

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 47.
TAXATION, LICENSING, PERMITS,
ASSESSMENTS, AND FEES.

CHAPTER 21.
CLOSING-OUT SALES.

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DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 21. CLOSING-OUT SALES.

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CHAPTER 21. CLOSING-OUT SALES.

§ 47-2101. DEFINITIONS.

For the purposes of this chapter:

(1) "Closing-out sale" means and includes any sale in connection with which there is any representation by the person conducting such sale that the sale is being conducted, or is required or compelled to be conducted, for reasons of economic or business distress, inability to continue business at the same location, or the age or health of the owner or owners of the business, and the term "closing-out sale" shall include but not be limited to, all sales advertised, represented, or held forth under the designation of "going out of business," "discontinuance of business," "selling out," "liquidation," "lost our lease," "must vacate," "forced out," "removal," or any other designation of like meaning.

(2) "Person" means and includes individuals, partnerships, voluntary associations, and corporations.

(Sept. 1, 1959, 73 Stat. 449, Pub. L. 86-219, § 1; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 47-2101.

1973 Ed., § 47-3001.

§ 47-2102. LICENSE REQUIRED; APPLICATION; FEE; BOND; RECORDS; PENALTY.[REPEALED]

(Sept. 1, 1959, 73 Stat. 449, Pub. L. 86-219, § 2; 1973 Ed., § 47-3002; Sept. 14, 1976, D.C. Law 1-82, title I, § 107, 23 DCR 2461; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; Apr. 20, 1999, D.C. Law 12-261, § 2003(pp)(1), 46 DCR 3142.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 47-2102.

1973 Ed., § 47-3002.

Legislative History of Laws

Law 1-82, the "License Fees and Charges Act of 1976," was introduced in Council and assigned Bill No. 1-237, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on March 23, 1976 and April 6, 1976, respectively. Signed by the Mayor on June 22, 1976, it was assigned Act No. 1-135 and transmitted to both Houses of Congress for its review.

Law 12-261, the "Second Omnibus Regulatory Reform Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998 respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

§ 47-2103. PURCHASE OF NEW STOCKS FOR USE ON "CLOSING-OUT SALES" PROHIBITED; PRESUMPTION.

No person in contemplation of a closing-out sale shall order any goods, wares, or merchandise for the purpose of selling and disposing of the same at such sale, and any unusual purchase and additions to the stock of such goods, wares, or merchandise within 60 days prior to the filing of application for a license to

conduct such sale shall be presumptive evidence that such purchases and additions to stock were made in contemplation of such sale.

(Sept. 1, 1959, 73 Stat. 450, Pub. L. 86-219, § 3; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; Apr. 20, 1999, D.C. Law 12-261, § 2003(pp)(2), 46 DCR 3142.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 47-2103.

1973 Ed., § 47-3003.

Legislative History of Laws

For legislative history of D.C. Law 12-261, see Historical and Statutory Notes following § 47-2102.

§ 47-2104. ADDITION OF NEW STOCKS DURING "CLOSING-OUT SALES" PROHIBITED.

No person carrying on or conducting a closing-out sale or a sale of goods, wares, or merchandise damaged by fire, smoke, water, or otherwise, under a license as provided in § 47-2102 shall, during the continuance of such sale, add any goods, wares, or merchandise to the stock inventoried in his original application for such license, and no goods, wares, or merchandise shall be sold at or during such sale, excepting the goods, wares, or merchandise described and inventoried in such original application.

(Sept. 1, 1959, 73 Stat. 450, Pub. L. 86-219, § 4; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 47-2104.

1973 Ed., § 47-3004.

§ 47-2105. CONTINUATION OF SALE BEYOND TERMINATION DATE PROHIBITED; EXTENSION OF TERMINATION DATE; CONTINUATION OF BUSINESS AT NEW LOCATION PROHIBITED.

No person shall conduct a closing-out sale or a sale of goods, wares, or merchandise damaged by fire, smoke, water, or otherwise beyond the termination date specified for such sale, except that an extension may be authorized upon proper showing of need; nor shall any person, upon conclusion of such sale, continue that business which had been represented as closing out or going out of business under the same name, or under a different name, at the same location, or elsewhere in the District of Columbia where the inventory for such sale was filed; nor shall any person, upon conclusion of such sale, continue business contrary to the designation of such sale.

