

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 7.
HUMAN HEALTH CARE AND SAFETY.

CHAPTER 28.
SECURITY AND FIRE ALARM SYSTEMS
REGULATIONS.

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DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 28. SECURITY AND FIRE ALARM
SYSTEMS REGULATIONS.

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CHAPTER 28. SECURITY AND FIRE ALARM SYSTEMS REGULATIONS.

§ 7-2801. PURPOSE.

The purpose of this chapter is to regulate the sale, lease, rental, installation, service, repair, maintenance, and use of security or fire alarm systems and components thereof, and to license security or fire alarm dealers and agents within the boundaries of the District of Columbia.

(Sept. 26, 1980, D.C. Law 3-107, § 2, 27 DCR 3760; Mar. 29, 1988, D.C. Law 7-99, § 2(c), 35 DCR 1051.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-3101.

Legislative History of Laws

Law 3-107, the "Security and Fire Alarm Systems Regulations Act of 1980," was introduced in Council and assigned Bill No. 3-67, which was referred to the Committee on the Judiciary. The Bill was adopted on first, amended first and second readings on July 1, 1980, July 15, 1980 and July 29, 1980, respectively. Signed by the Mayor on July 31, 1980, it was assigned Act No. 3- 232 and transmitted to both Houses of Congress for its review.

Law 7-99, the "Fire Alarm Systems Regulations Amendment Act of 1987," was introduced in Council and assigned Bill No. 7-91, which was referred to the Committee on Judiciary. The Bill was adopted on first and second readings on January 5, 1988 and January 19, 1988, respectively. Signed by the Mayor on February 9, 1988, it was assigned Act No. 7-143 and transmitted to both Houses of Congress for its review.

§ 7-2802. DEFINITIONS.

As used in this chapter, the term:

- (1) "Alarm agent" means any employee of an alarm dealer whose duties include the installation, inspection, maintenance, service, or repair of alarm systems.
- (2) "Central alarm station" means a facility operated by an alarm dealer for the purpose of receiving alarm signals from a subscriber and relaying information concerning such signals to the Metropolitan Police Department or the District of Columbia Fire Department for response to the scene.
- (3) "Chief of Police" means the Chief of Police of the Metropolitan Police Department.
- (4) "Day" means calendar day, unless otherwise defined.
- (5) "District" means the District of Columbia government.
- (6) "False alarm" means any alarm signal communicated to the Metropolitan Police Department or the District of Columbia Fire Department that is not in response to an actual or threatened fire, an actual or attempted burglary, a holdup, an assault, or an unlawful entry requiring an immediate police or fire department response. The term "false alarm" shall include a negligently or accidentally activated signal; a signal that is the result of faulty, malfunctioning, or improperly installed or maintained equipment; and a signal that is purposely activated to summon the Metropolitan Police Department or the District of Columbia Fire Department in non-emergency situations. The term "false alarm" shall not include a signal willfully activated by an alarm user upon a good faith belief that an actual or threatened fire, an actual or attempted burglary, a holdup, an assault, or an unlawful entry is about to occur or a signal activated by unusually severe weather conditions or other causes, that is identified and determined by the Mayor to be beyond the control of the user or of the alarm dealer.
- (6a) "Fire Chief" means the Chief of the District of Columbia Fire Department.
- (6b) "Fire Department" means the District of Columbia Fire Department.

(7) "Mayor" means the Mayor of the District of Columbia or the Mayor's designated agent.

(8) "Metropolitan Police Department" means the Metropolitan Police Department of the District of Columbia.

(9) "Notice" means written notice, served personally upon the addressee or a representative designated by him or by law to receive service of papers, or mailed by United States mail, postage prepaid, addressed to the person to be notified at his last known address. Service of such notice shall be effective upon completion of personal service, or upon placing the same in the custody of the United States Postal Service for delivery. Proof of service may be by written acknowledgment of the party served or his or her representative, by return receipt if served by registered or certified mail, or by certificate of the person making the service personally or by mail. The term "notice" shall not have the above meaning when used in the term "notice of violation".

