

COUNCIL OF THE DISTRICT OF COLUMBIA

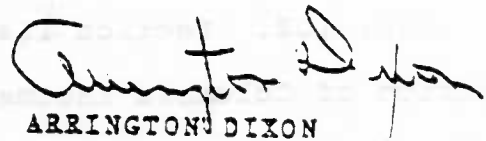
NOTICE

D.C. LAW 4-131

"District of Columbia Tax Enforcement Act of 1982".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 4-257 on first and second readings, April 27, 1982 and May 11, 1982, respectively. Following the Signature of the Mayor on June 1, 1982, this legislation was assigned Act No. 4-196, published in the June 11, 1982 edition of the D.C. Register, (Vol. 29 page 2418) and transmitted to Congress on June 4, 1982 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 4-131, effective July 24, 1982.


ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

June 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30
July 1, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23

D.C. LAW 4-131

EFFECTIVE DATE JUL 24 1982

AN ACT

D.C. ACT 4-196

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUN 01 1982

To amend various tax acts of the District of Columbia,
and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "District of Columbia
Tax Enforcement Act of 1982".

TITLE I — AMENDMENTS TO THE DISTRICT OF COLUMBIA

INCOME AND FRANCHISE TAX ACT OF 1947

Sec. 101. Section 4(f) of Title I of the District
of Columbia Income and Franchise Tax Act of 1947,
approved July 16, 1947 (61 Stat. 332; D.C. Code, sec.
47-1801.4(6)(A)) is amended by inserting after the word
"including" the phrase "activities in the District that
benefit an affiliated entity of the taxpayer,".

CODIFICATION
D.C. Code,
sec. 47-1801.4
(1981 ed.)

Sec. 102. Section 1(a)(2) of Title X of the
District of Columbia Income and Franchise Tax Act of
1947, approved July 16, 1947 (61 Stat. 349; D.C. Code,
sec. 47-1810.1(a)(2)) is amended by striking the "." at
the end thereof and inserting immediately at the end of
the first paragraph the following phrase:

D.C. Code,
sec. 47-1810.1
(1981 ed.)

": PROVIDED, FURTHER, That dividends received
from subsidiary corporations for whom the taxpayer

provides services are deemed to be business income subject to apportionment." in lieu thereof.

Sec. 103. Section 2 of Title X of the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 349; D.C. Code, sec. 47-1810.2) is amended to read as follows:

D.C. Code,
sec. 47-1810.
(1981 ed.)

"The entire net income of any corporation, financial institution or unincorporated business, derived from any trade or business carried on or engaged in wholly within the District shall, for the purposes of this article, be deemed to be from sources within the District, and shall, along with other income from sources within the District, be allocated to the District. If the trade or business of any corporation, financial institution or unincorporated business is carried on or engaged in both within and without the District, the net income derived therefrom shall, for the purposes of this article, be deemed to be income from sources within and without the District. Where the net income of a corporation, financial institution or unincorporated business is derived from sources both within and without the District, the portion thereof subject to tax under this article, shall be determined under regulation or regulations prescribed by the Council of the District of Columbia. The Mayor may employ any formula or formulas provided in any regulation or regulations prescribed by the Council

under this article which, in his opinion, should be applied in order to determine properly the net income of any corporation, financial institution or unincorporated business subject to tax under this article."

Sec. 104. Section 7(a)(4) of Title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved August 2, 1968 (82 Stat. 612; D.C. Code, sec. 47-1812.7(a)(4)) is amended by striking the phrase "District of Columbia Council" and inserting the word "Mayor" in lieu thereof.

D.C. Code,
sec. 47-1812.7
(1981 ed.)

Sec. 105. Section 8 of Title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 75; D.C. Code, sec. 47-1812.8) is amended as follows:

D.C. Code,
sec. 47-1812.8
(1981 ed.)

(a) Subsection (a) (D.C. Code, sec. 47-1812.8(a)) is amended to read as follows:

"(a) Income of foreign corporations or unincorporated business. -

"Whenever the Council of the District of Columbia shall deem it necessary in order to satisfy the District's claim for a tax payable by any foreign corporation or unincorporated business, it may, by rules and regulations, require any person subject to the jurisdiction of the District to withhold and pay to the Mayor an amount not in excess of 5 per centum of all income payable by such person to such foreign

corporation or unincorporated business. After such foreign corporation or unincorporated business shall have filed all returns required under this title, and the same shall have been audited, the Mayor shall refund any overpayment to the taxpayer."; and

(b) Subsection (f)(2) (D.C. Code, sec. 47-1812.8(f)(2)) is amended by adding at the end thereof the following new sentences to read as follows:

"The liens referred to in this paragraph shall constitute a preferred claim, having priority over all other liens or security interests of whatever kind and however created. If property of an employer is seized under distraint provisions, neither the United States Marshall, nor a receiver, assignee or any other officer shall sell the property without first determining from the Mayor the amounts due and payable by said employer, and if there be any amounts due, owing or unpaid, it shall be the duty of such officer to first pay to the Mayor the said amounts out of the proceeds of such sale before making any payment to any judgment creditor or other claimants of whatsoever kind or nature."

