

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 31.
INSURANCE AND SECURITIES.

CHAPTER 24.
COMPULSORY/NO-FAULT MOTOR VEHICLE
INSURANCE.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 24. COMPULSORY/NO-FAULT MOTOR
VEHICLE INSURANCE.

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CHAPTER 24. COMPULSORY/NO-FAULT MOTOR VEHICLE INSURANCE.

§ 31-2401. FINDINGS; PURPOSE.

(a) *Findings.* -- The Council of the District of Columbia finds that:

(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 chapter 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.

(Sept. 18, 1982, D.C. Law 4-155, § 2, 29 DCR 3491.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-2101.

Legislative History of Laws

Law 4-155, the "Compulsory/No-Fault Motor Vehicle Insurance Act of 1982," was introduced in Council and assigned Bill No. 4-140, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first, amended first, second amended first, and second readings on May 11, 1982, May 25, 1982, June 8, 1982, and June 22, 1982, respectively. Deemed approved without Mayoral signature upon expiration of the Mayoral review period on July 22, 1982, it was assigned Act No. 4-226 and transmitted to both Houses of Congress for its review.

Delegation of Authority

Delegation of authority pursuant to Law 6-96, see Mayor's Order 86-186, October 17, 1986.

§ 31-2402. DEFINITIONS.

As used in this chapter:

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

or use of:

- (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 the insurance coverages required by § 31- 2406.
- (2) Repealed.
- (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 Department of Motor Vehicles established pursuant to § 50-901.
- (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.
- (9A) "Insurance Identification Card" means a document issued by an insurer as proof of insurance for a motor vehicle that lists the name of the insurer, the policy number, the name of the insured, the period of coverage for the insurance, and the make, model, and vehicle identification number.
- (10) The term "insured" means a named insured or any other person insured in an insurance policy, with the exception of those persons specifically excluded by endorsement on the insurance policy.
- (11) The term "insurer" means any person, company, or professional association licensed in the District of Columbia that provides motor vehicle liability protection or any self-insurer.
- (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, including any non-operational vehicle that is being restored or repaired. The term "motor vehicle" does not include traction engines used exclusively for drawing vehicles in fields, road rollers, vehicles propelled only upon rails and tracks, personal mobility devices, as defined by § 50-2201.02(12), or a battery-operated wheelchair when operated by a person with a disability.
- (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 pursuant to § 31-2404.

(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 § 50-1301.79.

(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 "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking or the Commissioner'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.

(31) The term "taxicab" means any public vehicle for hire having a seating capacity of less than 8 passengers, exclusive of the driver, except ambulances, funeral cars, vehicles used exclusively for sightseeing purposes, or vehicles for which the rate is fixed solely by the hour.

(32) The term "trailer" means a vehicle with or without motor power intended to be used for carrying property or persons and drawn or intended to be drawn by a motor vehicle, whether such vehicle without motor power carries the weight of the property or persons wholly on its own structure or whether a part of such weight rests upon or is carried by a motor vehicle.

(32A) The term "underinsured motor vehicle" means an insured motor vehicle where the limits on 3rd-party personal liability or property damage coverage under the insurance required by § 31-2406 are insufficient to pay the loss up to the limit of uninsured motor vehicle coverage as requested by the insured.

(33) The term "vehicle" means a motor vehicle; a trailer; or an appliance moved over a highway on wheels or traction tread including draft animals and beasts of burden.

(34) The terms "victim" and "motor vehicle accident victim" mean an individual who sustains injury as a result of an accident.

(Sept. 18, 1982, D.C. Law 4-155, § 3, 29 DCR 3491; Mar. 15, 1985, D.C. Law 5-176, § 2, 32 DCR 748; Mar. 4, 1986, D.C. Law 6-96, § 2(a), 32 DCR 7245; May 21, 1997, D.C. Law 11-268, § 10(v), 44 DCR 1730; Mar. 26, 1999, D.C. Law 12-184, § 2, 45 DCR 7796; Apr. 27, 2001, D.C. Law 13-289, § 101(a), 48 DCR 2057; Mar. 25, 2003, D.C. Law 14-235, § 2, 49 DCR 9788; Mar. 13, 2004, D.C. Law 15-105, § 90(a), 51 DCR 881; June 11, 2004, D.C. Law 15-166, § 4(n), 51 DCR 2817; June 8, 2006, D.C. Law 16-117, § 201(a), 53 DCR 2548; Mar. 6, 2007, D.C. Law 16-224, § 201, 53 DCR 10225.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-2102.

