

COUNCIL OF THE DISTRICT OF COLUMBIA

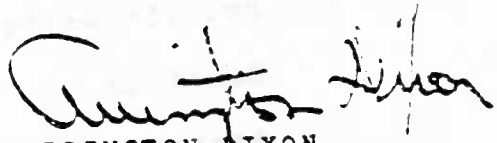
NOTICE

D.C. LAW 4-155

"Compulsory/No-Fault Motor Vehicle Insurance 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. 4-140 on first, amended first, second amended first and second readings, May 11, 1982, May 25, 1982, June 8, 1982 and June 22, 1982, respectively. This legislation was deemed approved without the signature of the Mayor on July 22, 1982, pursuant to Section 404(e) of "the Act", and was assigned Act No. 4-226, published in the August 13, 1982, edition of the D.C. Register, (Vol. 29 page 3491) and transmitted to Congress on July 22, 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 4-155, effective September 18, 1982.


ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 22, 23, 26, 27, 28, 29, 30

August 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20

2861 81 DES. 18 1982

D.C. ACT 4-226

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 22 1982

To establish a motor vehicle insurance system for the District of Columbia which provides, at reasonable and affordable rates, adequate protection for its citizens against the risks of bodily injury and property damage resulting from motor vehicle accidents in the District of Columbia, and for other purposes.

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title 35,
new chapter 21
(1981 ed.)

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Insurance Review Commission.

Enrolled Original

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Compulsory/No-Fault
Motor Vehicle Insurance Act of 1982".

Sec. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.

The Council of the District of Columbia finds
that:

D.C. Code,
sec. 35-2101
(1981 ed.)

(1) Motorists, motor vehicle passengers, and
pedestrians in the District are not adequately
protected, by current law and practice, from the
consequences of motor vehicle accidents.

(2) If a person suffers personal injuries
because of an accident involving a motor vehicle in the
District, he or she is unlikely to recover the amount
of his or her actual losses because:

(A) Approximately 50% of the victims do
not satisfy the prerequisites to compensation under the
present law;

(B) Approximately 40% of the operators
in the District do not maintain any motor vehicle
insurance or have other financial resources sufficient

to pay losses;

(C) The average motor vehicle insurance policy in the District will pay only up to \$10,000 for the personal injuries of any 1 victim, a sum that is insufficient to compensate adequately a victim with serious injuries; and

(D) Satisfaction of the prerequisites to compensation under the present law is time-consuming and expensive to policyholders because a victim must establish that the accident was the fault of another person; that the person injured was free from contributory fault; and that the injuries suffered were the natural and probable consequences of the accident.

(3) Far greater protection to victims of motor vehicle accidents is available at a lower price than that afforded for coverage currently available.

(4) The purchase of this better insurance protection should be compulsory because of the great potential of a motor vehicle to cause personal injury.

(b) PURPOSE.

It is the purpose of this act to provide adequate protection for victims who are injured in the District or who are injured while riding in motor vehicles registered or operated in the District.

Sec. 3. DEFINITIONS.

As used in this act:

(1) The term "accident" means an untoward and unforeseen occurrence arising out of the maintenance or

(A) A motor vehicle;

(B) A vehicle operated or designed for operation upon a highway by power other than muscular power with respect only to any pedestrian or any occupant of that vehicle other than the owner or operator of that vehicle; or

(C) Any other vehicle covered by personal injury protection insurance.

(2) The term "Administrative Fund" means the fund established by section 9(e).

(3) The term "beneficiary" means a person who is named in a policy of personal injury protection insurance as a person who is entitled to the benefits of personal injury protection insurance.

(4) The term "Department" means the District of Columbia Department of Transportation, established by Reorganization Plan No. 2 of 1975.

(5) The term "Director" means the director of the Department or the Director's designee.

(6) The term "District" means the District of Columbia.

(7) The term "highway" means the entire width between the boundary lines of every publicly maintained way, when any part thereof is open to the use of the public for purposes of vehicular or pedestrian travel.

(8) The term "individual" means a natural person.

(9) The term "injury" means bodily harm to an individual that is sustained in an accident, and any illness, disease, or death resulting from that bodily harm.

(10) The term "insured" means a named insured and any other individual who:

(A) Is the spouse or other relative of a named insured or who is less than 18 years old and in the custody of a named insured or a relative of a named insured;

(B) Is not a named insured under any other contract of insurance providing required insurance; and

(C) Usually makes his or her home within the same family unit as a named insured even if he or she temporarily resides elsewhere.

