition to any other statements or notices required by these regulations, shall send to the buyer upon written request a statement of account which shall list the following items designated as such:

(a) the amounts of each of the payments made by him or on his behalf, or the sum of the payments made by him or on his behalf during each billing period, depending on the manner in which the seller or assignee maintains his records, and setting forth any refunds and any payments to charges for delinquencies, expenses of repossession and extension, to the date of the statement of account but not to exceed a period of three years prior to such request;

(b) the amounts, if any, which have become due but remain unpaid, setting forth any charge for delinquencies, expenses of repossession and extensions; and

(c) the number of installment payments and the dollar amount of each installment not due but still to be paid and the remaining period the agreement is to run.

(2) The buyer shall be entitled to only one such statement in any six-month period free of charge. The sum of \$1 may be charged for each additional written

statement requested by the buyer before supplying such additional written statement.

Sec. 4.102. Acknowledgment of Payments. Promptly on written request and in any event within sixty days after payment of all sums for which the buyer is obligated under a retail installment contract, the seller or assignee shall mail or shall deliver to the buyer, at his last known address, sufficient instruments to indicate payment in full and to release all security in the collateral, if any, under such contract.

PART 5. REPOSSESSION

Sec. 5.101. Repossession. When a buyer is in default in the payment of any sum due under a Retail installment sales contract or in the performance of any condition which it lawfully requires him to do in order to obtain ownership of consumer goods, the secured party may when authorized by law repossess the goods. Unless the goods can be repossessed with the permission of the possessor obtained immediately prior to such repossession, and without use of force, intimidation, undue influence, fraud, or breach of the peace, they shall be repossessed by legal process. Nothing herein shall be construed to authorize a violation of the criminal laws of the District of Columbia.

Sec. 5.102. Duties on repossession and Buyer's Right of Redemption.

(a) Within five days after any consumer goods are repossessed, the seller or subsequent assignee shall deliver to the buyer personally, or send him by registered or certified mail to his last known address, a written notice stating:

(1) that the goods, including a general description thereof, have been repossessed; (2) the buyer's right to redeem and the amount due and payable; (3) the buyer's rights as to a resale and his possible liability for a deficiency, and (4) the exact address where the consumer goods are stored and the exact address where any payment is to be made or notice delivered.

-30-

(b) For 30 days after notice has been delivered personally or mailed, the seller or assignee shall retain or store the repossessed goods within the District of Columbia or within the State or county, where it was located when repossessed, during which period the buyer may redeem the goods and become entitled to take possession thereof. Notwithstanding any other provisions of these regulations, the redemption period provided for in this subsection may be waived by written agreement made and entered into by and between the buyer and the retail seller after the goods have been repossessed: Provided, That such agreement includes a provision releasing and discharging the buyer from any claim by the seller or assignee for deficiency and discharging the seller or assignee from any claim by the buyer for overage. If goods are repossessed under legal process and an adequate bond is posted to protect the buyer, the seller or assignee may store goods repossessed in the District of Columbia outside the District but not fee or cost shall be charged to the buyer incident to transporting the goods outside the District and the goods shall be made available to the buyer, without charge, within the District.

(c) To redeem the consumer goods, the buyer shall--

(1) pay or tender the amount due under the Retail Installment Sale Contract; (2) perform or tender performance of any other promise for the breach of which the consumer goods was repossessed; and (3) pay the actual and reasonable charges for repossession and storage.

Sec. 5.103. The disposition of repossessed goods and the application of any sums realized by the disposition, shall be in accordance with applicable statutory law, specifically 28:9-505 and 28:9-504 of the District of Columbia Code .

PART 6. DEPARTMENT OF CONSUMER AFFAIRS

Sec. 6. 101. The Department of Consumer Affairs, subject to the general supervision of the Commissioner, is hereby authorized to --

(a) conduct studies, investigations, and research with respect to retail installment transactions;

(b) conduct educational programs, collect and disseminate information relating to retail installment transactions;

(c) establish and carry on continuous studies of the operation of these regulations to ascertain from time to time defects therein jeopardizing or threatening to jeopardize the purposes of these regulations, and to formulate and recommend changes in this regulation and other regulations or laws of the District of Columbia which it may determine to be necessary for the realization of such purposes, and to the same end to make a continuous study of the operation and administration of similar laws and regulations that may be in effect in the United States and when it deems advisable, make such studies available to the public;

(d) advise, consult, and cooperate with local governments within the Washington metropolitan region, the Federal Government, and interested persons and groups; and

(e) encourage voluntary cooperation by persons of affected groups to achieve the purposes of this regulation.

Sec. 6. 102. (a) The Council and the Department of Consumer Affairs are authorized to receive complaints from all persons affected by potential or actual violations of these regulations, including members of the consuming public and persons engaged in the business of selling consumer goods and services.