(10) "Person" means any individual, firm, partnership, association, company, corporation, or organization of any kind.

(11) "Scene" means the premises upon which a security alarm is located.

(12) "Alarm dealer" means any person engaged in the business of selling, leasing, renting, installing, inspecting, maintaining, servicing, or repairing alarm systems or components thereof, or receiving alarm signals from a subscriber and relaying information concerning such signals to the Metropolitan Police Department or District of Columbia Fire Department for response to the scene.

(13) "Alarm system" means any device or system that transmits a signal visibly, audibly, electronically, mechanically, or by combination of these methods to indicate an actual or threatened fire, an actual or attempted burglary, a holdup, an assault, or an unlawful entry at a premises, requiring an immediate response to the scene by the Metropolitan Police Department or the District of Columbia Fire Department. The term "alarm system" shall include a service activated automatically, such as a burglary or fire alarm, and a device activated manually, such as a holdup alarm, but shall not include telephonic lines maintained and operated by public utilities under the regulation of the Public Service Commission over which the signal might be transmitted.

(14) "Subscriber" means any user who employs the services of a central alarm station.

(15) "User" means any person owning and operating an alarm system, regardless of whether the alarm system was purchased or obtained within the boundaries of the District of Columbia.

(Sept. 26, 1980, D.C. Law 3-107, § 3, 27 DCR 3760; Mar. 29, 1988, D.C. Law 7-99, § 2(d), 35 DCR 1051.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-3102.

Legislative History of Laws

For legislative history of D.C. Law 3-107, see Historical and Statutory Notes following § 7-2801.

For legislative history of D.C. Law 7-99, see Historical and Statutory Notes following § 7-2801.

§ 7-2803. PROHIBITION OF PRERECORDED TRANSMITTALS.

Except for signaling devices jointly approved by the District of Columbia Fire Department and the Office on Aging under the Life Safety System, no person shall transmit or cause to be transmitted a prerecorded message to report any fire, burglary, holdup, or other emergency directly to the Metropolitan Police Department or the District of Columbia Fire Department by means of any telephone device, telephone attachment, alarm system, or other device. Any person violating this section shall be subject to a fine of up to \$100 for each offense.

(Sept. 26, 1980, D.C. Law 3-107, § 4, 27 DCR 3760; Mar. 29, 1988, D.C. Law 7-99, § 2(e), 35 DCR 1051.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-3103.

Legislative History of Laws

For legislative history of D.C. Law 3-107, see Historical and Statutory Notes following § 7-2801.

For legislative history of D.C. Law 7-99, see Historical and Statutory Notes following § 7-2801.

§ 7-2804. LICENSING OF ALARM DEALERS.

(a) No person shall engage in the business of an alarm dealer within the boundaries of the District of Columbia without first obtaining from the Mayor a license to be known as an alarm dealer's license. Such license shall be required in addition to any other license or registration required by law. Any person who engages in the business of an alarm dealer within the boundaries of the District of Columbia without having obtained such a license shall be subject to a fine of up to \$300 for each such violation.

(b) Application for an alarm dealer's license shall be made to the Mayor on a form prescribed by the Mayor. The information provided by each applicant shall be under oath and shall include, but shall not be limited to, the following:

- (1) The name, address, and telephone number of the applicant;
- (2) The name, address, and telephone number of the alarm business, the type of business organization, and the names and addresses of the president, vice-president, secretary, treasurer, manager, or other principal officer responsible for the operation of the business or local branch of the business, as applicable;
- (3) That if the applicant plans to install, inspect, maintain, repair or service any alarm system, such applicant must comply with the provisions of § 7-2806(d).

(c) Each person whose name is required to be listed on the application shall furnish the Mayor with sets of his or her fingerprints, which shall become part of the application and shall be compared and recorded by the Chief of Police. The Chief of Police shall submit such fingerprints to the Federal Bureau of Investigation and to such other authorities as the Chief of Police may deem advisable for comparison and record checking, and shall make such other investigation as the Chief of Police determines to be relevant. The Chief of Police shall cause such fingerprints to be returned to the Metropolitan Police Department upon completion and record checking by other agencies. The Chief of Police shall report the results of the investigation to the Mayor, who shall determine whether a license shall be issued.

