

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

A BILL

23-83

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Motor Vehicle Collision Recovery Act of 2016 to limit the application of the doctrine of contributory negligence in civil actions relating to collisions involving certain users of public highways and sidewalks.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Vulnerable User Collision Recovery Amendment Act of 2020”.

Sec. 2. The Motor Vehicle Collision Recovery Act of 2016, effective November 26, 2016 (D.C. Law 21-167; D.C. Official Code § 50-2204.51 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 50-2204.51) is amended to read as follows:

“Sec. 2. Definitions.

“For the purposes of this act, the term:

“(1) “All-terrain vehicle” shall have the same meaning as provided in section 2(2) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(2)).

“(2) “Bicycle” shall have the same meaning as provided in 18 DCMR § 9901.1.

“(3) “Dirt bike” shall have the same meaning as provided in section 2(6) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.02(6)).

ENGROSSED ORIGINAL

27 “(4) “Electric mobility device” shall have the same meaning as provided in section
28 2(6A) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C.
29 Official Code § 50-2201.02(6A)).

30 “(5) “Motor vehicle” shall have the same meaning as provided in section 2(4) of
31 the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954
32 (68 Stat. 120; D.C. Official Code § 50-1301.02(4)).

33 “(6) “Motorcycle” shall have the same meaning as provided in 18 DCMR § 9901.1.

34 “(7) “Motorized bicycle” shall have the same meaning as provided in section
35 2(11A) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119;
36 D.C. Official Code § 50-2201.02(11A)).

37 “(8) “Motor-driven cycle” shall have the same meaning as provided in 18 DCMR
38 § 9901.1.

39 “(9) “Pedestrian” shall have the same meaning as provided in 18 DCMR § 9901.1.

40 “(10) “Personal mobility device” shall have the same meaning as provided in
41 section 2(13) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat.
42 1119; D.C. Official Code § 50-2201.02(13)).

43 “(11) “Public highway” shall have the same meaning as provided in section 2(9) of
44 the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954
45 (68 Stat. 120; D.C. Official Code § 50-1301.02(9)).

46 “(12) “Sidewalk” shall have the same meaning as provided in 18 DCMR § 9901.1.

47 “(13) “Vulnerable user” means an individual using an all-terrain vehicle, bicycle,
48 dirt bike, electric mobility device, motorcycle, motorized bicycle, motor-driven cycle, non-
49 motorized scooter, personal mobility device, skateboard, or other similar device.”.

50 (b) Section 3(a) (D.C. Official Code § 50-2204.52(a)) is amended to read as follows:

51 “(a) Unless the plaintiff’s negligence is a proximate cause of the plaintiff’s injury and
52 greater than the aggregated total negligence of all the defendants that proximately caused the
53 plaintiff’s injury, the negligence of the following shall not bar the plaintiff’s recovery in any civil
54 action in which the plaintiff is one of the following:

55 “(1) A pedestrian or vulnerable user of a public highway or sidewalk involved in a
56 collision with a motor vehicle or another vulnerable user; or

57 “(2) A vulnerable user of a public highway or sidewalk involved in a collision with
58 a pedestrian.”.

59 Sec. 3. Fiscal impact statement.

60 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
61 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
62 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

63 Sec. 4. Effective date.

64 This act shall take effect following approval by the Mayor (or in the event of veto by the
65 Mayor, action by Council to override the veto), a 30-day period of congressional review as
66 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,

ENGROSSED ORIGINAL

67 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
68 Columbia Register.