(b) Upon complaint, or other reasonable cause to believe a violation has been

-35-

service of its order, corrected the unlawful practice and complied with the order, the Council will certify the matter to the Corporation Counsel and to such other agencies, as may be appropriate, for enforcement, or (ii) immediately certify the matter to the Corporation Counsel for enforcement pursuant to these regulations. Any certification under this subsection shall constitute a determination that there exists a prima facie case of violation of these regulations. The Corporation Counsel may institute, in the name of the District of Columbia, civil proceedings, including the seeking of such restraining orders and temporary or permanent injunctions, as are necessary and possible to obtain complete compliance with the Council's orders. In the event the civil proceedings do not result in securing such compliance, the Corporation Counsel is authorized to institute criminal action to impose the penalties prescribed in these regulations.

(c) If, at any time after a complaint has been filed, the Council believes that appropriate civil action to preserve the status quo or to prevent irreparable harm appears advisable, the Council shall certify the matter to the Corporation Counsel who may bring, in the name of the District of Columbia, any action necessary to preserve such status quo or to prevent such harm, including the seeking of temporary restraining orders and preliminary injunctions, which action the Corporation Counsel is hereby authorized to take.

(d) If the Corporation Counsel, or any other agency to whom the Council has certified any matter under these regulations, believes that additional information or action by the Council is necessary to enable the Corporation Counsel or such other agency may refer the matter back to the Council or its agent for such consideration and action as the Council deems appropriate.

-36-

(e) If, at the conclusion of the hearing, the Council or its agent shall determine, upon the preponderance of the testimony and evidence, that the person complained against has not violated these regulations, the Council or its agent shall state its findings and issue its order dismissing the complaint.

Sec. 8-1-2. Other Rights and Remedies, and Judicial Review.

(a) Nothing herein shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be entitled, or from filing any complaint with any other agency.

(b) Nothing in these regulations shall be deemed to deprive any aggrieved party of such judicial review of orders of the Council or of any other agency or authority of the District of Columbia as may be available.

PART 9. MISCELLANEOUS PROVISIONS

Sec. 9-101. Penalties. Any person who violates any provision of these regulations made pursuant to Sections 1-226, 1-237, 47-2344, and 47-2345 of the D.C. Code, 1967 Ed. shall:

(a) be subject to revocation, suspension or denial of licenses in accordance with the procedures set forth in Sec. ²⁻¹¹⁰~~2-103~~ of this Title; or

(b) be punished by a fine not exceeding \$300 or by imprisonment for not more than 90 days, or both.

Sec. 9-102. Saving Provision, Repealed Regulations. Any regulations superseded by these regulations shall remain in full force and effect for the purpose of any criminal prosecution, civil litigation, or administrative action pending at the effective date hereof or which may be instituted after such effective date as a result of any act or omission thereunder which preceded such effective date.

-34-

PART 8. HEARING AND ENFORCEMENT

Sec. 8-101. (a) The Council or its designated agent, with respect to a matter which it believes may involve a violation of these regulations may hold a public hearing to determine whether a violation of these regulations has been committed. The Council or its agent shall serve upon the person complained against a statement of charges and shall serve upon all interested parties a notice of the time and place of hearing. Such hearing shall be open to the public and shall be held not less than ten (10) days after service of the statement of charges. The interested parties may, at their option, appear before the Council in person or by duly authorized representative and may have the assistance of an attorney. The parties may present testimony and evidence, and the right to cross examine witnesses shall be preserved. All testimony and evidence shall be given under oath or by affirmation and may be required by the issuance of a subpoena signed by any Council member or designated agent. Irrelevant, unduly repetitious or protracted testimony and evidence shall not be permitted. The Council shall keep a full record of the hearing which record shall be public and open to inspection by any person, and upon request by any interested party to the proceeding the Council shall furnish such party a copy of the hearing record at such cost, if any, as the Council deems appropriate.

(b) If, at the conclusion of the hearing, the Council or its agent shall determine, upon the preponderance of testimony and evidence, that the person complained against has violated these regulations, the Council or its agent shall (i) state its findings and issue an order requiring the person complained against to cease and desist from such unlawful conduct and to take such affirmative action as will effectuate the purposes of these regulations, with notice that if the Council or its agent determines that the person complained against has not, after fifteen (15) calendar days following

Sec. 7. 104. Meetings. The Board and the Council or its designated agent in the Department shall meet together at a time and place designated by the Board Chairman at least twice each year. The Board may hold such additional meetings as may be called by its Chairman.

committed, the Council or its designated agent in the Department is authorized to hold public hearings and to issue subpoenas in the name of the Chief Judge of the United States District Court for the District of Columbia, to compel witnesses to appear and testify, to produce all books, records, papers, or documents relative to any matter being investigated under the authority of this regulation.