Effect of Amendments

D.C. Law 13-289 repealed par. (2) and rewrote par. (4). Pars. (2) and (4) had read:

"(2) The term 'Administration Fund' means the fund established by § 31-2408."

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

D.C. Law 14-235 rewrote par. (17) that had read as follows:

"(17) The term 'motor vehicle' means any device propelled by an internal-combustion engine, electricity, or steam, including any non-operational vehicle that is being restored or repaired. The term 'motor vehicle' does not include traction engines used exclusively for drawing vehicles in fields, road rollers, vehicles propelled only upon rails and tracks, and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

D.C. Law 15-105, in par. (17), validated a previously made technical correction.

D.C. Law 15-166, in par. (29), substituted "Commissioner of the Department of Insurance, Securities, and Banking" for "Commissioner of Insurance and Securities, established by Reorganization Order No. 43, dated June 23, 1953,"

D.C. Law 16-117 added par. (9A).

D.C. Law 16-224, in par. (17), revived the provisions of D.C. Law 14-235 that expired on October 1, 2005, and substituted "personal mobility devices, as defined by § 50-2201.02(12), or a battery-operated wheelchair when operated by a person with a disability" for "electric personal assistive mobility devices, as defined by § 50-2201.02(12), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour".

D.C. Law 16-305, in par. (17), purported to substitute "person with a disability" for "handicapped person".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2 of Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Temporary Amendment Act of 2006 (D.C. Law 16-85, April 4, 2006, law notification 53 DCR 3344).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 4(n) of Consolidation of Financial Services Emergency Amendment Act of 2004 (D.C. Act 15-381, February 27, 2004, 51 DCR 2653).

For temporary (90 day) amendment of section, see § 2 of Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Emergency Amendment Act of 2005 (D.C. Act 16-237, December 22, 2005, 53 DCR 249).

For temporary (90 day) amendment of section, see § 2 of Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-323, March 23, 2006, 53 DCR 2567).

For temporary (90 day) amendment of section, see § 201 of Personal Mobility Device Emergency Amendment Act of 2006 (D.C. Act 16-528, December 4, 2006, 53 DCR 9826).

Legislative History of Laws

For legislative history of D.C. Law 4-155, see Historical and Statutory Notes following § 31-2401.

Law 5-176, the "Motor Vehicle Definition Wheelchair Exception Amendment Act of 1984," was introduced in Council and assigned Bill No. 5-382, which was referred to the Committee on Transportation and Environmental Affairs. The Bill was adopted on first and second readings on December 4, 1984, and December 18, 1984, respectively. Signed by the Mayor on January 11, 1985, it was assigned Act No. 5-241 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 6-96, see Historical and Statutory Notes following § 31-2408.01.

Law 11-268, the "Department of Insurance and Securities Regulation Establishment Act of 1996," was introduced in Council and assigned Bill No. 11- 415, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 30, 1996, it was assigned Act No. 11-524 and transmitted to both Houses of Congress for its review. D.C. Law 11-268 became effective May 21, 1997.

Law 12-184, the "Health Insurance Portability and Accountability Federal Law Conformity and No-Fault Motor Vehicle Insurance Act of 1998," was introduced in Council and assigned Bill No. 12-8, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second reading on July 7, 1998 and September 22, 1998, respectively. Signed by the Mayor on October 2, 1998, it was assigned Act No. 12-455, and transmitted to both Houses of Congress for review. D.C. Law 12-184 became effective on March 26, 1999.

Law 13-289, the "Motor Vehicle and Safe Driving Amendment Act of 2000," was introduced in Council and assigned Bill No. 13-828, which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on November 8, 2000, and December 5, 2000, respectively. Signed by the Mayor on January 22, 2001, it was assigned Act No. 13-592 and transmitted to both Houses of Congress for its review. D.C. Law 13-289 became effective on April 27, 2001.

