

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 16.
PARTICULAR ACTIONS, PROCEEDINGS
AND MATTERS.

CHAPTER 27.
NEGLIGENCE CAUSING DEATH.

2001 Edition

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CHAPTER 27. NEGLIGENCE CAUSING DEATH.

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CHAPTER 27. NEGLIGENCE CAUSING DEATH.

§ 16-2701. LIABILITY; DAMAGES; PRIOR RECOVERY AS PRECLUDING ACTION.

(a) When, by an injury done or happening within the limits of the District, the death of a person is caused by the wrongful act, neglect, or default of a person or corporation, and the act, neglect, or default is such as will, if death does not ensue, entitle the person injured, or if the person injured is married or domestic partner, entitle the spouse or domestic partner, either separately or by joining with the injured person, to maintain an action and recover damages, the person who or corporation that is liable if death does not ensue is liable to an action for damages for the death, notwithstanding the death of the person injured, even though the death is caused under circumstances that constitute a felony.

(b) The damages shall be assessed with reference to the injury resulting from the act, neglect, or default causing the death, to the spouse or domestic partner and the next of kin of the deceased person; and shall include the reasonable expenses of last illness and burial. Where there is a surviving spouse or domestic partner, the jury shall allocate the portion of its verdict payable to the spouse or domestic partner and next of kin, respectively, according to the finding of damage to the spouse or domestic partner and next of kin. If, in a particular case, the verdict is deemed excessive, the trial judge or the appellate court, on appeal of the cause, may order a reduction of the verdict. An action may not be maintained pursuant to this chapter if the party injured by the wrongful act, neglect, or default has recovered damages therefor during his life.

(c) For the purposes of this section, the term "domestic partner" shall have the same meaning as provided in § 32-701(3).

(Dec. 23, 1963, 77 Stat. 596, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 560, Pub. L. 91-358, title I, § 145(j); Oct. 1, 1976, D.C. Law 1-87, § 21, 23 DCR 2544; Apr. 4, 2006, D.C. Law 16-79, § 4(h), 53 DCR 1035.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-2701.

1973 Ed., § 16-2701.

Effect of Amendments

D.C. Law 16-79, rewrote section, which had read as follows:

"When, by an injury done or happening within the limits of the District, the death of a person is caused by the wrongful act, neglect, or default of a person or corporation, and the act, neglect, or default is such as will, if death does not ensue, entitle the person injured, or if the person injured is married, entitle the spouse, either separately or by joining with the injured person, to maintain an action and recover damages, the person who or corporation that is liable if death does not ensue is liable to an action for damages for the death, notwithstanding the death of the person injured, even though the death is caused under circumstances that constitute a felony.

"The damages shall be assessed with reference to the injury resulting from the act, neglect, or default causing the death, to the spouse and the next of kin of the deceased person; and shall include the reasonable expenses of last illness and burial. Where there is a surviving spouse, the jury shall allocate the portion of its verdict payable to the spouse and next of kin, respectively, according to the finding of damage to the spouse and next of kin. If, in a particular case, the verdict is deemed excessive the trial judge or the appellate court, on appeal of the cause, may order a reduction of the verdict. An action may not be maintained pursuant to this chapter if the party injured by the wrongful act, neglect, or default has recovered damages therefor during his life."

Legislative History of Laws

For legislative history of D.C. Law 1-87, see Historical and Statutory Notes following § 16-2341.

For Law 16-79, see notes following § 16-571.

§ 16-2702. PARTY PLAINTIFF; STATUTE OF LIMITATIONS.

An action pursuant to this chapter shall be brought by and in the name of the personal representative of the deceased person, and within 2 years after the death of the person injured.

(Dec. 23, 1963, 77 Stat. 596, Pub. L. 88-241, § 1; Oct. 22, 2012, D.C. Law 19-177, § 3, 59 DCR 9353.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-2702.

1973 Ed., § 16-2702.

Effect of Amendments

D.C. Law 19-177 substituted "2 years" from "one year".

Temporary Amendments of Section

Section 2 of D.C. Law 19-147 substituted "2 years" for "one year".

Section 4(b) of D.C. Law 19-147 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 2 of Wrongful Death Emergency Act of 2012 (D.C. Act 19-338, March 30, 2012, 59 DCR 2567).

For temporary (90 day) amendment of section, see § 2 of the Wrongful Death Congressional Review Emergency Act of 2012 (D.C. Act 19-390, July 9, 2012, 59 DCR 8499).

Legislative History of Laws

Law 19-177, the "Wrongful Death Act of 2012", was introduced in Council and assigned Bill No. 19-717, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 26, 2012, and July 10, 2012, respectively. Signed by the Mayor on July 25, 2012, it was assigned Act No. 19-416 and transmitted to both Houses of Congress for its review. D.C. Law 19-177 became effective on October 22, 2012.

§ 16-2703. DISTRIBUTION OF DAMAGES.

The damages recovered in an action pursuant to this chapter, except the amount specified by the verdict or judgment covering the reasonable expenses of last illness and burial, may not be appropriated to the payment of the debts or liabilities of the deceased person, but inure to the benefit of his or her family and shall be distributed to the spouse and next of kin according to the allocation made by the verdict or judgment, or in the absence of an allocation, according to the provisions of the statute of distribution in force in the District.

(Dec. 23, 1963, 77 Stat. 596, Pub. L. 88-241, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 16-2703.

1973 Ed., § 16-2703.