

[CHAPTER 19.]

AN ACT

To provide revenue for the District of Columbia by the taxation of beverages, and for other purposes.

April 5, 1933.
[H. R. 3342.]
[Public, No. 7.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term "beverage" as used in this Act means beer, lager beer, ale, porter, wine, similar fermented malt or vinous liquor, and fruit juice, containing one-half of 1 per centum or more of alcohol by volume, and not more than 3.2 per centum of alcohol by weight.

Taxation of beverages in District of Columbia.
Post, p. 336.
Vol. 39, p. 1123, amended.
"Beverage" defined.
Alcoholic content.

SEC. 2. (a) No individual, partnership, association, or corporation shall within the District of Columbia manufacture for sale or sell any beverage without having first obtained a permit under this Act for such manufacture or sale.

Permits to manufacture or sell required.
Post, p. 335.

(b) No individual shall within the District of Columbia offer for sale, or solicit any order for the sale of, within the District of Columbia, any beverage unless—

Offer for sale or soliciting orders, without permit forbidden.

(1) such individual has first obtained a permit of the character described in section 4(a)(5); and

Solicitors' permit.
Post, p. 26.

(2) the vendor is the holder of a permit issued under this Act authorizing such sale.

Vendor.

Nothing in this subsection shall apply to any offer for sale or solicitation made upon the premises designated in the permit of the vendor.

SEC. 3. The Commissioners of the District of Columbia are authorized to issue permits to individuals, partnerships, or corporations, but not to unincorporated associations, on application duly made therefor for the manufacture, sale, offer for sale, or solicitation of orders for sale, of beverages within the District of Columbia, subject, however, to the limitations and restrictions imposed by this Act. The Commissioners shall keep a full record of all applications for permits, of all recommendations for and remonstrances against the granting of permits, and of the action taken thereon.

Persons to whom permits may be issued.

SEC. 4. (a) Permits issued under authority of this Act shall be of five kinds:

Record to be kept.

(1) "On sale" permits, which shall be issued only for bona fide restaurants or hotels, or for bona fide incorporated clubs with annual dues of at least \$6. Such permits shall authorize the permittee to sell beverages for consumption on the premises designated in the permit, (A) in the case of restaurants, at public tables, but no beverage shall be sold or served in any room not used primarily for the serving and consumption of food; except that beverages may be sold or served to assemblages of more than six individuals in private rooms or at private tables when expressly authorized by the Commissioners, or (B) in the case of hotels or clubs, at tables or in the rooms of guests or members. No such permit shall be issued for any restaurant which has not been established and doing business for at least two months immediately prior to the application for such permit: *Provided*, That it shall be within the discretion of the Commissioners whether any permit under this Act shall be issued for the sale of any such beverages in any building in the District of Columbia owned or leased by the United States and used for the transaction of public business;

Kinds of permits.

"On sale."
Provisions governing.

Restaurants.

Hotels or clubs.
Establishment for two months necessary.

Proviso.
Sale in public buildings.

(2) "Off sale" permits, which shall authorize the permittee to sell beverages for consumption only off the premises designated in the permit, and not to other permittees for resale, but such sale shall be made only in the immediate container in which the beverage was

"Off sales."
Restrictions, etc.

received by the "off sale" permittee, except that in the case of an "off sale" permit held by the holder of a manufacturer's or wholesaler's permit beverages may be sold only in such barrels, bottles, or other closed containers as the Commissioners may by regulation prescribe; but no "off sale" permit shall be issued or remain in force in respect of any premises for which an "on sale" permit is in force;

When inoperative.

Manufacturers' permits.

(3) Manufacturers' permits, which shall authorize the permittee to manufacture beverages and to sell the same in barrels, bottles, or other closed containers to other permittees for resale only;

Wholesalers' permits.

(4) Wholesalers' permits, which shall authorize the permittee to sell beverages in barrels, bottles, or other closed containers to other permittees for resale only; and

Solicitors' permits.