(d) Each application required by this section shall be accompanied by a nonrefundable fee to be established by the Mayor; provided, that such fee shall, in the judgment of the Mayor, reimburse the District for the cost of services provided under this section. The term of the license shall be determined by the Mayor.

(e) An alarm dealer's license may be denied, suspended, or revoked upon any 1 or more of the following grounds:

- (1) That the applicant made a false statement of a material fact in the application;
- (2) That the applicant or licensee has violated any provision of this chapter, or any other applicable act or regulation governing such licenses; or
- (3) That the applicant or licensee or other person specified in subsection (b) of this section has been convicted of a felony within the last 10 years, or of a misdemeanor involving unlawful entry or the unlawful taking of the property of another within the last 5 years, unless the Mayor determines that the issuance or continuance of a license would not constitute a significant risk to the community. The Mayor shall consider the following factors in determining whether a significant risk exists:
 - (A) The nature of the crime and its relationship to the duties and circumstances of participation in the business;
 - (B) information pertaining to the degree of rehabilitation of the convicted person; and
 - (C) the time elapsed since conviction.

(f) The Mayor may refuse to license, or may suspend or revoke any license in accordance with the provisions of this chapter, by notifying the applicant or licensee in writing and setting forth reasons authorized by subsection (e) of this section for such suspension or revocation. The Mayor may order a suspension for a period not to exceed 6 months. Any person whose license has been revoked may not apply for reissuance until 6 months after the date of revocation. Reissuance shall be subject to payment of the same fee required for obtaining an original license.

(g) Whenever the Mayor proposes to deny, suspend, or revoke a license, he shall serve upon the applicant or licensee written notice which shall:

- (1) State the nature of the proposed action;
- (2) Set forth facts which constitute the basis for the proposed action;
- (3) Advise the applicant or licensee that he has the opportunity to submit information, within 10 days of service of the notice of proposed action, bearing on such proposed action for consideration by the Mayor;
- (4) Advise the applicant or licensee that unless information is submitted pursuant to this section, the notice of proposed action shall constitute the notice of final action 10 days after service of such notice.

(h) In conjunction with the authority granted by this section, the Mayor shall have the authority to enter into agreements of assurance of compliance or discontinuance prior, or as an alternative, to denial, suspension, or revocation of license.

(i) Prior to any final action by the Mayor to suspend or revoke a license pursuant to this section, the license shall remain effective until its normal expiration date.

(j) Any person who has been served with a notice of final action may file a request for a hearing with the Office of Administrative Hearings. Any such hearing shall be held in accordance with of Chapter 5 of Title 2.

(Sept. 26, 1980, D.C. Law 3-107, § 5, 27 DCR 3760; Mar. 29, 1988, D.C. Law 7-99, § 2(f), 35 DCR 1051; Apr. 13, 2005, D.C. Law 15-354, § 17, 52 DCR 2638.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-3104.

Effect of Amendments

D.C. Law 15-354 rewrote subsec. (j) which had read:

"(j) Any person upon whom a notice of final action has been served may file with the Board of Appeals and Review, established by Organization Order No. 112, dated August 11, 1955, a written demand for a hearing. Any such hearing shall be held in accordance with the provisions of Chapter 5 of Title 2 and the Rules of Procedure of the Board of Appeals and Review adopted May 17, 1974."

Legislative History of Laws

For legislative history of D.C. Law 3-107, see Historical and Statutory Notes following § 7-2801.

For legislative history of D.C. Law 7-99, see Historical and Statutory Notes following § 7-2801.

For Law 15-354, see notes following § 7-1811.01.

§ 7-2805. LICENSING OF ALARM AGENTS.

(a) No person shall act as an alarm agent within the boundaries of the District of Columbia without first obtaining a license to be known as an alarm agent's license. A person to whom an alarm dealer's license has been issued may obtain an alarm agent's license without payment of any additional license fee. Any person who violates this section shall pay a fine of not more than \$300. Alarm agents' licenses shall be issued in the form of an identification card.