Sec. 106. Section 9 of Title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 353; D.C. Code, sec. 47-1812.9) is amended to read as follows:

"Sec. 9. Liens Upon Taxes Due. Every tax imposed by this article and all increases, interest and

D.C. Code,
sec. 47-1812.9
(1981 ed.)

penalties thereon, shall constitute, from the time it is due and payable, a lien having priority over all other liens secured or otherwise. Any unsatisfied claims assessed under this article, shall become a personal debt of the person(s) liable to pay the same to the District. Taxes levied under this article, and the interest and penalties thereon, shall be collected in the manner provided by law for the collection of taxes due the District on personal property in force at the time of such collection."

Sec. 107. Section 1 of Title XVI of the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 359; D.C. Code, sec. 47-1816.1) is amended to read as follows:

D.C. Code,
sec. 47-1816.1
(1981 ed.)

"Unless otherwise provided, the Mayor shall prescribe such rules and regulations as the Mayor deems necessary to carry out the provisions of this act."

Sec. 108. The District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 331; D.C. Code, sec. 47-1801.1 et seq.) is amended as follows:

D.C. Code,
secs. 47-1801.1
to 47-1816.1
(1981 ed.)

(a) Except as provided in subsection (c), strike the word "Commissioners" wherever it appears and insert the word "Mayor" in lieu thereof;

(b) Except as provided in subsection (d),

(1) wherever the pronouns "they", "them", or "their" are used to refer to the "Commissioners of the

District of Columbia", strike those pronouns and insert the pronouns "he", "him", and "his" in lieu thereof in accordance with the appropriate forms of the pronouns to refer to the "Mayor"; and

(2) wherever the plural verb form is used to refer to the "Commissioners of the District of Columbia" strike that verb and insert the singular verb form;

(c) Strike the word "Commissioners" in the following provisions and insert the phrase "Council of the District of Columbia" in lieu thereof:

(1) section 8(q) of title VI of article I (D.C. Code, sec. 47-1806.6(q)); and

(2) section 8(b)(2)(D), (E), (c), (e)(7), (g), (i)(2)(D), (5), (6), and (7) of title XII of article I (D.C. Code, sec. 47-1812.8(b)(2)(D), (E), (c), (e)(7), (g), (i)(2)(D), (5), (6), & (7)); and

(d) Wherever the pronouns "they", "them", "their" are used to refer to the "Commissioners of the District of Columbia" in the provisions identified in subsection (c),

(1) strike those pronouns and insert the pronouns "it", "it", and "its" in lieu thereof in accordance with the appropriate forms of the pronouns to refer to the "Council of the District of Columbia"; and

(2) strike the plural verb form and insert

the singular verb form.

TITLE II -- AMENDMENTS TO THE DISTRICT OF COLUMBIA

SALES AND USE TAX ACTS

Sec. 201. Section 104 of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 112; D.C. Code, sec. 47-2001(d)) is amended to read as follows:

D.C. Code, sec. 47-2001 (1981 ed.)

"(d) 'Mayor' means the Mayor of the District of Columbia or his duly authorized representative or representatives."

Sec. 202. Section 114(a)(3) of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 112; D.C. Code, sec. 47-2001(n)(1)(C)) is amended by adding at the end thereof a new sentence to read as follows:

D.C. Code, sec. 47-2001 (1981 ed.)

"The term 'transient' means any person who occupies or who has the right to occupy any room or rooms, lodgings, or accommodations for a period of ninety days or less during any one continuous stay."

Sec. 203. Section 126 of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 115; D.C. Code, sec. 47-2003) is amended as follows:

D.C. Code, sec. 47-2003 (1981 ed.)

(a) By designating the current paragraph as subsection "(a)"; and

(b) By adding at the end thereof the following new subsection "(b)" to read as follows:

"(b) In the event that the vendor shall

collect a tax in excess of the reimbursement schedule rates provided for in this title, such excess shall be refunded to the purchaser, or in lieu thereof, shall become a debt to the District in the same manner as taxes due and payable under this title."

Sec. 204. Section 127 of the District of Columbia Sales Tax Act, effective October 21, 1975 (D.C. Law 1-23; D.C. Code, sec. 47-2004) is amended by striking the phrase "Council of the District of Columbia" and inserting the word "Mayor" in lieu thereof.

D.C. Code,
sec. 47-2004
(1981 ed.)

Sec. 205. Section 128(c) of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 116; D.C. Code, sec. 47-2005(3)) is amended to read as follows:

D.C. Code,
sec. 47-2005
(1981 ed.)