(5) Solicitors' permits, which shall authorize the permittee within the District of Columbia to offer for sale, or solicit orders for the sale of, within the District of Columbia, any beverage if the vendor of such beverage is the holder of a permit issued under this Act authorizing such sale. Solicitor's permits shall not be issued without the recommendation of the vendor whom the solicitor represents. Nothing in this Act shall be construed as repealing any portion of section 7 of the District of Columbia Appropriation Act for the fiscal year ending June 30, 1903, approved July 1, 1902, as amended.

Vendor's recommendation necessary.

License fees not affected.
Vol. 32, p. 622; Vol. 47, p. 550.

Holders of manufacturer's, etc., permits.
Limitation.

(b) The holder of a manufacturer's or wholesaler's permit shall not be entitled to hold an "on sale" permit and may hold only one "off sale" permit, which shall be issued only in respect of the premises designated in his permit as a manufacturer or wholesaler.

Application for and issue of permits.

SEC. 5. (a) Any individual, partnership, or corporation desiring a permit under this Act shall file with the Commissioners an application therefor in such form as the Commissioners may prescribe, and such application shall contain such information as the Commissioners may require, and (except in the case of an application for a solicitor's permit) shall contain a statement setting forth the name and address of the true and actual owner of the premises upon which the business to be permitted is to be conducted. Before a permit is issued the Commissioners shall satisfy themselves (1) that the applicant is financially responsible, and generally fit for the trust to be in him reposed; (2) that the applicant, if an individual, or if a partnership, each of the members of the partnership, or if a corporation, each of its principal officers and directors, is of good moral character; (3) that the applicant, if an individual, or if a partnership, each of the members of the partnership, or if a corporation, each of its principal officers, is a citizen of the United States not less than 21 years of age, and has never been convicted of a felony; (4) except in the case of an application for a solicitor's permit, that the applicant intends to carry on the business authorized by the permit for himself and not as the agent of any individual, partnership, association, or corporation, and that he intends to superintend in person the management of the business permitted, or intends to have some other person to be approved by the Commissioners manage the business for him; (5) that, in the case of an applicant for an "on sale" or an "off sale" permit, no manufacturer or wholesaler of beverages (other than the applicant) has a substantial financial interest, direct or indirect, in the business for which the permit is requested or in the premises in respect of which such permit is to be issued, and that such business will not be conducted with any money, equipment, furniture, fixtures, or property rented from, or loaned or given by, any manufacturer or wholesaler; and (6) except in the case of an application for a solicitor's permit, that the proposed location of the business is an

Conditions.

"On sale", etc., permittee.
Relationship of, with manufacturer, etc.

appropriate one, taking into consideration its surroundings and the number of similar permits already issued in the neighborhood where the applicant's business is to be conducted. Not more than five "on sale" permits shall be issued to any one individual, partnership, or corporation, and a separate application shall be filed with respect to each place of business.

(b) Any such application shall be verified by the affidavit of the applicant, if an individual, or by all the members of a partnership, or by the proper officer of a corporation. If any false statement is knowingly made in such application or in any accompanying statements under oath which may be required by the Commissioners the person making the same shall be deemed guilty of perjury. The making of a false statement in any such application or in any such accompanying statements, whether made with or without the knowledge or consent of the applicant, shall, in the discretion of the Commissioners, constitute sufficient cause for the revocation of the permit.

SEC. 6. The fees required for permits issued pursuant to the provisions of this Act shall be as follows: For each "on sale" permit, \$100 per annum; for each "off sale" permit, \$50 per annum; for each manufacturer's permit, \$1,000 per annum; for each wholesaler's permit, \$250 per annum; and for each solicitor's permit, \$1 per annum. The required permit fee shall accompany the application required by section 5 of this Act. A permit shall be good for one year from the date of its issue, unless sooner revoked for cause by the Commissioners, and may, with the approval of the Commissioners, be renewed upon payment of the required fee. Permits shall not be transferred except with the consent of the Commissioners, and each permit (except a solicitor's permit) shall designate the place of business for which it is issued.