(b) Application for an alarm agent's license shall be made to the Mayor on a form prescribed by the Mayor. The information provided by the applicant shall be under oath and shall include, but shall not be limited to the following:

- (1) The name, address, and telephone number of the applicant;
- (2) The name, address, and telephone number of the alarm business by whom the applicant will be employed; and
- (3) A signed statement by the owner or manager of the particular alarm business indicating that employment has been offered to the applicant.

(c) Each applicant for an alarm agent's license shall furnish the Mayor with sets of his or her fingerprints, which shall be processed in the manner set forth in § 7-2804(c).

(d) Each application required by this section shall be accompanied by a nonrefundable fee to be established by the Mayor; Provided, that such fee shall, in the judgment of the Mayor, reimburse the District for the cost of services provided under this section. The term of the license shall be determined by the Mayor.

(e) Each alarm agent, and each alarm dealer whose duties include the installation, inspection, maintenance, servicing, or repair of alarm systems, shall carry on his or her person at all times while engaged in such duties a valid licensee identification card. Such identification card shall include the name of the alarm agent, a photograph of the alarm agent, and an identification number. Such card shall be displayed upon request. Identification cards are not transferable, and must be surrendered to the Mayor upon termination of employment as an alarm agent or suspension or revocation of an alarm agent's license.

(f) Alarm agents' licenses shall be subject to denial, suspension, or revocation on the grounds set forth in § 7-2804(e). Procedures for the denial, suspension, or revocation of such a license shall be as set forth in § 7-2804(f), (g), (i), and (j).

(g) Any license issued pursuant to this section shall be issued as an Inspected Sales and Services endorsement to a basic business license under the basic business license system as set forth in subchapter I-A of Chapter 28 of Title 47.

(Sept. 26, 1980, D.C. Law 3-107, § 6, 27 DCR 3760; Mar. 29, 1988, D.C. Law 7-99, § 2(q), 35 DCR 1051;

Apr. 20, 1999, D.C. Law 12-261, § 2003(l), 46 DCR 3142; Oct. 28, 2003, D.C. Law 15-38, § 3(j), 50 DCR 6913.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-3105.

Effect of Amendments

D.C. Law 15-38, in subsec. (g), substituted "an Inspected Sales and Services endorsement to a basic business license under the basic" for "a Class A Inspected Sales and Services endorsement to master business license under the master".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 3(j) of Streamlining Regulation Emergency Act of 2003 (D.C. Act 15-145, August 11, 2003, 50 DCR 6896).

Legislative History of Laws

For legislative history of D.C. Law 3-107, see Historical and Statutory Notes following § 7-2801.

For legislative history of D.C. Law 7-99, see Historical and Statutory Notes following § 7-2801.

Law 12-261, the "Second Omnibus Regulatory Reform Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-615, 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.

For Law 15-38, see notes following § 7-732.

§ 7-2806. DUTIES OF ALARM DEALERS.

(a) Alarm dealers shall maintain in a secure and confidential manner records of all sales, leases, rentals, or installations of alarm systems and of service calls for alarm systems. Such records shall include the name of the alarm user, the address of the premises at which the alarm system is located, the date of installation or service call, and such other information as the Mayor may require. Such records shall be maintained for a period of no less than 1 year, unless specific records are required to be maintained for a longer period by the Mayor.

(b)(1) Alarm dealers shall provide to users complete oral and written instructions and demonstrations in the proper care and use of any alarm or alarm system sold to or installed for a user.

(2) Warranties provided by alarm dealers to users shall be in writing. Alarm dealers shall also provide users with copies of written warranties by the manufacturer which are enforceable by the user.

(3) Alarm dealers shall inform alarm users that the use of alarms within the boundaries of the District of Columbia is governed by law.

(4) Upon the sale or installation of an alarm system, alarm dealers shall obtain from the alarm user a written acknowledgment that the requirements set forth in this subsection have been met. Such acknowledgment shall be signed by the user and maintained as part of the records required to be kept by subsection (a) of this section.