(11) The term "insurer" means:

(A) A person who may provide insurance in the District pursuant to applicable law;

(B) Any self-insurer; and

(C) Any program pursuant to section

7(a).

(12) The term "license" means a license or permit to operate a motor vehicle issued under the laws of the District.

The term "license" includes a driver's license; a temporary or learner's permit; the privilege of any person to drive a motor vehicle whether or not such

person holds a valid license issued by the District government; the privilege conferred upon a nonresident by the laws of the District pertaining to the operation by a nonresident of a motor vehicle; or any other license issued under authority delegated to the Director.

(13) The term "loss" means economic detriment incurred as a result of an accident resulting in injury, consisting of and limited to medical and rehabilitation expenses, work loss inclusive of replacement services loss, and death benefits.

The term "loss" does not include noneconomic loss.

(14) The term "maintenance or use" with respect to a motor vehicle means any activity involving or related to the operation of or transportation by a motor vehicle, including occupying, entering into, alighting from, repairing, or servicing.

The term "maintenance or use" does not include conduct within the course of a business of repairing, servicing, or otherwise maintaining motor vehicles unless the conduct is off the business premises or unless it is conduct in the course of loading or unloading a motor vehicle.

(15) The term "Mayor" means the Mayor of the District of Columbia or the Mayor's designee.

(16) The term "motorcycle" means any motor vehicle having either a tandem arrangement of 2 wheels

or a tricyclic arrangement of 3 wheels and having a seat or saddle for the use of the operator.

The term "motorcycle" does not include a tractor.

(17) The term "motor vehicle" means any device propelled by an internal combustion engine, electricity, or steam.

The term "motor vehicle" does not include a motorcycle, traction engines used exclusively for drawing vehicles in fields, road rollers, and vehicles propelled only upon rails and tracks.

(18) The term "named insured" means the person identified in the declaration of the insurance policy.

(19) The term "noneconomic loss" means pain, suffering, inconvenience, physical or mental impairment, and other nonpecuniary damage recoverable under the tort law applicable to injury arising out of the maintenance or use of a motor vehicle.

(20) The term "operator" means a person who drives or is in actual physical control of a motor vehicle or who is exercising control over or steering a motor vehicle being pushed or towed by a motor vehicle.

(21) The term "owner" means any person, corporation, firm, agency, association, organization, or federal, state, or local government agency or other authority or other entity having the property or title to a vehicle or bicycle used or operated in the District; any registrant of a vehicle used or operated

in the District; or any person, corporation, firm, agency, association, organization, or federal, state, or local government agency or authority or other entity in the business of renting or leasing vehicles or bicycles to be used or operated in the District.

(22) The term "passenger vehicle" means any vehicle other than one registered as a commercial vehicle or for livery, rental, sightseeing, or taxi purposes.

(23) The term "person" means any natural person, firm, copartnership, association, government, government agency, or instrumentality.

(24) The term "personal injury protection" means the benefits provided by section 5(c), (d), and (e).

(25) The term "registration certificate" means a certificate or its duplicate issued by the Director to a registrant, containing any or all of the information that appeared on his or her application for registration, the number of the owner's identification tags issued to the registrant for use on the vehicle described on the card and other information as the Director may determine, or a registration certificate or its duplicate, issued by the Director to a new car dealer, or used car dealer, containing any or all of the information that appeared on his or her application for dealer's identification tags, the number of the dealer's identification tags issued to the new car

dealer or used car dealer for use as provided by 18 DCMR and any other information the Director may require.

(26) The term "self-insurer" means any person having received a certificate of self-insurance issued by the Mayor pursuant to section 79 of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 123; D.C. Code, sec. 40-478).

(27) The term "stacking" means a legal procedure wherein the limits of liability applicable to a single motor vehicle liability policy of insurance are added to the limits of liability of all motor vehicles which may be insured by 1 motor vehicle liability policy of insurance involved in 1 accident.

(28) The term "State" means any state, territory, or possession of the United States or any possession or territory of Canada.

The term "State" includes the District of Columbia.

(29) The term "Superintendent" means the Superintendent of Insurance, established by Reorganization Order No. 43, dated June 23, 1953, or the Superintendent's designee.

(30) The term "survivor" means an individual identified in the wrongful death statute of the District, as one entitled to receive benefits by reason of the death of a victim.