SEC. 7. In the event a permittee has designated a person to manage the business for him, and the employment of such manager shall terminate, such permittee shall forthwith notify the Commissioners of such termination, and shall within a reasonable time thereafter designate a new manager, and such new manager shall be subject to the approval of the Commissioners. If no manager acceptable to the Commissioners is designated within a reasonable time after the employment of the former manager has terminated, the permit shall, in the discretion of the Commissioners, be revoked.

SEC. 8. If any manufacturer or wholesaler of beverages shall have any substantial financial interest, either direct or indirect, in the business of any other "on sale" or "off sale" permittee, or in the premises on which said business is conducted, the Commissioners shall, in their discretion, revoke the permit issued in respect to the business in which such manufacturer or wholesaler is so interested. No manufacturer or wholesaler of beverages shall rent, lend, or give to any "on sale" or "off sale" permittee or to the owner of the premises on which the business of any "on sale" or "off sale" permittee is to be conducted any money, equipment, furniture, fixtures, or property with which the business of said permittee is to be conducted.

SEC. 9. Each manufacturer and wholesaler of beverages within the District of Columbia shall, on or before the tenth day of each month, furnish to the assessor of the District of Columbia, on a form to be prescribed by the Commissioners, a statement under oath showing the quantity of beverages sold for resale during the preceding calendar month to each "on sale" and "off sale" permittee within the District of Columbia. Each "on sale" and "off sale" permittee shall, on or before the tenth day of each month, furnish to the

Restriction on number of "on sale" permits to any individual, etc.

Verifying application.

False statements.

Deemed sufficient cause for revocation.

Fees.

Duration of permit.

Restriction on transfer, etc.

Permittee may designate a manager.

Manufacturer, etc., having financial interest in "on sale", etc., business.

Reports of sales.

assessor of the District of Columbia, on a form to be prescribed by the Commissioners, a statement under oath showing the quantity of all beverages sold by him during the preceding calendar month.

Outside manufac-
turer. Sales by, without
permit.

SEC. 10. No "on sale" or "off sale" permittee shall purchase any beverage from any manufacturer or wholesaler doing business outside of the District of Columbia and not holding a permit issued under the provisions of this Act, and transport or cause the same to be transported into the District of Columbia for resale, unless such manufacturer or wholesaler has obtained from the Commissioners a certificate of approval, which certificate shall not be granted unless and until such manufacturer or wholesaler shall have agreed with the Commissioners to furnish to the assessor of the District of Columbia, on or before the tenth day of each month, a report under oath, on a form to be prescribed by the Commissioners, showing the quantity of beverages sold or delivered to each "on sale" or "off sale" permittee during the preceding calendar month. If any such manufacturer or wholesaler shall, after obtaining such certificate, fail to submit any such report, the Commissioners shall, in their discretion, revoke such certificate.

Sworn statements of.

Revocation of per-
mits.

Tax levied and col-
lected.
Post, pp. 334, 336.

SEC. 11. There shall be levied and collected by the District of Columbia on all beverages sold by any "on sale" or "off sale" permittee within the District of Columbia a tax of \$1 for every barrel of beverages containing not more than thirty-one gallons, and at a like rate for any other quantity, or for the fractional parts thereof. The tax imposed by this section shall be paid by the "on sale" or "off sale" permittee to the collector of taxes of the District of Columbia on or before the 10th day of each month for beverages sold by the permittee during the preceding calendar month.

Date when due.

Former act repealed.
Vol. 39, p. 1123.
Exceptions.
"Alcoholic liquor"
construed.