"(c) Sales to semipublic institutions:

PROVIDED, HOWEVER, That such sales shall not be exempt unless:

- "(1) such institution shall have first obtained a certificate from the Mayor stating that such institution is entitled to such exemption;
- "(2) the vendor keeps a record of the sale, the name of the purchaser, the date of each separate sale, and the number of such certificate;
- "(3) such institution is located within the District, carries on its activities to

a substantial extent within the District, and such activities result in substantial benefits to citizens of the District; and

"(4) the property or services purchased are for use or consumption, or both, in maintaining, operating, and conducting the institution for the purpose for which it was organized or for honoring the institution or its members."

Sec. 206. Section 131 of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 117; D.C. Code, sec. 47-2011) is amended by adding at the end thereof a new sentence to read as follows:

D.C. Code,
sec. 47-2011
(1981 ed.)

"For purposes of this section, the term 'person' also includes any officer of a corporation, and any employee of a corporation responsible for the collection or payment of the tax and any member of a partnership or association, responsible for the collection or payment of the tax."

Sec. 207. Section 138 of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 119; D.C. Code, sec. 47-2018) is amended to read as follows:

D.C. Code,
sec. 47-2018
(1981 ed.)

(a) Subsection (a) (D.C. Code, sec. 47-2018(a)) is amended as follows:

"(a)(1) Except to any official of the District, having a right thereto in his official capacity, it

shall be unlawful for any officer or employee, or any former officer or employee, of the District to divulge or make known in any manner the amount of gross proceeds or tax due or any particulars relating thereto or the computation thereof set forth or disclosed in any return required to be filed under this title, and neither the original nor a copy of any return desired for use in litigation in court shall be furnished where neither the District nor the United States is interested in the result of such litigation, whether or not the request is contained in an order of the court: PROVIDED, HOWEVER, That nothing herein contained shall be construed to prevent the furnishing to a taxpayer a copy of his return upon the payment of a fee of \$3.50.

"(2) The provisions of paragraph (1) shall also apply to any state or local sales tax returns, copies thereof, and any other state or local sales tax information either submitted by the taxpayer or otherwise obtained. The provisions of paragraph (1) shall not apply to any applications for exemption and their required related financial statements for persons which have been granted exemption under this title.

"(3) Whenever it is necessary for the District to enter into contracts for the purpose of processing, storing, transmitting, or reproducing tax returns required by this title, such returns may be disclosed to the contractor to the extent needed in

connection with the processing, storing, transmitting, or reproducing of such tax returns. The provisions of subsections (a) and (d) of this section shall apply to all such contractors, their officers and employees, and to all such former contractors, former officers, and former employees."; and

(b) By striking in subsection (d) the phrase "for six months," and inserting the phrase "for one year," in lieu thereof.

Sec. 208. Section 140 of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 120; D.C. Code, sec. 47-2020) is amended as follows:

D.C. Code,
sec. 47-20
(1981 ed.)

(a) Subsection (a) (D.C. Code, sec. 47-2020(a)) is amended as follows:

(1) the first sentence is amended to read as follows:

"Any tax that has been erroneously or illegally collected shall be refunded if application under oath is filed with the Mayor for such refund within three years from the payment thereof."; and

(2) subsection (a) is further amended by striking the word "Commissioners" and inserting the word "Mayor" in lieu thereof.

(b) Subsection (b) (D.C. Code, sec. 47-2020(b)) is amended to read as follows:

"(b) Credit may be taken against gross sales taxable under this title for amounts represented by

accounts found to be worthless and actually charged off for income or franchise tax purposes:

PROVIDED, HOWEVER, That:

"(1) the tax on such amounts has been previously paid to the District; and

"(2) any such amounts so deducted from taxable sales prior to the date of write-off which may be thereafter collected shall be included in the first return filed after such collection and the amounts of tax paid thereon; and

"(3) such amounts may not be deducted more than 3 years after the payment of the tax on such amounts; and

"(4) in the event such amounts exceed the taxable sales for the reporting period, a refund may be applied for under subsection (a) of this section."

(c) A new subsection (c) is added at the end thereof to read as follows:

"(c) Application for a refund or credit made as herein provided shall be deemed an application for a revision of any tax, penalty, or interest complained of and the Mayor may receive evidence with respect thereto. After making his determination of whether any refund shall be made, the Mayor shall give notice thereof to the applicant."

Sec. 209. Section 141 of the District of Columbia

Sales Tax Act, approved May 27, 1949 (63 Stat. 120;

D.C. Code, sec. 47-2021) is amended as follows:

(a) Subsection (a) (D.C. Code, sec. 47-2021(a))

D.C. Code,
sec. 47-2021
(1981 ed.)

is amended to read as follows:

"(a) Any person aggrieved by a final determination of tax or by a denial of a claim for refund (other than a refund of tax finally determined under section 139) may, within six months from the date of final determination or from the date of the denial of a claim for refund appeal to the Superior Court of the District of Columbia in the same manner and to the same extent as set forth in sections 3, 4, 7, 10, and 11 of Title IX of the District of Columbia Revenue Act of 1937, approved May 16, 1938 (52 Stat. 371; D.C. Code, secs. 47-3303, 47-3304, 47-3306, 47-3307, & 47-3308)."; and

(b) Subsection (b) (D.C. Code, sec. 47-2021(b))

is amended by striking the word "Commissioner" and inserting the word "Mayor" in lieu thereof.

