DISTRICT OF COLUMBIA

OFFICIAL CODE

TITLE 28.

COMMERCIAL INSTRUMENTS AND TRANSACTIONS.

CHAPTER 41.

NATURAL DISASTER CONSUMER PROTECTION.

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DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 41. NATURAL DISASTER CONSUMER PROTECTION.

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CHAPTER 41. NATURAL DISASTER CONSUMER PROTECTION.

§ 28-4101. DEFINITIONS.

For the purposes of this chapter, the term:

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

(2) "Normal average retail price" means:

(A) In the case of services, not more than 10% more than the price at which similar services were sold or offered in the Washington Metropolitan Area during the 90-day period that preceded an emergency that resulted from a natural disaster, if an emergency is declared pursuant to § 28-4102(b); or

(B) In the case of merchandise, the price equal to the wholesale cost plus a retail mark-up that is the same percentage over wholesale cost as the retail mark-up for similar merchandise sold in the Washington Metropolitan Area during the 90-day period that immediately preceded an emergency that resulted from a natural disaster, if an emergency has been declared pursuant to § 28- 4102(b).

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

(Mar. 20, 1992, D.C. Law 9-80, § 2, 39 DCR 675; Feb. 5, 1994, D.C. Law 10-68, § 27(g), 40 DCR 6311; May 16, 1995, D.C. Law 10-255, § 23, 41 DCR 5193.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 28-4101.

Legislative History of Laws

Law 9-80, the "Natural Disaster Consumer Protection Act of 1992," was introduced in Council and assigned Bill No. 9-78, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on December 3, 1991, and January 7, 1992, respectively. Signed by the Mayor on January 28, 1992, it was assigned Act No. 9-137 and transmitted to both Houses of Congress for its review. D.C. Law 9-80 became effective on March 20, 1992.

Law 10-68, the "Technical Amendments Act of 1993," was introduced in Council and assigned Bill No. 10-166, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 29, 1993, and July 13, 1993, respectively. Signed by the Mayor on August 23, 1993, it was assigned Act No. 10-107 and transmitted to both Houses of Congress for its review. D.C. Law 10-68 became effective on February 5, 1994.

Law 10-255, the "Technical Amendments Act of 1994," was introduced in Council and assigned Bill No. 10-673, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 21, 1994, and July 5, 1994, respectively. Signed by the Mayor on July 25, 1994, it was assigned Act No. 10-302 and transmitted to both Houses of Congress for its review. D.C. Law 10-255 became effective May 16, 1995.

§ 28-4102. OVERCHARGING.

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

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

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

(Mar. 20, 1992, D.C. Law 9-80, § 2, 39 DCR 675.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 28-4102.

Legislative History of Laws

For legislative history of D.C. Law 9-80, see Historical and Statutory Notes following § 28-4101.

References in Text

"This act", referred to in subsec. (b)(1), is D.C. Law 9-80.

§ 28-4103. PENALTIES.

(a)(1) A person who violates § 28-4102(a) shall be subject to a fine of not more than $1,000.

(2) The Mayor may revoke, suspend, or limit the license, permit, or certificate of occupancy of a person who violates § 28-4102(a).

(b) A violation of § 28-4102(a) shall be a civil infraction for the purposes of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; § 2-1801.01 et seq.) ("Civil Infractions Act"). Civil fines, penalties, and fees may be imposed as sanctions for any infraction, pursuant to Chapter 18 of Title 2. Adjudication of any infraction shall be pursuant to Chapter 18 of Title 2.

(Mar. 20, 1992, D.C. Law 9-80, § 2, 39 DCR 675; Feb. 5, 1994, D.C. Law 10-68, § 27(h), 40 DCR 6311.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 28-4103.

Legislative History of Laws

For legislative history of D.C. Law 9-80, see Historical and Statutory Notes following § 28-4101.

For legislative history of D.C. Law 10-68, see Historical and Statutory Notes following § 28-4101.