Public Law 86-715

AN ACT

September 6, 1960
[S. 3727]

To authorize the bonding of persons engaging in the home improvement business, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are authorized, in connection with the licensing of persons engaged in the home improvement business, whether as principal, agent, salesman, employee, or otherwise, to require the furnishing of bond as a condition to the issuance of such license. For the purposes of this Act, the term "home improvement business" means the repair, remodeling, alteration, conversion, or modernization of, or addition to, residential property, all as may be more particularly defined in regulations promulgated by the Commissioners. Such bonding may be required notwithstanding the fact that a person may also be subject to the bonding requirements of any other law.

D. C., home improvement business.
Bonds.
Definition.

SEC. 2. (a) The Commissioners may, from time to time, and in their discretion, establish classes and subclasses of persons licensed to engage in the home improvement business and specify the amount and conditions of the bond or other security acceptable to the Commissioners to be deposited by each of the members of any such class or subclass. In connection with the licensing of persons to engage in the home improvement business, and the bonding of the members of any such class or subclass of such persons, the Commissioners, in their discretion, may by regulation require applicants for licenses or licensees—

Authority of Commissioners.

(1) to furnish and keep in force a bond or bonds running to the District, or other security acceptable to the Commissioners, to protect members of the public against financial loss by reason of the failure of the licensee or of any officer, agent, employee, salesman, or other person acting on behalf of said licensee, to observe any law or regulation in force in the District of Columbia applicable to the licensee's conduct of the licensed business;

(2) to procure and keep in force public liability insurance or property damage insurance, or both; and

(3) to appoint the Commissioners as their true and lawful attorney upon whom all judicial and other process or legal notice directed to such person may be served.

Bonds.

(b) The bonds authorized by this section shall be corporate surety bonds in amounts to be fixed by the Commissioners, but no bond shall exceed $25,000, and such bond shall be conditioned upon the observance by the licensee and any officer, agent, employee, salesman, or other person acting on behalf of said licensee, of all laws and regulations in force in the District applicable to the licensee's conduct of the licensed business, for the benefit of any person who may suffer damages resulting from the violation of any such law or regulation by or on the part of such licensee or any officer, agent, employee, salesman, or other person acting on behalf of the licensee.

Suit against surety on bonds.

(c) Any person aggrieved by the violation of any law or regulation applicable to the licensee's conduct of the licensed activity shall have, in addition to his right of action against such licensee, a right to bring suit against the surety on a bond authorized by this section, either alone or jointly with the principal thereon, and to recover in an amount not exceeding the penalty of the bond any damages sustained by reason of any act, transaction, or conduct of the licensee, or of any officer, agent, employee, salesman, or other person acting on behalf of said licensee, which is in violation of law or regulation in force in the

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District relating to the licensed activity. The provisions of the second, third, and fifth subparagraphs of paragraph (b) of the first section of the Act entitled "An Act to grant additional powers to the Commissioners, and for other purposes", approved December 20, 1944 (58 Stat. 820; sec. 1–244(b), D.C. Code, 1951 edition), shall be applicable to each bond authorized by this section as if it were the bond authorized by the first subparagraph of such paragraph (b) of the first section of said Act approved December 20, 1944: *Provided*, That nothing in this subsection shall be construed to impose upon the surety on any such bond a greater liability than the total amount thereof or the amount remaining unextinguished after any prior recovery or recoveries.

Defense against certain liens.

SEC. 3. In any case in which a property owner or occupant has entered into a contract with a person offering to perform or to arrange for the performance of home improvement work, and such property owner or occupant makes payment for such work to the person offering to perform or arrange for the performance of the same, proof of such payment shall constitute a defense against, and render void, any lien sought to be asserted under the authority of sections 1237, 1238, and 1239 of the Act approved March 3, 1901 (31 Stat. 1384; secs. 38–101, 102, and 103, D.C. Code, 1951 edition).

Violations. Penalty.

SEC. 4. Any person who shall violate any provision of this Act or of any regulation promulgated by the Commissioners under the authority of this Act, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding $300 or by imprisonment for not more than ninety days, or both.

Prosecutions.

SEC. 5. Prosecutions for violations of this Act, or of the regulations made pursuant thereto, shall be conducted in the name of the District by the Corporation Counsel or any of his assistants. As used in this Act the term "Corporation Counsel" means the attorney for the District, by whatever title such attorney may be known, designated by the Commissioners to perform the functions prescribed for the Corporation Counsel in this Act.

Power of Commissioners.

SEC. 6. The authority and power vested in the Commissioners by any provision of this Act shall be deemed to be additional and supplementary to authority and power now vested in them, and not as a limitation.

Savings clause.

SEC. 7. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or the application of this Act which can be effected without the invalid provision or application, and to this end the provisions of this Act are severable.

Effective date.

SEC. 8. This Act shall take effect on the thirtieth day after the date of enactment of this Act.

Approved September 6, 1960.

Public Law 86-716

AN ACT

September 6, 1960
[H. R. 12563]

To amend the Act entitled "An Act to provide additional revenue for the District of Columbia, and for other purposes", approved August 17, 1937, as amended.

D. C. motor vehicles. Identification tags.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 3 of title IV of the Act entitled "An Act to provide additional revenue for the District of Columbia, and for other purposes", approved August 17, 1937 (50 Stat. 681), as amended (sec.