Sec. 210. Section 142(a) of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 121; D.C. Code, sec. 47-2022(a)) is amended by striking the word "five" and inserting the word "fifteen" in lieu thereof.

D.C. Code,
sec. 47-2022
(1981 ed.)

Sec. 211. Section 143 of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 121; D.C. Code, sec. 47-2023) is amended to read as follows:

D.C. Code,
sec. 47-2023
(1981 ed.)

"The Mayor may issue rules and regulations to carry out the purposes of this title."

Sec. 212. Section 144 of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 122; D.C. Code, sec. 47-2024) is amended as follows:

D.C. Code,
sec. 47-2024
(1981 ed.)

(a) Subsection (e) (D.C. Code, sec. 47-2024(5)) is amended by striking at the end thereof the "." and inserting a ";" in lieu thereof; and

(b) By adding at the end thereof (D.C. Code, sec. 47-2024) a new subsection (f) to read as follows:

"(f) to revoke, for reasonable cause, any registration certificate issued under the provisions of this title."

Sec. 213. Section 146(d) of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 123; D.C. Code, sec. 47-2026(d)) is amended as follows:

(a) By striking the figure "\$100" and inserting the figure "\$50" in lieu thereof; and

D.C. Code,
sec. 47-2026
(1981 ed.)

(b) By striking the "." at the end thereof and inserting the following phrase "for each and every separate day on which said retail sales are made without possession of such registration certificate." in lieu thereof.

Sec. 214. Section 147 of the District of Columbia Sales Tax Act, approved July 16, 1949 (63 Stat. 123; D.C. Code, sec. 47-2027) is amended by striking the word "Commissioner" and inserting the word "Mayor" in

D.C. Code,
sec. 47-2027
(1981 ed.)

lieu thereof.

Sec. 215. Section 148 of the District of Columbia Sales Tax Act, approved July 16, 1949 (63 Stat. 123; D.C. Code, sec. 47-2028) is amended by adding at the end thereof a new subsection (c) to read as follows:

D.C. Code,
sec. 47-20
(1981 ed.)

"(c) For purposes of this section, the term 'person' also includes any officer of a corporation, and any employee of a corporation responsible for the performance of any act under provisions of this title and any member of a partnership or association responsible for performance of any act under the provisions of this title."

Sec. 216. Section 149 of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 123; D.C. Code, sec. 47-2029) is amended to read as follows:

D.C. Code
sec. 47-20
(1981 ed.)

"Sec. 149. The Mayor may determine, redetermine, assess or reassess any tax imposed under this title within five years after the filing of any return: PROVIDED, That in the case of a fraudulent return or a failure to file a return, whether in good faith or otherwise, the tax may be assessed at any time."

Sec. 217. Section 201(a)(6) of the District of Columbia Use Tax Act, approved October 31, 1969 (83 Stat. 171; D.C. Code, sec. 47-2201(a)(1)(E)) is amended to read as follows:

D.C. Code,
sec. 47-22
(1981 ed.)

"(6) The sale of or charge for admission to public events except live performances of ballet, dance

or choral performances, concerts (instrumental and vocal), plays (with and without music), operas and readings and exhibitions of paintings, sculpture, photography, graphic and craft arts, but including movies, circuses, burlesque shows, sporting events and performances or exhibitions of any other type or nature:

PROVIDED, That any casual or isolated sale of or charge for admission made by a semi-public institution not regularly engaged in making such sales or charges shall not be considered a retail sale or sale at retail."

Sec. 218. Section 210 of the District of Columbia Use Tax Act, approved May 27, 1949 (63 Stat. 126; D.C. Code, sec. 47-2201(j)) is amended by striking the words "Assessor", "Collector", and "Commissioners" and inserting the word "Mayor" in lieu thereof.

D.C. Code,
sec. 47-220
(1981 ed.)

Sec. 219. Sections 214 and 215 of the District of Columbia Use Tax Act, approved May 27, 1949 (63 Stat. 126; D.C. Code, sec. 47-2204 & -2205) are amended by striking the word "Collector" and inserting the word "Mayor" in lieu thereof.

D.C. Code,
secs. 47-22
& 47-2205
(1981 ed.)

Sec. 220. Section 216(a) of the District of Columbia Use Tax Act, approved May 27, 1949 (63 Stat. 127; D.C. Code, sec. 47-2206(1)) is amended to read as follows:

D.C. Code,
sec. 47-220:
(1981 ed.)