(Sept. 1, 1959, 73 Stat. 450, Pub. L. 86-219, § 5; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 47-2105.

1973 Ed., § 47-3005.

§ 47-2106. PENALTY FOR CONDUCTING FALSE "CLOSING-OUT SALES" AND FOR VIOLATION OF THIS CHAPTER; PROSECUTIONS.

(a) Any person who shall advertise, hold, conduct, or carry on any sale of goods, wares, or merchandise under the description of closing-out sale or a sale of goods, wares, or merchandise damaged by fire, smoke, water, or otherwise, contrary to the provision of this chapter, or who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than \$300 or imprisonment for 90 days or both.

(b) Prosecutions for violations of this chapter and regulations promulgated under the authority of this chapter shall be conducted in the name of the District of Columbia by the Attorney General for the District of Columbia or any of his assistants.

(c) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this chapter, or any rules or regulations issued under the authority of this chapter, pursuant to Chapter 18 of Title 2. Adjudication of any infraction of this chapter shall be pursuant to Chapter 18 of Title 2.

(Sept. 1, 1959, 73 Stat. 450, Pub. L. 86-219, § 6; Oct. 5, 1985, D.C. Law 6-42, § 436, 32 DCR 4450; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; Apr. 13, 2005, D.C. Law 15-354, § 73(g), 52 DCR 2638.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 47-2106.

1973 Ed., § 47-3006.

Effect of Amendments

D.C. Law 15-354 substituted "Attorney General for the District of Columbia" for "Corporation Counsel".

Legislative History of Laws

Law 6-42, the "Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985," was introduced in Council and assigned Bill No. 6-187, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 25, 1985, and July 9, 1985, respectively. Signed by the Mayor on July 16, 1985, it was assigned Act No. 6- 60 and transmitted to both Houses of Congress for its review.

For Law 15-354, see notes following § 47-340.03.

§ 47-2107. CHAPTER NOT APPLICABLE TO PUBLIC OFFICIALS.

The provisions of this chapter shall not apply to public or court officers, or to any other person or persons acting under the license, direction, or authority of any court, local or federal, selling goods, wares, or merchandise in the course of their official duties.

(Sept. 1, 1959, 73 Stat. 451, Pub. L. 86-219, § 7; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 47-2107.

1973 Ed., § 47-3007.

§ 47-2108. JURISDICTION OF SUPERIOR COURT TO ENJOIN VIOLATIONS OF THIS CHAPTER.

Upon complaint of any person, the Superior Court of the District of Columbia shall have jurisdiction in equity to restrain and enjoin any act forbidden or declared illegal by any provisions of this chapter.

(Sept. 1, 1959, 73 Stat. 451, Pub. L. 86-219, § 8; July 29, 1970, 84 Stat. 573, Pub. L. 91-358, title I, § 155(c)(53); enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 47-2108.

1973 Ed., § 47-3008.

§ 47-2109. REGULATIONS.

The Council of the District of Columbia is authorized to promulgate regulations to carry out the purposes of this chapter including, without limitation, regulations limiting the period of time a closing-out sale or a sale of goods, wares, or merchandise damaged by fire, smoke, water, or otherwise may be conducted, subject to extension as authorized by § 47-2105; provided, that no such regulation shall be put in effect until after a public hearing has been held thereon.

(Sept. 1, 1959, 73 Stat. 451, Pub. L. 86-219, § 9; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR

1575.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 47-2109.

1973 Ed., § 47-3009.

§ 47-2110. PRESERVATION OF AUTHORITY; DELEGATION OF FUNCTIONS.

Nothing in this chapter shall be construed so as to affect the authority vested in the Commissioners by Reorganization Plan No. 5 of 1952 (66 Stat. 824). The performance of any function vested by this chapter in the Commissioners of the District of Columbia or in any office or agency under the jurisdiction and control of the said Commissioners may be delegated by said Commissioners in accordance with § 3 of such Plan.

(Sept. 1, 1959, 73 Stat. 451, Pub. L. 86-219, § 11; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 47-2110.

1973 Ed., § 47-3010.