(c) In case of disobedience to a subpoena, the Council may invoke the aid of the United States District Court for the District of Columbia in requiring the attendance and testimony of any person and the production of documentary evidence.

(d) The Council or its duly authorized agent in the Department may administer oaths and affirmations to persons summoned in any investigation or hearing conducted under this regulation.

Sec. 6-103. Fraudulent Advertising. The Department is further authorized to investigate all matters pursuant to alleged fraudulent advertising in accordance with the provisions of Title 22, Sec. 1411 of the D. C. Code, and to initiate any necessary action.

Sec. 6-104. (a) The Council, or its designated agent in the Department, may make recommendations, including but not limited to the denial, suspension or revocation of any license issued pursuant to this regulation, or other sanctions pursuant to these and other regulations.

(b) Any recommendation pursuant to a hearing under Sec. 6-102 shall be submitted for further action to:

- (1) the Commissioner or his designated agent, and
- (2) the Director.

(c) The record of any public hearing held pursuant to Sec. 6-102 shall be available to any person, upon request, and upon payment of a reasonable fee fixed by the Council.

PART 7. METROPOLITAN AREA CONSUMER AFFAIRS BOARD

Sec. 7. 101. Consumer Affairs Board.

(a) There is hereby authorized the creation of a Metropolitan Area Consumer Affairs Board consisting of 30 members who shall be appointed jointly by the Commissioner and Council. One of the Board members shall be designated as Chairman. In appointing members to the Board, the Commissioner and Council shall seek to achieve a fair representation from the various segments of the consumer credit industry and the public.

(b) The term of office of each member of the Board is 3 years. Of those members first appointed, 10 shall be appointed for a term of 1 year, 10 for a term of 2 years, and 10 for a term of 3 years. A member chosen to fill a vacancy otherwise than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed. A member of the Board is eligible for reappointment.

(c) Members of the Board shall serve without compensation.

Sec. 7. 102. Function of Board. The Board shall advise and consult with the Council and the Department concerning the exercise of its powers under this regulation and may make recommendations to them.

Sec. 7. 103. Conflict of Interest. It is the objective of the Council to obtain competent representatives of creditors and the consuming public to serve on the Board and to assist and cooperate with the Council, the Department and the Director in achieving the objectives of this regulation. Accordingly, service on the Board shall not in itself constitute a conflict of interest regardless of the occupations or associations of the members.

D. C. Council Form # 3

No. 69-8 1st Reading

Regulation

Date January 14, 1969

No. L. O.

of the

Date to Mayor January 21, 1969

No. L. O.

District of Columbia

Date Returned

Date Resubmitted to Council

No. 2nd Rdg. and Final Passage
Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Charles F. Human
Corporation Counsel

Title

Councilman _____ Presents the following regulation

Amendment to Chapter II, Section 29 of the Manual
of the Metropolitan Police Department

BE IT ENACTED BY THE DISTRICT OF COLUMBIA COUNCIL that:

Section 1. Amendment to the Police Manual. Chapter II,
Section 29 of the Manual of the Metropolitan Police Department is hereby
amended to read as follows:

"Sec. 29(a). It is hereby declared that it is the policy of
the Metropolitan Police Department that each member of the Department
shall in all cases use only the minimum amount of force which is con-
sistent with the accomplishment of his mission, and shall exhaust every
other reasonable means of apprehension or defense before resorting to the
use of firearms.

"(b) No member of the Metropolitan Police Force
shall discharge a firearm in the performance of police duties except under
the following circumstances:

"(1) to defend himself or another from an
attack which the officer has reasonable cause to believe could result in
death or serious bodily injury;

"(2) to effect the arrest or to prevent the
escape, when every other means of effecting the arrest or preventing the
escape has been exhausted, of a person who has committed a felony or has
attempted to commit a felony in the policeman's presence, or when a felony
has been committed and the policeman has reasonable grounds to believe the
person he is attempting to apprehend committed the felony; provided, that the
felony for which the arrest is sought involved an actual or threatened attack
which the officer has reasonable cause to believe could result in death or
serious bodily injury; and, provided further, that the lives of innocent
persons will not be endangered if the officer uses his firearm;

"(3) to kill a dangerous animal or one that is
so badly injured that humanity requires its removal from further suffering; or

"(4) for target practice or competition on an
approved range.

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Anderson	X				Shackelton	X				Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on January 14, 1969 Adopted on
second reading _____ and final passage on January 21, 1969

Rejected By _____ By Council _____
Mayor *John W. King* Council Chairman _____ Date _____
Over Ride Vote Aye Nay
City Clerk *Stephen C. Swain*

- 2 -

"(c) No member of the Metropolitan Police Force shall discharge his firearm under the following circumstances:

"(1) as a warning.