"(a) Sales upon which taxes are properly collected under this Title."

Sec. 221. Section 218 of the District of Columbia Use Tax Act, approved May 27, 1949 (63 Stat. 127; D.C. Code, sec. 47-2208) is amended to read as follows:

D.C. Code,
sec. 47-220
(1981 ed.)

"Every vendor or retailer not engaging in business in the District who has been expressly authorized to pay the tax imposed by this title and collect reimbursement therefor, and every vendor engaging in business in the District, may, in the discretion of the Council of the District of Columbia, be required to file with the Mayor a bond not exceeding the amount of \$10,000 with such sureties as the Council of the District of Columbia deems necessary, and for such duration not exceeding five years as the Council of the District of Columbia deems necessary, conditioned upon the payment of the tax due from any vendor or retailer for any period covered by any return required to be filed under this title."

Sec. 222. Section 221 of the District of Columbia Use Tax Act, approved May 27, 1949 (63 Stat. 127; D.C. Code, sec. 47-2211) is amended to read as follows:

D.C. Code,
sec. 47-2211
(1981 ed.)

"(a) Every purchaser who is required to pay the tax under this title shall file a return with the Mayor within twenty days after the end of each calendar month. Such returns shall show the total sales prices of all tangible personal property and services purchased at retail sale upon which the tax imposed has not been paid by the purchaser to vendors or retailers,

the amount of tax for which the purchaser is liable, and such other information as the Council of the District of Columbia deems necessary for the computation and collection of the tax.

"(b) The Council of the District of Columbia may permit or require the returns of purchasers to be made for other periods and upon such other dates as the Mayor may specify.

"(c) The return filed by a purchaser shall include the sales prices of all tangible personal property and services purchased at taxable retail sale during the calendar month or other period for which the return is filed and upon which the tax imposed has not been reimbursed by the purchaser to vendors or retailers.

"(d) The form of returns shall be prescribed by the Mayor and shall contain such information as he may deem necessary for the proper administration of this title. The Mayor may require amended returns to be filed within twenty days after notice and to contain the information specified in the notice.

"(e) At the time of filing his return as provided in this section, the purchaser shall pay to the Mayor the amount of tax for which he is liable as shown by such return.

"(f) The taxes for the period for which a return is required to be filed under this section shall be due

by the taxpayer and payable to the Mayor on the date limited for the filing of the return for such period, without regard to whether a return is filed or whether the return which is filed correctly shows the amount of the total sales prices and taxes due thereon."

Sec. 223. Except as otherwise provided in this title, the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 112; D.C. Code, sec. 47-2001 et seq.) and the District of Columbia Use Tax Act, approved May 27, 1949 (63 Stat. 118; D.C. Code, sec. 47-2201 et seq.) are amended by striking the word "Assessor" and inserting the word "Mayor" in lieu thereof.

D.C. Code,
secs. 47-2001
to 47-2214
(1981 ed.)

TITLE III--AMENDMENTS TO THE DISTRICT OF COLUMBIA ALCOHOLIC
BEVERAGE CONTROL ACT

Sec. 301. Section 33 of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 336; D.C. Code, sec. 25-132) is amended to read as follows:

D.C. Code,
sec. 25-132
(1981 ed.)

"Sec. 33. (a) Any person who violates any of the provisions of this Act for which no specific penalty is provided, or any of the rules and regulations promulgated pursuant thereto, upon conviction thereof, shall be fined not more than \$1,000 or imprisoned for not more than 1 year, or both.

"(b) Any person required to file a return or report or perform any act under the provisions of this

Act who willfully fails or refuses to file such return or report or perform such act within the time required shall, upon conviction thereof, be fined not more than \$5,000 or imprisoned for not more than 3 years, or both. The penalty provided herein shall be in addition to other penalties provided by this Act.

"(c) Prosecutions for violations of this Act shall be on information filed in the Superior Court of the District of Columbia by the Corporation Counsel or any of his assistants, except for such violations as are felonies, and prosecutions for such violations as are felonies, shall be by the United States Attorney for the District of Columbia or any of his assistants.

"(d) For purposes of this section, the term 'person' also includes any officer of a corporation, and any employee of a corporation responsible for the performance of any act under this Act; any member of a partnership or association, and any employee of a partnership or association responsible for the performance of any act under the provisions of this Act."

Sec. 302. Section 39 of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (50 Stat. 803; D.C. Code, sec. 25-137) is amended by adding at the end thereof a new paragraph (e) to read as follows:

D.C. Code
sec. 25-137
(1981 ed.)

"(e) In addition to other penalties provided in

this section, any person who violates the provisions of this section shall also be liable for any tax, penalties and interest as provided for in this Act."

