

(3) Within twenty days after the effective date of the amendment made by subsection (a), each such licensee (A) shall file with the Commissioner a sworn statement (on a form to be prescribed by the Commissioner) showing the number of such cigarette tax stamps held by him as of the beginning of the day on which the amendment made by subsection (a) becomes effective or, if such day is a Sunday, as of the beginning of the following day, and (B) shall pay to the Commissioner the amount specified in paragraph (2).

Recordkeeping.

(4) Each such licensee shall keep and preserve for the twelve-month period immediately following the effective date of the amendment made by subsection (a) the inventories and other records made which form the basis for the information furnished to the Commissioner on the sworn statement required to be filed under this subsection.

(5) For purposes of this subsection, a tax stamp shall be considered as held by a wholesaler, retailer, or vending machine operator if title thereto has passed to such wholesaler, retailer, or operator (whether or not delivery to him has been made) and if title to such stamp has not at any time been transferred to any person other than such wholesaler, retailer, or operator.

Penalty.

(6) A violation of the provisions of paragraph (2), (3), or (4) of this subsection shall be punishable as provided in section 611 of the District of Columbia Cigarette Tax Act (D.C. Code, sec. 47-2810).

63 Stat. 139;
84 Stat. 581.
Utilities,
taxes.

SEC. 303. (a) Paragraph numbered 5 of section 6 of the Act entitled "An Act making appropriations to provide for expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (D.C. Code, sec. 47-1701), is amended by striking out "4 per centum" and inserting in lieu thereof "5 per centum".

53 Stat. 1107;
70 Stat. 599.

Effective date.

(b) The amendment made by subsection (a) shall apply to the gross receipts of each gas company, electric lighting company, and telephone company for the year ending June 30, 1972, and for each succeeding year ending on the thirtieth day of June.

Approved October 21, 1972.

Public Law 92-519

AN ACT

October 21, 1972
[S.4059]

To provide that any person operating a motor vehicle within the District of Columbia shall be deemed to have given his consent to a chemical test of his blood, breath, or urine, for the purpose of determining the blood alcohol content.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act—

(1) The term "Commissioner" means the Commissioner of the District, or his designated agent;

(2) The term "District" means the District of Columbia;

(3) The term "license" means any operator's permit or any other license or permit to operate a motor vehicle issued under the laws of the District, including—

(A) any temporary or learner's permit;

(B) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and

(C) any nonresident's operating privilege;

(4) The term "nonresident" means every person who is not a resident of the District;

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Definitions.

(5) The term "nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of the District relating to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in the District; and

(6) The term "police officer" means an officer or member of the Metropolitan Police force, the United States Park Police force, or the Capitol Police force, or any other person actually and officially engaged in the performance of police duties in connection with guarding the property of the United States or of the District.

(7) The term "specimen" means that quantity of a person's blood, breath, or urine necessary to conduct a chemical test or tests to determine blood alcoholic content.

SEC. 2. (a) Any person, other than one described in subsection (b) of this section, who operates a motor vehicle within the District shall be deemed to have given his consent, subject to the provisions of this Act, to two chemical tests of his blood, breath, or urine, whichever he may elect, for the purpose of determining blood-alcohol content. However, when the election of a particular test, such as a blood test requiring a physician or registered nurse, causes unreasonable delay or inconvenience, the arresting officer or other appropriate law enforcement officer shall elect which chemical test should be administered. In such a case, the operator can only object to a particular test on valid religious or medical grounds. The tests shall be administered at the direction of a police officer who, having arrested such person for a violation of law, has reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within the District while under the influence of intoxicating liquor.

(b) Any person who operates a motor vehicle within the District of Columbia and who is involved in a motor vehicle collision or accident in which death or personal injury results shall submit, subject to the provisions of this Act, to two chemical tests of his blood, breath, or urine, for the purpose of determining blood alcoholic content whenever a police officer (i) arrests such person for a violation of law, and (ii) has reasonable grounds to believe such person to have been driving or in actual physical control of a motor vehicle within the District while under the influence of an intoxicating liquor. However, when the election of a particular test, such as a blood test requiring a physician or registered nurse, causes unreasonable delay or inconvenience, the arresting officer or other appropriate law enforcement officer shall elect which chemical test should be administered. In such a case, the operator can only object to a particular test on valid religious or medical grounds.