(c) Alarm dealers who contract with a user to respond to the scene of an alarm activation shall post on the premises, in a conspicuous place visible from outside the premises, a sticker or other sign indicating the name and telephone number of the alarm dealer. When an alarm system has been activated the alarm dealer shall have an alarm agent present at the premises within 1 hour after being requested to do so by the Metropolitan Police Department or District of Columbia Fire Department, unless good cause is shown.

(d) Alarm dealers have an affirmative duty to adequately train and supervise alarm agents in their employ. Any alarm dealer which installs, inspects, maintains, repairs or services any alarm system must employ or otherwise engage the services of at least 1 person who possesses, at a minimum, a current master electrician limited license which is valid in the District.

(Sept. 26, 1980, D.C. Law 3-107, § 7, 27 DCR 3760; Mar. 29, 1988, D.C. Law 7-99, § 2(h), 35 DCR 1051.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-3106.

Legislative History of Laws

For legislative history of D.C. Law 3-107, see Historical and Statutory Notes following § 7-2801.

For legislative history of D.C. Law 7-99, see Historical and Statutory Notes following § 7-2801.

§ 7-2807. DUTIES OF SECURITY ALARM USERS.

- (a) An alarm system user shall not cause or permit any false alarm.
- (b) It shall be the responsibility of alarm users to instruct any employees or others who may have occasion to activate an alarm that alarm systems are to be activated only in emergency situations to summon an immediate police or fire department response. Alarm users shall also instruct appropriate employees as to the operation of the alarm system, to include setting, activation, and resetting of the alarm.
- (c) Alarm users shall be responsible for seeing that alarm systems are maintained in good working order and that defects which could cause false alarms are promptly repaired.
- (d) Users of alarm systems who have not contracted with an alarm dealer for an alarm agent to respond to the scene of alarm activations shall indicate the telephone numbers of at least 2 responsible persons who are capable of deactivating and resetting the alarm system and of assisting the police or fire department to secure the premises, if necessary, and who may be notified by the Metropolitan Police Department or District of Columbia Fire Department to respond to the scene by either: (1) posting the names of such persons on a sticker or other sign on the premises in a conspicuous place visible from outside the premises; or (2) filing the names with the Mayor as defined by regulation. Such person or persons shall respond to the scene within one-half hour after being requested to do so by the Metropolitan Police Department or District of Columbia Fire Department, unless good cause is shown.

(Sept. 26, 1980, D.C. Law 3-107, § 8, 27 DCR 3760; Mar. 29, 1988, D.C. Law 7-99, § 2(i), 35 DCR 1051.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-3107.

Legislative History of Laws

For legislative history of D.C. Law 3-107, see Historical and Statutory Notes following § 7-2801.

For legislative history of D.C. Law 7-99, see Historical and Statutory Notes following § 7-2801.

§ 7-2808. STANDARDS FOR SECURITY AND FIRE ALARM SYSTEMS.

- (a) No person shall install or maintain an audible alarm system which creates a sound capable of being mistakenly identified as that of an emergency vehicle siren or a civil defense warning siren.
- (b) The Mayor is authorized to deactivate any exterior audible alarm system which continues to emit a sound for more than one-half hour.
- (c) No person shall install or maintain an alarm system which does not have some safeguard which allows reasonable delay to halt or recall an accidental alarm activation before the alarm is communicated to the Metropolitan Police Department or District of Columbia Fire Department for response to the scene.

(Sept. 26, 1980, D.C. Law 3-107, § 9, 27 DCR 3760; Mar. 29, 1988, D.C. Law 7-99, § 2(j), 35 DCR 1051.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-3108.

Legislative History of Laws

For legislative history of D.C. Law 3-107, see Historical and Statutory Notes following § 7-2801.

For legislative history of D.C. Law 7-99, see Historical and Statutory Notes following § 7-2801.

§ 7-2809. EXCEPTIONS.

- (a) This chapter shall not apply to the use of alarm systems by law-enforcement personnel for law-enforcement purposes.
- (b) This chapter shall not apply to alarm systems installed in motor vehicles, boats, or aircraft.
- (c) This chapter shall not apply to alarm systems which do not communicate directly or indirectly with the Metropolitan Police Department or District of Columbia Fire Department to request a police or fire department response, but which are designed solely to alert personnel or others directly connected with or

employed by the owner or operator of the protected premises or an agency who are required to respond to the scene of the activation prior to initiating a call for police or fire department services.