Sec. 303. The District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (48 Stat. 319; D.C. Code, sec. 25-101 et seq.) is amended by adding at the end thereof new sections 42, 43, 44, 45, and 46 to read as follows:

"Sec. 42. (a) The Mayor shall determine, redetermine, assess or reassess any tax imposed under this Act, as follows:

New
D.C. Code,
sec. 25-140
(1961 ed.)

"(1) In the case of a fraudulent return or a failure to file a return, whether in good faith or otherwise, the tax may be assessed at any time.

"(2) If the tax as imposed by this Act is determined to be due from any person other than a licensee under this Act, such tax may be assessed at any time.

"(3) In the case of an incorrect return, the tax shall be assessed or reassessed within five years after the filing of such return.

"(4) If a return required by this Act is not filed, or if the return when filed is incorrect or insufficient, or if the tax as imposed by this Act has been determined to be due from a licensee or any other person, the amount of tax due shall be determined by the Mayor from such information as may be obtainable.

Notice of such determination shall be given to the licensee or any person required to file a return or to pay the tax or both file a return and pay the tax. The notice shall give a period of not less than thirty days after such notice is sent within which to file a protest with the Mayor, and show cause or reason why the amount of tax determined to be due should not be paid. If no protest is filed within such thirty day period, the tax due, as determined by the Mayor, shall be final. If a protest is filed within the thirty day period, opportunity for a hearing shall be granted by the Mayor, a final decision thereon shall be made, and notice of such decision, together with a statement of taxes finally determined to be due, shall be sent by registered or certified mail to the last known address of the person liable for the payment of the tax.

"(b) Any licensee or other person required to file a return or to pay the tax or both file a return and pay the tax who fails to file such return, who fails to file a correct return, or who fails to pay the tax to the District within the time required by this Act, shall be subject to a penalty of five per centum of the tax due for each month or fraction thereof that such failure continues, not to exceed 25 per centum in the aggregate; plus interest at the rate of one and one-half per centum of such tax for each month or fraction thereof during which such failure continues;

but the Mayor may, if he is satisfied that the delay was due to reasonable cause, waive all or any part of the penalty or interest or to waive both all or any part of the penalty and the interest. Unpaid penalties and interest shall be collected in the same manner as the tax imposed by this Act. The penalty and interest provided for in this section shall be applicable to any tax determined as a deficiency.

"(c) The tax imposed by this Act and interest and penalties thereon shall become, from the time due and payable, a personal debt of the person liable to pay the same to the District. For the purposes of this subsection, the term 'person' also includes any officer or former officer of a corporation, and any employee or former employee of a corporation responsible for the payment of the tax; any member or former member of a partnership or association, and any employee or former employee of a partnership or association responsible for the payment of the tax.

"Sec. 43. The taxes imposed by this Act and penalties and interest thereon shall be collected by the Mayor in the manner provided by law for the collection of taxes due the District on personal property in force at the time of such collection; and liens for the taxes imposed by this Act and penalties and interest thereon may be acquired in the same manner that liens for personal property taxes are acquired.

New
D.C. Code,
sec. 25-14
(1981 ed.)

If the Mayor believes that the collection of any tax imposed by this Act will be jeopardized by delay, the Mayor shall, whether or not the time otherwise prescribed by law for filing the return or for paying such tax has expired, immediately assess such tax, together with all interest and penalties, the assessment of which is provided by law. Such tax, penalties and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the Mayor for the payment thereof. Upon failure or refusal to pay such tax, penalty, or interest, collection thereof by distraint shall be lawful.

"Sec. 44. Where any tax has been erroneously or illegally collected by the District, the tax shall be refunded if application under oath is filed with the Mayor for such refund within three years from the payment thereof. Such application must be made by the person upon whom such tax was imposed and who has actually paid the tax. Application for a refund as herein provided shall be deemed an application for a revision of tax, penalty, or interest complained of and the Mayor may receive evidence with respect thereto. After making his determination of whether any refund shall be made, the Mayor shall give notice thereof to the applicant.

"Sec. 45. Any person aggrieved by a final

New
D.C. Code
sec. 25-142
(1981 ed.)

New
D.C. Code,
sec. 25-143
(1981 ed.)

determination of tax or by a denial of a claim for refund (other than a refund of tax finally determined in section 42 of this Act) may within six months from the date of assessment of the deficiency or from the date of the denial of a claim for refund appeal to the Superior Court of the District of Columbia in the same manner and to the same extent as set forth in section 3, 4, 7, 10, and 11 of Title IX of the District of Columbia Revenue Act of 1937, approved May 16, 1938 (52 Stat. 370; D.C. Code, sec. 47-3303, 47-3304, 47-3306, 47-3307 & 47-3308).

"Sec. 46. (a) Notwithstanding the provisions of section 29 of this Act, all alcoholic beverages found in any place in the District at such time and under such circumstances that the taxes levied and imposed by this Act should have been collected and paid, and on which such taxes have not been paid as required by this Act, shall be declared contraband goods and shall be forfeited to the District. The Mayor may seize any such beverages wherever they are found.