"(2) at or from any moving vehicle except when the officer is justified in firing under Sections 29(b)(1) and 29(b)(2); and

"(i) the officer has no cause to believe that any innocent person will be injured as the result of firing at or from such moving vehicle.

"(3) In any felony case which does not involve an actual or threatened attack which the officer has reasonable cause to believe could result in death or bodily injury."

"(4) In any case involving a misdemeanor offense only.

"(d) No member of the Metropolitan Police Force, in the normal exercise of his responsibility as a police officer, shall carry, use or discharge any firearm or other weapon except those issued or approved for use by the Metropolitan Police Department under general order of the Chief of Police."

Section 2. Effective date. These regulations shall become effective immediately upon adoption.

Regulation No. 69-9

Passed by the District of Columbia Council _____

January 28, 19 69

Attest: Stephen C. Swain Secretary, D. C. Council

Attest: John H. ... Chairman, D. C. Council

Presented by me to the Mayor of the District of Columbia _____

January 28, 1969 19 _____

Stephen C. Swain Secretary, D. C. Council

Approved and signed by me _____ February 7, 19 69

Robert ... Mayor

Council Form # 3

No. 69-9 1st Reading

Regulation

Date January 28, 1969

No. L. O.

of the

Date to Mayor January 28, 1969

No. L. O.

District of Columbia

Date Returned

No. 2nd Rdg. and Final Passage
Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Charles F. Duncan
Corporation Counsel

Title

Councilman _____ Presents the following regulation

1 Regulation establishing policies for the provision of day care services by the
2 Department of Public Welfare.

4 WHEREAS, section 422(a) of Part B of Title IV of the Social Security Act pro-
5 vides that a State plan for child-welfare services may include the provision of
6 day care services; and
7

9 WHEREAS, section 402(a) (14) of the Social Security Act (42 U.S.C. 602)
10 requires that a State plan for aid to families with dependent children (AFDC) must
11 provide for the development and application of a program for such family services
12 and child-welfare services, including the care of children in day care or other
13 child care facilities, as may be necessary for the members of AFDC families in
14 light of their particular home conditions and other needs; and
15

17 WHEREAS, section 402(a) (15) of the Social Security Act (42 U.S.C. 602)
18 requires that a State plan for aid to families with dependent children must provide
19 for the development of a program for each appropriate member living in the house-
20 hold of an AFDC family so that they may become self-sufficient through employ-
21 ment, and for the implementation of such a program by assuring that each individ-
22 ual who is referred for participation in the Work Incentive Program (WIN) is
23 furnished child care services; and
24

26 WHEREAS, section 403(a) (3) of the Social Security Act (42 U.S.C. 603)
27 provides that child care services, including day care, may be provided directly
28 by a State welfare agency or purchased from other sources; and
29

31 WHEREAS, Section 422(a) (1) (B) (ii) of the Social Security Act provides for an
32 advisory committee, to advise the State welfare agency on general policy involved
33 in the provision of day care services, which shall include representatives of
34 other State agencies concerned with day care and persons representative of
35 professional or civic or other public or non-profit private agencies, organizations,
36 or groups concerned with the provision of day care, and that, pursuant to
37 Organization Order No. 137,, as amended, a Public Welfare Advisory Committee on
38 Day Care was created for such purposes; and
39

41 WHEREAS, Section 422(a) (1) (B) (v) of the Social Security Act provides that
42 day care be provided only in facilities which are licensed by the State; and
43

45 WHEREAS, section 422(a) (1) (B) (vi) of the Social Security Act provides for
46 the development and implementation of arrangements for more efficient involvement
47 of the parent or parents in the appropriate care of the child; and
48

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Anderson	X				Shackelton	X				Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Neivus	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on January 21, 1969 Adopted on
second reading _____ and final passage on January 28, 1969

Rejected By _____ By Council _____ Date _____
Mayor _____ Council Chairman _____ City Clerk _____
Over Ride Vote Aye Nay

WHEREAS, District funds for the establishment and operation of a day care program in the District of Columbia were made available by the District of Columbia Appropriation Act, 1963, and continued in subsequent appropriation Acts; and

WHEREAS, pursuant to paragraph 83 of section 402 of Reorganization Plan No. 3 of 1967, the District of Columbia Council is authorized to establish rules and regulations to carry out the provisions of the District of Columbia Public Assistance Act of 1962.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. The Department of Public Welfare is authorized to implement a broad program of day care services for children of parents referred by the Department for various training and work incentive programs, for children of other parents known to the Department where day care appears to be in the child's best interest and for children of low-income, one-parent families, otherwise unknown to the Department, where the parent is employed outside the home.