SEC. 3. Only a physician or registered nurse acting at the request of a police officer may withdraw blood for the purpose of determining the alcoholic content thereof. This limitation shall not apply to the taking of a breath or urine specimen. The person tested may, in addition to submitting to the two tests administered at the direction of a police officer, also submit to a chemical test or tests administered to him by a physician, registered nurse, or other person of his own choosing who is qualified to administer such test or tests. The failure or inability to obtain an additional test by a person shall not preclude the admission of the tests taken at the direction of a police officer.

SEC. 4. Full information concerning the tests administered under this Act shall be made available to the person from whom a specimen was obtained. Prior to administering the tests the police officer shall advise the operator of the motor vehicle about the requirements of this Act.

Motor vehicle operators, blood-alcohol content tests.

Administration.

Accidents.

Test information, availability.

Test refusal,
penalty.

SEC. 5. (a) If a person under arrest refuses to submit to chemical testing as provided in section 2(a) he shall be informed that failure to submit to such test will result in the revocation of his license. If such person, after having been so informed, still refuses to submit to chemical testing, no test shall be given, but the Commissioner, upon receipt of a sworn report of the police officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor, and that the person had refused to submit to the two tests, shall revoke his license for a period of six months; or if the person is a resident without a license to operate a motor vehicle in the District, the Commissioner shall deny to the person the issuance of a license for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

Incapacitated
persons.

(b) Any person who is unconscious, or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by section 2 of this Act and the two tests may be given: except, that if such person thereafter objects to the use of the evidence so secured, such evidence shall not be used and the license of such person shall be revoked, or, if he is a resident without a license, no license shall be issued to him for a period of six months.

License revocation or denial
order.
Hearing.

SEC. 6. (a) Whenever any license has been revoked or denied under the provisions of this Act, the reasons therefor shall be set forth in the order of revocation or denial, as the case may be. Such order shall take effect five days after service of notice on the person whose license is to be revoked or who is to be denied a license unless such person shall have filed within such period written application with the Commissioner for a hearing. Such hearing by the Commissioner shall cover the issues of—

(1) whether a police officer had reasonable grounds to believe such person had been driving or was in actual control of a motor vehicle upon the public street or highway while under the influence of intoxicating liquor; and

(2) whether such person, having been placed under arrest, refused to submit to the test or tests, after having been informed of the consequences of such refusal.

(b) If, following the hearing provided in subsection (a) of this section, the Commissioner shall sustain the order of revocation, the same shall become effective immediately.

Judicial
review.

SEC. 7. Any person aggrieved by a final order of the Commissioner revoking his license or denying him a license under the authority of this Act, may obtain a review thereof in accordance with section 11 of the District of Columbia Administrative Procedure Act (82 Stat. 1204; D.C. Code, secs. 1-1501 to 1-1510).

84 Stat. 582.

Test evidence.

SEC. 8. The Act approved March 4, 1958 (72 Stat. 30; D.C. Code, sec. 40-609a) is amended (a) by striking out the subsection designation "a" in the first section; (b) by striking out in paragraph (2) "fifteen one-hundredths", "eight one-hundredths", and "twenty one-hundredths", and inserting in lieu thereof "ten one-hundredths", "six one-hundredths", and "eleven one-hundredths", respectively; (c) by striking out in paragraph (3) "fifteen one-hundredths" and "twenty one-hundredths" and inserting in lieu thereof "ten one-hundredths" and "eleven one-hundredths" respectively; and (d) by striking out subsections (b), (c), and (d) of the first section, and section 2.

Short title.

SEC. 9. This Act shall be known and may be cited as the "District of Columbia Implied Consent Act".

Approved October 21, 1972.