"(b) In any case where the Mayor has knowledge or reason to suspect that any vehicle is carrying alcoholic beverages or contains any alcoholic beverages in violation of the provisions of section 39 of this Act, the Mayor may stop such vehicle and inspect the same for contraband alcoholic beverages on which the taxes levied and imposed by this Act have not been

New
D.C. Code,
sec. 25-144
(1981 ed.)

paid, the alcoholic beverages and the vehicle shall be declared contraband goods, shall be seized, and shall be forfeited to the District:

PROVIDED, That the following vehicles shall not be subject to forfeiture under this section:

"(1) a vehicle used by any person as a common carrier in the transaction of business as a common carrier, unless it appears that the owner or other person in charge of the vehicle was a consenting party or privy to the violation of this title on account of which the vehicle was seized; or

"(2) a vehicle that is subject to seizure and forfeiture under this section by reason of any act committed or commission established by the owner thereof, to have been committed or omitted by any person other than such owner, while such vehicle was unlawfully in the possession of a person other than the owner, in violation of the criminal laws of the United States, the District, or any other state.

"(c) All property which is seized under subsection (a) or (b) shall be promptly delivered to the Mayor and placed under seal or removed to a place designated by the Mayor. Such property shall be proceeded against in the Superior Court of the District of Columbia by libel action brought in the name of the District of Columbia by the Corporation Counsel or any of his assistants and shall, unless good cause be shown

to the contrary, be forfeited to the District:

PROVIDED, That such property shall not be subject to replevin, but is deemed to be in the custody of the Mayor subject only to the orders, decrees, and judgments of the court having jurisdiction over the forfeiture proceedings, and:

PROVIDED, FURTHER, That notwithstanding the provisions of this section, whenever such property is subject to seizure and forfeiture on account of failure to comply with the provisions of this title and the Mayor determines that such failure was excusable, the Mayor may return the property to the owner or owners thereof. If the Mayor determines that any property seized under subsection (a) or (b) is liable to perish or become greatly reduced in price or value by keeping such property until the completion of forfeiture proceedings, the Mayor may (1) appraise the property and return the property to the owner thereof upon the owner paying any tax due under this title and giving satisfactory bond in an amount equal to the appraised value to abide the final order, decree, or judgment of the court having jurisdiction over the forfeiture proceedings, and to pay the amount of such appraised value to the Mayor as may be ordered and directed by such court, or (2) if the owner neglects or refuses to pay such tax and give such bond, sell such property in the manner provided by the Mayor by regulation and the

proceeds of the sale of such property, after deducting the reasonable costs of the seizure and sale, shall be paid to the court to abide its final order, decree, or judgment.

"(d) After the final order, decree, or judgment is made, forfeited property shall be sold in the same manner as personal property seized for the payment of District taxes and the proceeds of such sale shall be deposited in the General Fund of the District. If there is a bona fide prior lien against such forfeited property, the proceeds of the sale of such property shall be made available, first, for the payment of any tax due under this title and all expenses incident to the seizure, forfeiture, and sale of such property, and, second, for the payment of such lien, and the remainder shall be deposited with the D.C. Treasurer: PROVIDED, That no payment of a lien shall be made where the lienor was a consenting party or privy to the violation of this title on account of which the property was seized and forfeited. To the extent necessary, liens against forfeited property shall, on good cause shown by the lienor, be transferred from the property to the proceeds of the sale of the property."

TITLE IV--AMENDMENTS TO THE DISTRICT OF COLUMBIA REVENUE

ACT OF 1937

Sec. 401. The first sentence of section 3 of Title IX of the District of Columbia Revenue Act of

1937, approved May 16, 1938 (52 Stat. 371; D.C. Code, sec. 47-3303) is amended to read as follows:

D.C. Code,
sec. 47-330
(1981 ed.)

"Any person aggrieved by any assessment by the District of any personal property, inheritance, estate, business privilege, income and franchise, sales, alcoholic beverage, gross-receipts, gross-earnings, insurance premiums, or motor-vehicle fuel tax or taxes, or penalties thereon, may within six months after the date of such assessment appeal from the assessment to the Superior Court of the District of Columbia:

PROVIDED, That such person shall first pay such tax together with penalties and interest due thereon to the D.C. Treasurer."

Sec. 402. The last sentence of section 14(a) of Title IX of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 692; D.C. Code, sec. 47-3310(a)) is amended to read as follows:

D.C. Code,
sec. 47-33
(1981 ed.)

"This subsection does not apply to real estate taxes, alcoholic beverage tax, motor-vehicle fuel tax or to the taxes imposed by the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 331; D.C. Code, sec. 47-1801.1 et seq.), or by the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 112; D.C. Code, sec. 47-2001 et seq.), and the District of Columbia Use Tax Act, approved May 27, 1949 (63 Stat. 124; D.C. Code, sec. 47-2001 et seq.), refunds of which are otherwise

provided for by law.".