Section 2. The Department is authorized to assume the full cost of day care for children identified through the following categories:

- (a) Children of AFDC mothers referred to, enrolled in, and participating in, the Work Incentive Program (WIN).
- (b) Children of AFDC mothers in other training programs.
- (c) Children of TAFUP (Temporary Assistance for Families with unemployed Parents) mothers whose day care plan breaks down 30 days after such mothers are referred to the WIN program for the duration of training and for a period of three months following job placement.
- (d) Children whose independent day care plan breaks down after the mother has been in training at Work and Training Opportunity Center (WTOC) for 30 days - for the duration of training and for three months thereafter. (Title V-OEO Funds)
- (e) Children of AFDC mothers who have completed training in other than the WIN program - for six months while seeking employment.
- (f) Children of AFDC mothers who have completed training - for the first three months following placement in full time employment.
- (g) Children of AFDC fathers or caretaker relatives whose requirements are included in the public assistance grants and who are in training either for employment or leading toward employment.
- (h) Children of mentally retarded AFDC mothers or of AFDC mothers who have a history of mental illness and for whom day care is deemed to be in the child's best interest.
- (i) Infants of unwed mothers under the age of 18 years, when the mother is included in a public assistance payment and the parent or the caretaker relative either refuses to provide care for the infant or is physically or emotionally unable to do so, and such junior mother remains eligible for public assistance - until the mother receives a high school diploma, or reaches the age of 18, or drops out of school.

- (j) Infants of unwed mothers who live with one or both parents or another caretaker relative, if the parent or parents or other caretaker relative either refuse to give care to the child or are physically or emotionally unable to do so -- until the mother receives a high school diploma, or reaches the age of 18, or drops out of school.

Section 3. The Department is authorized to supplement the parent's payment, paid directly to a day care facility according to a weekly fee scale, for day care services in the following categories:

- (a) Children of AFDC mothers placed in employment through the Work Incentive Program (WIN) - after the completion of three months of such employment.
- (b) Children of AFDC mothers placed in employment following training in other than the Work Incentive Program - after completion of three months of employment.
- (c) Children whose mothers have completed training at WTOC and for whom the full cost of day care has previously been paid by the Department - after the first three months, if the mother is then employed.
- (d) Children whose mothers have completed training at WTOC and for whom the cost of day care has not been previously paid by the Department, if the mother is employed.
- (e) Children of former AFDC mothers who are now working and living independently in the community and who completed training prior to the termination of their public assistance grants.
- (f) Children of former TAFUP mothers who completed training and who were placed in jobs under the WIN program and for whom the full cost of day care has previously been paid by the Department - after three months of employment.
- (g) Children of parents active with the Child Welfare Division, if the children are not in foster home placement.
- (h) Children of former AFDC mothers whose public assistance payment were previously terminated because they were found employable.
- (i) Children of working parents (in a single family household) who are heads of household, who are not otherwise known to the Department, and whose adjusted gross income does not exceed \$6,000 per year.

Section 4.

- (a) The Day Care Fee Scale (weekly) to be paid by parents, based on an adjusted gross family income per year and applying to Before-School Care, After-School Care, Before and After School Care, and Full Day Care, is set forth as follows:

ADJUSTED GROSS FAMILY INCOME PER YEAR	1 CHILD	2 CHILDREN	3 CHILDREN or more
Under 1800	No fee	No fee	No fee
1800-2200	.50	.75	1.00
2201-2600	1.00	1.25	1.50
2601-3000	1.50	1.75	2.00
3001-3400	2.50	3.00	3.50
3401-3800	3.50	4.00	4.50
3801-4200	5.50	6.00	6.50
4201-4600	7.50	8.00	8.50
4601-5000	10.50	11.00	11.50
5001-5400	13.50	14.00	14.50
5401-5800	17.50	18.00	18.50
5801-6000	21.50	22.00	22.50

(b) Adjusted Gross Family Income:

The weekly payment of a family to a day care facility is determined on the basis of an adjusted gross of the total family income for a year. In determining adjusted gross family income, deduction from the actual gross yearly income shall be made as follows:

- (1) The excess of 30 percent of the actual gross family income paid for rent or housing, and
- (2) \$100 for each person in the family unit except the wage earner(s) and the children given care in the Day Care Center or Family Day Care Homes.

Section 5. The Department shall not be liable for payment of that part of the day care fee which the parent agrees to pay the day care facility, even though the parent fails to pay the facility according to agreement.

Section 6. The Department shall be responsible for its part of the payment of fees for day care, as long as a space is being reserved, after admission, in a day care facility for a particular child, even though the child may not be in continuous attendance.

Section 7. An over-payment by the Department to a day care facility which is continuant to provide day care services shall be collectible in any amount.

Section 8. The collection of an over-payment of not more than \$10 shall be waived for day care facilities which are no longer providing day care services for the Department.