(d) This chapter shall not apply to persons engaged solely in the manufacture or sale of alarm systems or components thereof from a fixed location.

(e) This chapter shall not apply to telephone answering services which receive alarm activation signals and relay information to the Metropolitan Police Department or District of Columbia Fire Department, but do not function in any other manner as an agency or alarm dealer.

(f) This chapter shall not apply to electricians who may have occasion to deal with electrical components of alarm systems, but who are not alarm dealers or alarm agents, or acting in any such capacity.

(g) This chapter shall not apply to any alarm system used, operated, or installed in any premises or place owned, leased, occupied, or under the control of the governments of the United States or the District of Columbia, nor to any officer, agent, or employee of either government while acting or employed in his official capacity.

(Sept. 26, 1980, D.C. Law 3-107, § 10, 27 DCR 3760; Mar. 29, 1988, D.C. Law 7-99, § 2(k), 35 DCR 1051.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-3109.

Legislative History of Laws

For legislative history of D.C. Law 3-107, see Historical and Statutory Notes following § 7-2801.

For legislative history of D.C. Law 7-99, see Historical and Statutory Notes following § 7-2801.

§ 7-2810. INSPECTIONS.

The Mayor is authorized to inspect the facilities of any alarm dealer, central alarm station, or commercial user or subscriber during reasonable business hours to determine whether the requirements of this chapter are being met. Information obtained pursuant to such inspections shall be kept confidential and used only in conjunction with the enforcement of this chapter or for other authorized purposes.

(Sept. 26, 1980, D.C. Law 3-107, § 11, 27 DCR 3760; Mar. 29, 1988, D.C. Law 7-99, § 2(l), 35 DCR 1051.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-3110.

Legislative History of Laws

For legislative history of D.C. Law 3-107, see Historical and Statutory Notes following § 7-2801.

For legislative history of D.C. Law 7-99, see Historical and Statutory Notes following § 7-2801.

§ 7-2811. PENALTIES GENERALLY.

(a) Unless otherwise specified, any person who violates a provision of this chapter shall be fined no less than \$40 nor more than \$100.

(b) All fines levied pursuant to this chapter are civil in nature.

(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. 26, 1980, D.C. Law 3-107, § 12, 27 DCR 3760; Mar. 29, 1988, D.C. Law 7-99, § 2(m), 35 DCR 1051; Mar. 8, 1991, D.C. Law 8-237, § 18, 38 DCR 314.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-3111.

Legislative History of Laws

For legislative history of D.C. Law 3-107, see Historical and Statutory Notes following § 7-2801.

For legislative history of D.C. Law 7-99, see Historical and Statutory Notes following § 7-2801.

Law 8-237, the "Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 Technical and Clarifying Amendments Act of 1990," was introduced in Council and assigned Bill No. 8-203, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on December 4, 1990, and December 18, 1990, respectively. Signed by the Mayor on December 27, 1990, it was assigned Act No. 8-320 and transmitted to both Houses of Congress for its review.

§ 7-2812. NOTICE OF VIOLATION.

- (a) The Mayor may issue a notice of violation to any person who violates a provision of this chapter.
- (b) A notice of violation shall:
 - (1) State the nature of the violation; and
 - (2) Describe the procedures provided in this section and § 7-2813.
- (c) A notice of violation shall be the summons and complaint for purposes of this chapter. A duplicate of the notice of violation shall be served personally on the person to whom it is issued as provided in subsection (d) of this section. The original or a facsimile thereof shall be filed with the Office of the Corporation Counsel and shall be deemed a record kept in the ordinary course of business and shall be prima facie evidence of the facts contained therein.
- (d) A notice of violation shall be served personally upon the alleged violator. If the alleged violator is not present the notice of violation shall be served by affixing such notice to the place of business (in the case of an alarm dealer or agent) or to the scene (in the case of an alarm user) in a conspicuous place.
- (e) A person shall answer a notice of violation within 15 days by:
 - (1) Depositing and forfeiting collateral in an amount established by rule or order of the Mayor; or
 - (2) Depositing collateral in an amount established by rule or order of the Mayor and requesting the Superior Court of the District of Columbia to set a trial date.
- (f) The Mayor shall prescribe the form for the notice of violation. A Mayor's rule or order establishing the amount of collateral shall become effective at expiration of 30 days unless the Council of the District of Columbia shall, during such period, adopt a resolution disapproving such Mayor's rule or order.