TITLE V--MISCELLANEOUS PROVISIONS

Sec. 501. The Mayor shall issue regulations necessary to carry out the provisions of this act.

Sec. 502. (a) If any provision of the District of Columbia Tax Enforcement Act of 1982, including any amendment made by the District of Columbia Tax Enforcement Act of 1982, or the application thereof to any person or circumstance, is held invalid, the remainder of the District of Columbia Tax Enforcement Act of 1982, including the remaining amendments, and the application of such provisions to other persons or circumstances shall not be affected thereby.

(b) The repeal or amendment by the District of Columbia Tax Enforcement Act of 1982 of any provision of law shall not affect any act done or any right accrued or accruing under such provision of law before the effective date of the District of Columbia Tax Enforcement Act of 1982 or any suit or proceeding had or commenced before the effective date of the District of Columbia Tax Enforcement Act of 1982 but all such rights and liabilities under such acts shall continue and may be enforced in the same manner and to the same extent, as if such repeal or amendment had not been made.

(c) All offenses committed, and all penalties incurred, prior to the effective date of the District

Note,
D.C. Code,
secs. 47-2001,
47-2201, 47-3301
& 25-133
(1981 ed.)

of Columbia Tax Enforcement Act of 1982 under any provisions of law repealed or amended, may be prosecuted and punished in the same manner and with the same effect as if the District of Columbia Tax Enforcement Act of 1962 had not been enacted.

Sec. 503. Section 126(r) of Title I of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 115; D.C. Code, sec. 47-2005(17)) is repealed.

D.C. Code,
sec. 47-2005
repealed

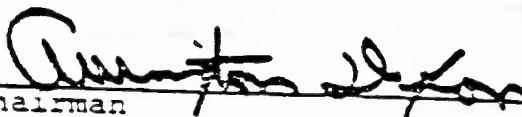
TITLE VI--EFFECTIVE DATES

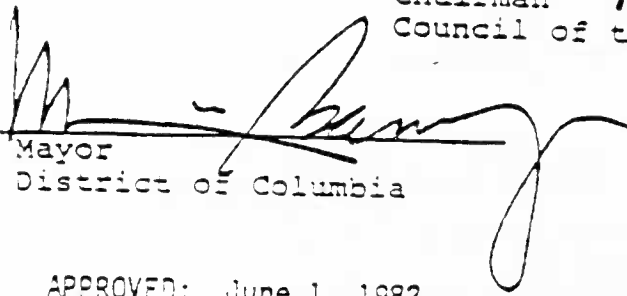
Sec. 601. (a) Except as provided in subsections (b), (c), and (d), this act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).

(b) The provisions of sections 208(b) and (c), and 303, for assessing penalty and interest, shall take effect on the first day of the first month which begins more than 30 days after the effective date of this act.

Note,
D.C. Code,
secs. 47-1001
& 25-140 to
25-144
(1981 ed.)

(c) Section 208(a)(1) shall take effect with respect to sales and the use taxes paid after the effective date of this act.


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: June 1, 1982



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Four
Second Session

DOCKET NO: B 4-257

Item on Consent Calendar

ACTION: Adopted First Reading, 4-27-82

VOICE VOTE: Unanimous

Absent: all present

ROLL CALL VOTE:

COUNCIL MEMBER	AVE	NAY	N.V.	A.B.	COUNCIL MEMBER	AVE	NAY	N.V.	A.B.	COUNCIL MEMBER	AVE	NAY	N.V.	A.B.
GEN. DEON					KANE					SPACKLETON				
WEYER					MASON					SPAUDING				
CLARK					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLAK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

William B. Cunningham
Secretary to the Council

5/20/82
Date

Item on Consent Calendar

ACTION: Adopted Final Reading, 5-11-82

VOICE VOTE: Unanimous

Absent: Kane

ROLL CALL VOTE:

COUNCIL MEMBER	AVE	NAY	N.V.	A.B.	COUNCIL MEMBER	AVE	NAY	N.V.	A.B.	COUNCIL MEMBER	AVE	NAY	N.V.	A.B.
GEN. DEON					KANE					SPACKLETON				
WEYER					MASON					SPAUDING				
CLARK					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLAK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

William B. Cunningham
Secretary to the Council

5/20/82
Date

Item on Consent Calendar

ACTION: _____

VOICE VOTE: _____

Absent: _____

ROLL CALL VOTE:

COUNCIL MEMBER	AVE	NAY	N.V.	A.B.	COUNCIL MEMBER	AVE	NAY	N.V.	A.B.	COUNCIL MEMBER	AVE	NAY	N.V.	A.B.
GEN. DEON					KANE					SPACKLETON				
WEYER					MASON					SPAUDING				
CLARK					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLAK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

Secretary to the Council

Date