Section 9. Payments to day care facilities or to In-Home Caretakers shall be made according to the following fee schedule:

(a) Full Day Care

- (1) Family Day Care Homes - \$3.00 per day per child
- (2) Day Care Centers - Fees vary from \$2.50 to \$4.00 per day per child, with .50 added when transportation is provided, depending on services given and standards maintained.

Centers have been classified into three Groups - A, B, and C - depending on the quality of day care service offered. Fees are paid according to classification:

Class A Center - Maximum fee \$4.00 per day per child without transportation, \$4.50 with transportation.

Class B Center - Maximum fee \$3.00 per day per child without transportation, \$3.50 with transportation.

Class C Center - Maximum fee \$2.50 per day per child without transportation, \$3.00 with transportation.

(3) In-Home Child Care - \$2.00 per day per child.

(b) Part-day Care

(1) Day Care Centers and Family Day Care Homes

(A) Before-School Care - \$1.00 per day per child.

(B) After-School Care - \$1.50 per day per child.

✓ (C) Before and After-School Care (for same child) - \$2.00 per day per child.

(2) In-Home Child Care for children of AFDC Mothers

(A) Before-School Care - \$.50 per day per child.

(B) After School Care - \$.50 per day per child.

(C) Before and After-School Care (for same child) - \$1.00 per day per child.

Section 10. Only licensed day care facilities shall be used by the Department when day care is arranged in other than the child's own home or in homes of relatives within the fourth degree.

Section 11. Guidelines and standards for In-Home child care for children of AFDC mothers are set forth as follows:

- (a) Child care within the child's own home by an In-Home Caretaker, shall be used only when other day care plans are not feasible and In-Home care offers greater benefits to the AFDC mother and child.
- (b) In-Home child care shall be arranged with mutual agreement between the child's own mother, the In-Home Caretaker, and the Department.
- (c) The Department shall make direct payments to the In-Home Caretaker for child care services rendered, unless the caretaker is a member of the mother's household.
- (d) The In-Home Caretaker shall be of an age between 21 and 70 years.
- (e) The In-Home Caretaker shall be preferably known to the child's mother, perhaps a relative, and recommended by her.
- (f) The In-Home Caretaker must furnish the Department with the same medical certification of good health as that required by the Health Department for licensed Family Day Care Mothers. Further, the in-home caretaker must furnish the Department with medical certification of good health on any child of her own for whom she is providing care in the AFDC mothers home when she is serving as an in-home caretaker.

- (g) Duties of the In-Home Caretaker shall be limited to supervision of the child or children in her care, preparation and serving of appropriate meals or snacks, and washing of dishes and utensils used in the preparation of food.
- (h) The In-Home Caretaker shall have no more than two pre-school children of her own.
- (i) The In-Home Caretaker shall not care for children other than her own and the child or children of the AFDC mother.
- (j) If the In-Home Caretaker brings her own children to the home of the AFDC mother, an agreement must be made between them as to the amount of food she brings for their needs.
- (k) The In-Home Caretaker shall have prior experience in child care, either with her own children or siblings.
- (l) Children receiving In-Home Child Care shall be visited on a regular basis by Department Staff.

Section 12. Classification standards for Day Car Centers, contracting with the Department to provide day care, are set forth below. However, by July 1, 1971, all licensed Day Care Centers utilized by the Department of Public Welfare must meet the standards specified under Class A Centers as indicated in Section 12.

(a) Class A. Centers:

In order to qualify as a Class A Center, a center must meet all applicable licensing requirements of the Department of Health and, in addition, must meet maximum Day Care Center standards of the Department of Public Welfare, in the three major areas of Educational Qualifications of Personnel, Program Content, and Equipment and Furnishings, as follows:

(1) Educational Qualifications of Personnel

The Director must qualify in one of the two areas listed:

- (A) A Master's degree in Early Childhood Education, or Social Work, or a related field.
- (B) A Bachelor's degree from an accredited college in Early Childhood Education or Child Development or Kindergarten elementary level and two years of experience either in elementary school at the kindergarten-first grade level, or in a licensed day care center as a teacher, under supervision of a director, or a combination of the two experiences.

There must be at least one teacher who is a graduate of an accredited college, with a major in Early Childhood Education, or in a related field, with appropriate courses in Child Development.

All other teachers must have at least a high school diploma. The use of non-professional aides to assist is encouraged.