SEC. 12. The Act entitled "An Act to prohibit the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes", approved March 3, 1917, with the exception of sections 11 and 20 thereof, is hereby repealed; except that the term "alcoholic liquor" used in said section 11 of such Act shall not be construed to include beverages authorized to be manufactured and sold by this Act.

Sales to minors.

Punishment for.

SEC. 13. No "off sale" permittee shall give or sell, and no "on sale" permittee shall give, sell, or serve, any beverage to any person under eighteen years of age. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$100, or be imprisoned not longer than six months, or be subject to both such fine and imprisonment.

Regulations to be
prescribed.

SEC. 14. The Commissioners are hereby authorized to prescribe such rules and regulations not inconsistent with law, as they may deem necessary, for the issuance of permits, and for the manufacture, sale, offer for sale, or solicitation of orders for sale, of beverages, and the operation of the business of permittees. Such regulations may be altered or amended from time to time as the Commissioners may deem desirable.

Inspections.

Revocation of permit
for violations, etc.

SEC. 15. It shall be the duty of the Commissioners to cause frequent inspections to be made of all premises with respect to which any permit shall have been issued under this Act. If any permittee violates any of the provisions of this Act or any of the rules and regulations of the Commissioners promulgated pursuant thereto, or fails to superintend in person or through a manager approved by the Commissioners the business for which the permit was issued, or allows the premises with respect to which the permit of such permittee was issued to be used for any unlawful, disorderly, or immoral purposes, or knowingly employs in the sale or distribution

of beverages any person who has been convicted of a felony, or otherwise fails to carry out in good faith the purposes of this Act, the permit of such permittee may be revoked by the Commissioners after the permittee has been given an opportunity to be heard in his defense.

SEC. 16. Whoever violates any of the provisions of this Act (except section 13 thereof) or any of the rules and regulations promulgated pursuant thereto shall, upon conviction thereof by a court of competent jurisdiction, be punished by a fine of not more than \$500 or by imprisonment for not longer than six months, or by both such fine and imprisonment, in the discretion of the court. If any permittee is convicted of a violation of the provisions of this Act or any of the rules and regulations promulgated pursuant thereto, the court shall immediately declare his permit revoked and notify the Commissioners accordingly, and no permit shall thereafter be granted to him within the period of three years thereafter. Any permittee who shall sell or permit the sale on his premises or in connection with his business or otherwise, of any alcoholic beverages not authorized under the terms of this Act, unless otherwise permitted by law, shall, upon conviction thereof, forfeit his permit in addition to any punishment imposed by law for such offense.

SEC. 17. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

SEC. 18. It shall be unlawful to sell or offer for sale any beverage within the District of Columbia prior to April 7, 1933.

Approved, April 5, 1933.

Penalty provisions.

Unlawful alcoholic content.

Penalty.

Saving clause.

Effective date.

[CHAPTER 20.]

JOINT RESOLUTION

To provide for the payment of pages for the Senate and House of Representatives for the first session of the Seventy-third Congress.

April 14, 1933.
[H. J. Res. 152.]
[Pub. Res., No. 4.]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pages from April 1, 1933, until the end of the first session of the Seventy-third Congress, as follows:

Appropriation for payment of pages, 1st session, 73d Congress. Post, p. 274.

For twenty-one pages for the Senate Chamber at the rate of pay provided by law, so much as may be necessary.

Senate.

For forty-one pages for the House of Representatives, including ten pages for duty at the entrances to the Hall of the House, at the rate of pay provided by law, so much as may be necessary.

House of Representatives.

Approved, April 14, 1933.

[CHAPTER 21.]

AN ACT

Granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Parkers Landing in the county of Armstrong, Commonwealth of Pennsylvania.

April 29, 1933.
[H. R. 4225.]
[Public, No. 8.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge and approaches thereto across the Allegheny River, at a point suitable to the interests of navigation, at or near Parkers Landing, in the

Allegheny River. Pennsylvania may bridge at Parkers Landing.