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A BILL

21-4

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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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(4) of the Motor Vehicle Safety Responsibility Act of the District of Columbia, effective 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(8) of the Motor Vehicle Safety Responsibility Act of the District of Columbia, effective May 25, 1954 (68 Stat. 120; D.C. Official Code § 50-1301.02(9)).

Sec. 3. Contributory negligence limitation.

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

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

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

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

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

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

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

40 (B) Section 7 of the District of Columbia Comprehensive Bicycle  
41 Transportation and Safety Act of 1984, effective May 23, 2000 (D.C. Law 13-112; D.C. Official  
42 Code § 50-1606).

43 Sec. 4. Non-severability.

44 If any provision of this act or its application to any person or circumstance is held to be  
45 unconstitutional, beyond the statutory authority of the Council, or otherwise invalid, then all  
46 provisions of this act shall be deemed invalid.

47 Sec. 5. Fiscal impact statement.

48 The Council adopts the fiscal impact statement in the committee report as the fiscal  
49 impact statement required by section 4a of the General Legislative Procedures Act of 1975,

50 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

51           Sec. 6. Effective date.

52           This act shall take effect following approval by the Mayor (or in the event of veto by the  
53 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
54 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
55 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
56 Columbia Register.