(2) Program Content

Contacts between parents and staff (PTA meetings)
 Health supervision
 Physical care and protection of the child
 Supervised play - indoors and out
 Vigorous physical activity
 Creative arts - drawing, painting, music and plays
 Experience in social relationships
 Field trips
 Story hour
 Routines - washing, eating, toileting, and sleeping or resting

(3) Equipment and Furnishings(A) Indoor Play

Housekeeping area - dools, cooking equipment, laundry equipment, sleeping equipment, dress-up clothes

Block-building area-adequate set of blocks for each age group, with accessory toys, such as small figures of people and animals

Creative arts - clay, easel painting with equipment, finger painting materials

Book area - well selected and adequate supply of children's books

Science area - growing plants, gold fish, collections of pebbles or sea shells, small bird and animal pictures

Music area - phonograph and records, rhythm instruments - bells, cymbals, drums, tambourine, triangle

Area for quiet play - materials such as beads and buttons for stringing, puzzles, children's games, miniature toys, boxes of various sizes

(B) Outdoor Play

Climbing structures (tunnels, cave, jungle gym)

See-saw

Tricycles

Wagons

Balls

Sand box

(b) CLASS B CENTERS:

In order to qualify as a Class B Center, a center must meet all of the applicable licensing requirements of the Department of Health and must meet the following minimum standards for Class B Centers in all three areas described below:

(1) Educational Qualifications of Personnel

The Director must have a degree from an accredited college. The head teacher must have had some college training, but not necessarily a degree. All teaching personnel must have a high school diploma or, alternatively, there must be a training program for teachers, already instituted or planned. The use of non-professional aides to assist teachers is encouraged.

(2) Program

Contacts between parents and staff (PTA meetings)
 Health supervision
 Physical care and protection of the child
 Supervised play - indoors and out
 Creative arts - drawing, painting
 Story hour
 Experience in social relationships
 Routines - washing, eating, toileting, and sleeping or resting

(3) Equipment and Furnishings(A) Indoor Play

Housekeeping area - dolls, cooking equipment, laundry equipment, dress-up clothes

Block-building area - adequate set of blocks for each age group, with accessory toys, such as small figures of people and animals

Creative arts - clay, finger painting materials

Book area - well selected and adequate supply of children's books

Science area - growing plants, gold fish, collections of pebbles or sea shells

Music area - record player and records

Area for quiet play - material such as beads and buttons for stringing, puzzles, miniature toys, boxes of various sizes

Water play

(B) Outdoor Play

Wagons
 Balls
 See-saw
 Slides
 Sand box

(c) CLASS C CENTERS:

The Class C Centers offer primarily custodial and protective care. In order to qualify as a Class C Center, a center must meet all applicable licensing requirements of the Department of Health and, in addition, must meet the following minimum standards of the Department of Public

Welfare for Class C Centers, in the three major areas, Educational Qualifications of Personnel, Program Content, and Equipment and Furnishings. These are described below:

(1) Educational Qualifications of Personnel

The Director must have a high school education or more.

Members of teaching staff must have a ninth grade education or more.

(2) Program

Health supervision

Physical care and protection of the child

Supervised play - indoors and out

Story hour

Routines - washing, eating, toileting, and sleeping or resting

(3) Equipment

(A) Indoor Play

Children's books

Puzzles

Finger painting equipment

Crayons

Water play

(B) Outdoor Play

Sand box

Packing boxes

See-saws

Section 13. The Director of Public Welfare shall establish a Departmental Coordinating Committee for Day Care to be responsible for reviewing the overall operation of the Department's day care and training programs. Major units of service within the Department, which use, or are affected by, the day care program, shall be represented on this Committee.

Section 14. This regulation shall become effective retroactive to January 1, 1968.

Regulation No. 69-10

Passed by the District of Columbia Council

January 28, 19 69

Attest: Stephen C. Swain Secretary, D. C. Council

Attest: John W. Henderson Chairman, D. C. Council

Presented by me to the Mayor of the District of Columbia

January 28, 19 69

Stephen C. Swain Secretary, D. C. Council

January 31

Approved and signed by me: Dexter Washington 19 69

Dexter Washington Mayor

D. C. Council Form # 3

No. 69-10 1st Reading

Regulation

Date January 28, 1969

No. L. O.

of the

Date to Mayor January 28, 1969

No. L. O.

District of Columbia

Date Returned

Date Resubmitted to Council

No. 2nd Rdg. and Final Passage
Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Charles F. Deverman
Corporation Counsel

Title

Councilman _____ Presents the following regulation

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
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- 48

AMENDMENTS TO THE "CONSUMER AFFAIRS REGULATIONS" ADOPTED JANUARY 6, 1969

WHEREAS, the Mayor, on January 18, 1969, signed the Consumer Affairs Regulations,

WHEREAS, by letter dated January 18, 1969, the Mayor requested of the Council certain amendments,

THEREFORE, be it enacted by the District of Columbia City Council, that,

Section 1. Delete the words "Establishing an Office of Consumer Affairs" from the title.

Section 2. Delete Section 4 "Authority of the Department of Consumer Affairs".