(Sept. 26, 1980, D.C. Law 3-107, § 13, 27 DCR 3760; Mar. 29, 1988, D.C. Law 7-99, § 2(n), 35 DCR 1051; May 10, 1989, D.C. Law 7-231, § 22, 36 DCR 492.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-3112.

Legislative History of Laws

For legislative history of D.C. Law 3-107, see Historical and Statutory Notes following § 7-2801.

For legislative history of D.C. Law 7-99, see Historical and Statutory Notes following § 7-2801.

Law 7-231, the "Technical Amendments Act of 1988," was introduced in Council and assigned Bill No. 7-586, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 29, 1988 and December 13, 1988, respectively. Signed by the Mayor on January 6, 1989, it was assigned Act No. 7-285 and transmitted to both Houses of Congress for its review.

§ 7-2813. TRIAL.

- (a) Unless otherwise provided, the conduct of any civil trial commenced pursuant to § 7-2812 shall be governed by the Rules of the Superior Court of the District of Columbia.
- (b) In such trial, the complaint of a violation of this chapter shall be brought in the name of the District of Columbia by the Corporation Counsel. The burden of proof shall be upon the District of Columbia and no violation of this chapter may be established except upon proof by a preponderance of the evidence.

(Sept. 26, 1980, D.C. Law 3-107, § 14, 27 DCR 3760.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-3113.

Legislative History of Laws

For legislative history of D.C. Law 3-107, see Historical and Statutory Notes following § 7-2801.

§ 7-2814. COLLECTION OF FINES AND FEES.

(a) All fines, collateral and fees collected pursuant to this chapter shall be paid into the General Fund of the District of Columbia.

(b) A fine or collateral is due and payable under this chapter upon default or a finding at trial in favor of the District or upon the failure of a person to answer a notice of violation within 15 days as provided in § 7-2812(e).

(c) Failure of a person to pay a fine or collateral when due shall cause such fine or collateral to be due and payable in twice the original amount not to exceed \$300.

(d) The District of Columbia shall have a lien upon any amount due and payable as a fine or collateral pursuant to this chapter. However, no such lien shall be effective unless: (1) the District shall have filed in the Office of the Recorder of Deeds of the District of Columbia, in a docket provided for such liens, a written statement containing the name and address of the violator and the date and approximate place of the violation; and (2) the District shall have given notice of the filing of such lien to the violator. Thereafter, the District is authorized to file suit in the amount of its lien.

(Sept. 26, 1980, D.C. Law 3-107, § 15, 27 DCR 3760.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-3114.

Legislative History of Laws

For legislative history of D.C. Law 3-107, see Historical and Statutory Notes following § 7-2801.

§ 7-2815. MISCELLANEOUS PROVISIONS.

(a) In accordance with Chapter 5 of Title 2, the Mayor shall issue such rules and procedures as are necessary to implement this chapter. Except as provided by the Mayor, the Metropolitan Police Department and District of Columbia Fire Department shall be responsible for the enforcement of this chapter and the issuance of any notice of violation pursuant to § 7-2812.

(b) If any portion of this chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining provisions.

(Sept. 26, 1980, D.C. Law 3-107, § 16, 27 DCR 3760; Mar. 29, 1988, D.C. Law 7-99, § 2(o), 35 DCR 1051.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 6-3115.

Legislative History of Laws

For legislative history of D.C. Law 3-107, see Historical and Statutory Notes following § 7-2801.

For legislative history of D.C. Law 7-99, see Historical and Statutory Notes following § 7-2801.