

AN AMENDMENT
"VENDING REGULATIONS EMERGENCY AMENDMENT ACT OF 2014"
(AS INTRODUCED)
FEBRUARY 4, 2014

AMENDMENT (1): Section 2(b); Page 1, Lines 36-38:

1 Section 2(b) is amended to read as follows:
2

3 “(b)(1) In addition to any civil penalties that may be imposed under subsection (a) of this
4 section, any person that violates 24 DCMR § 573.8 shall, upon conviction, be subject to a fine
5 not to exceed \$300, or by imprisonment not to exceed 90 days, or both, for each violation.

6 “(2) Civil fines, penalties, and fees may be imposed as alternative sanctions for
7 an infraction under this subsection.”

AMENDMENT (2): Section 3(a); Page 2, Lines 1-4:

8 Section 3(a) is struck.

RATIONALE:

As introduced, the emergency measure established criminal penalties (up to \$300 and/or 90 days incarceration) for violation of any provision of the vending regulation statute or the municipal regulations pertaining to vending. Currently, the statute—as adopted by the Council in 2009—only authorizes civil penalties. The Executive has stated that the criminal penalties, as they appeared in the emergency measure, are identical to the penalties that previously existed in the Code and are necessary for enforcement of street vending regulations. However, it does not seem prudent for the Council to insert criminal penalties for violation of *any* provision of the vending statute or regulations without the opportunity for public input. The Executive can include these provisions in the permanent legislation to be introduced shortly.

The amendment leaves untouched the provision of this emergency that re-establishes criminal penalties for the re-sale of tickets. This penalty is identical to what existed under the regulations before the penalty was inadvertently deleted.

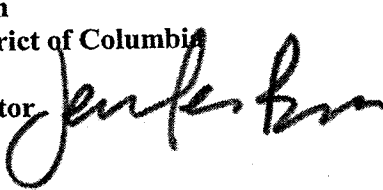
COUNCIL OF THE DISTRICT OF COLUMBIA
Office of the Budget Director



Jennifer Budoff
Budget Director

FISCAL IMPACT STATEMENT

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jennifer Budoff, Budget Director 

DATE: February 4, 2014

SHORT TITLE: "Vending Regulations Emergency Amendment Act of 2014"

TYPE: Amendment

REQUESTED BY: Chairman Phil Mendelson

Conclusion

This amendment will not have an adverse impact on the District's budget and financial plan because there is no cost associated with the amendment.

Background

As introduced, the Vending Regulations Emergency Amendment Act of 2014 would establish criminal penalties (up to \$300 or 90 days' incarceration, or both) for violation of any provision of the vending statute or regulations promulgated thereunder. Current law only authorizes civil – not criminal – penalties. This amendment would modify the emergency legislation to remove the criminal penalties, except for illegal re-sale of tickets (commonly known as "scalping").

Analysis of Impact on Spending

This amendment will not adversely impact spending.

Analysis of Impact on Revenue

This amendment will not adversely impact revenue.