

ENROLLED ORIGINAL

AN ACT

**D.C. ACT 21-490**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**OCTOBER 4, 2016**

To limit the application of the doctrine of contributory negligence in cases of collisions between non-motorized users of public highways and motor vehicles.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Motor Vehicle Collision Recovery Act of 2016".

Sec. 2. Definitions.

For the purposes of this act, the term:

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

(2) "Non-motorized user" means an individual using a skateboard, non-motorized scooter, Segway, tricycle, and other similar non-powered transportation devices.

(3) "Pedestrian" shall have the same meaning as provided in 18 DCMR § 9901.1.

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

Sec. 3. Contributory negligence limitation.

(a) The negligence of a pedestrian, bicyclist, or other non-motorized user of a public highway involved in a collision with a motor vehicle shall not bar the plaintiff's recovery in any civil action unless the plaintiff's negligence is:

(1) A proximate cause of the plaintiff's injury; and

(2) Greater than the aggregated total amount of negligence of all of the defendants that proximately caused the plaintiff's injury.

(b) Nothing in this act shall be construed to:

(1) Change or affect the doctrine of joint and several liability or the last clear chance doctrine; or

(2) Reduce the legal protections provided to pedestrians and cyclists under:

(A) Section 3 of An Act To enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia, approved October 21, 1972 (86 Stat. 971; D.C. Official Code § 7-1004); or