Section 3. (a) Renumber Section 5 to Section 4. Delete in para. of Section 5 (a) "sixty (60) days after adoption" and substitute in lieu thereof "July 1, 1969", and delete the proviso which reads as follows:

PROVIDED, however, that the Commissioner of the District of Columbia may appoint the Director of the Department of Consumer Affairs and members of the Consumer Affairs Board immediately after adoption of this regulation.

(b) Delete para. (b) of Section 5 which reads as follows:

"(b) All other provisions of the regulation shall become effective immediately upon adoption."

Section 4. Delete from (Appendix A) in the heading of Title I the following:

"Providing for the Registration of Retail Creditors; Establishing an Office of Consumer Affairs".

Section 5. Delete from Part I, Section 1.101, c and d.

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE														
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Anderson	X				Shackelton	X				Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on January 21, 1969 Adopted on second reading _____ and final passage on January 28, 1969

Rejected By _____ By Council _____ Date _____ Over Ride Vote Aye Nay
John W. H. Long Mayor *Stephen C. Swain* City Clerk

- 2 -

Section 6. Substitute the word "Commissioner" in lieu of the words "Director" or "Department" wherever either appears in the entire text of Title I of these Regulations.

Section 7. Delete in Section 2.103 "Notice of Application", the words "by regulation".

Section 8. Delete in Section 2.105 (a) Delete the words "certificate of" wherever they appear.

Section 9. Delete in Section 2.105 (B)(2) the word "certificate" and insert in lieu thereof the word "license".

Section 10. Delete Section 2.111 (d) and redesignate paragraph (E) as paragraph (D).

Section 11. Delete Section 2.114 "Examinations and Investigations" subparagraphs (c) and (d).

Section 12. Delete in its entirety PART 6. "DEPARTMENT OF CONSUMERS AFFAIRS. "

Section 13. Delete in its entirety, PART 7, "METROPOLITAN AREA CONSUMER AFFAIRS BOARD. "

Section 14. Delete PART 8 "HEARING AND ENFORCEMENT" and in lieu thereof make the text a new Section 2.115 (in lieu of Section 8-101) and Section 2.116 (in lieu of Section 8-102), and all references to "Council" or "Council or its designated agent" is to be deleted and the word "Commissioner" be substituted in lieu thereof.

Section 15. Renumber Part 9 as Part 6.

Section 16. Delete from paragraph B of Section 9.101 the words "90 days, or both" and insert in lieu thereof "10 days".

Section 17. This Regulation shall take effect immediately upon passage.

Regulation

District of Columbia

Charles F. ...
Secretary, D. C. Council

Regulation No. 69-11

Passed by the District of Columbia Council

January 28, 19 69

Attest: Stephen C. Swain Secretary, D. C. Council

Attest: John W. ... Chairman, D. C. Council

Presented by me to the Mayor of the District of Columbia

January 28, 19 69

Stephen C. Swain Secretary, D. C. Council

Approved and signed by me February 7, 19 69

Walter ... Mayor

RECORD OF COUNCIL VOTE

2551

COUNCILMAN	AYE	NO	SPARE	COUNCILMAN	AYE	NO	SPARE
...	X			...	X		
...	X			...	X		

Council Form # 3

69-11 1st Reading

Regulation

Date January 28, 1969

No. L. O.

of the

Date to Mayor January 28, 1969

No. L. O.

District of Columbia

Date Returned

No. 2nd Rdg. and Final Passage
Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Charles F. Hanson

Corporation Counsel

Title

Councilman _____ Presents the following regulation

AMENDMENT TO ABC REGULATION 2-136

WHEREAS, the ABC Regulations were recently amended to permit the sale of alcoholic beverages by the drink on Sunday,

WHEREAS, it is inconsistent to permit the sale of alcoholic beverages in Class "C" and "D" establishments while prohibiting them from illuminating their normal advertising signs,

NOW, THEREFORE, BE IT ENACTED by the District of Columbia City Council that,

Section I. The third paragraph of Section 2-136 of the Alcoholic Beverage Control Regulations is hereby deleted and the following language substituted therefor:

"No sign on the exterior of, or visible from the exterior of, any licensed premises, or elsewhere in the District of Columbia, advertising any alcoholic beverage, shall be illuminated at any time when the sale of alcoholic beverages in said premises is prohibited."

Section II. This regulation shall take effect immediately upon passage.

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE														
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Anderson	X				Shackelton	X				Yeldell	X			
Haywood	X				Thompson	X				Fauntroy	X			
Nevius	X				Daugherty	X				Hechinger	X			

X—Indicates Vote A. B.—Absent N. V.—Not Voting —X. O. R.—Indicates Vote to Override Veto

Adopted on first reading at a meeting of the District of Columbia Council on January 21, 1969 Adopted on second reading _____ and final passage on January 28, 1969

Rejected By _____ Mayor By Council _____ Date _____ Over Ride Vote Aye Nay City Clerk *Stephen C. Savarin*