Law 14-235, the "Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Amendment Act of 2002", was introduced in Council and assigned Bill No. 14-550, which was referred to the Committee

on Public Works and Environment. The Bill was adopted on first and second readings on July 2, 2002, and October 1, 2002, respectively. Signed by the Mayor on October 23, 2002, it was assigned Act No. 14-497 and transmitted to both Houses of Congress for its review. D.C. Law 14-235 became effective on March 25, 2003.

Law 15-105, the "Technical Amendments Act of 2003", was introduced in Council and assigned Bill No. 15-437, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 2003, and December 2, 2003, respectively. Signed by the Mayor on January 6, 2004, it was assigned Act No. 15-291 and transmitted to both Houses of Congress for its review. D.C. Law 15-105 became effective on March 13, 2004.

For Law 15-166, see notes following § 31-1004.

Law 16-117, the "Vehicle Insurance Enforcement Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-56 which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on February 7, 2006, and March 7, 2006, respectively. Signed by the Mayor on March 23, 2006, it was assigned Act No. 16-319 and transmitted to both Houses of Congress for its review. D.C. Law 16-117 became effective on June 8, 2006.

Law 16-224, the "Personal Mobility Device Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-633, which was referred to Committee on Public Works and Environment. The Bill was adopted on first and second readings on November 14, 2006, and December 5, 2006, respectively. Signed by the Mayor on December 19, 2006, it was assigned Act No. 16-553 and transmitted to both Houses of Congress for its review. D.C. Law 16-224 became effective on March 6, 2007.

For Law 16-305, see notes following § 31-1131.11.

Transfer of Functions

The functions of the Department of Transportation were transferred to the Department of Public Works by Reorganization Plan No. 4 of 1983, effective March 1, 1984.

Miscellaneous Notes

Department of Insurance abolished: The Department of Insurance, including the Superintendent, was abolished and the functions thereof transferred to the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952. Reorganization Order No. 43, dated June 23, 1953, as amended, established, under the direction and control of a Commissioner, a Department of Insurance headed by a Superintendent. The Order provided for the organization of the Department, abolished the previously existing Department of Insurance, and provided that all functions and positions of the previous Department would be transferred to the new Department of Insurance, including the duties, powers, and authorities of all officers and employees; and that all personnel, property, records and unexpended balances relating to the functions and positions transferred would also be transferred to the new Department. The executive functions of the Board of Commissioners were transferred to the Commissioner of the District of Columbia by § 401 of Reorganization Plan No. 3 of 1967. The functions of the Superintendent of Insurance were transferred to the Department of Consumer and Regulatory Affairs by Reorganization Plan No. 1 of 1983, effective March 31, 1983. Pursuant to the provisions of D.C. Law 11-268, the Department of Insurance and Securities Regulation was established and the duties of the Superintendent of Insurance and the Insurance Administration were assumed by the Commissioner of Insurance and Securities, and the Insurance Administration in the Department of Consumer and Regulatory Affairs was abolished.

Expiration of Law 14-235: Section 14 of D.C. Law 14-235 provided that the act shall expire on October 1, 2005.

§ 31-2403. REQUIRED INSURANCE.

(a) *Residents of District.* -- Each owner of a motor vehicle which is required to be registered or for which a reciprocity sticker is required in the District shall maintain insurance required by § 31-2406. This insurance shall be in effect continuously during the motor vehicle's period of registration or reciprocity.

(b) *Nonresidents of District owning or operating motor vehicles in District.* -- (1) A person who is not a resident of the District who owns a motor vehicle shall not operate the motor vehicle, or permit the motor vehicle to be operated in the District, unless insurance required by § 31-2406 is provided and maintained during the time that the motor vehicle is present in the District.

(2) The Director shall require adequate proof of insurance as required by this section for nonresident owners or operators prior to the return of motor vehicles immobilized by the Department to the nonresident owners or operators.

(c) *Form.* -- (1) Any policy of motor vehicle insurance which is represented or sold as providing, pursuant to this chapter or pursuant to the coverage required by Chapter 13 of Title 50, security covering a motor vehicle or required insurance shall be deemed to provide insurance for payment of the benefits required by this chapter.

(2) The insurance required by this section may be provided under a valid policy of insurance issued by an insurer authorized to transact business in the District or by any other method approved by the Commissioner.

(d) *Administration of requirement.* -- (1)(A) Every person applying to register a motor vehicle in the District or applying for a reciprocity sticker for a motor vehicle in the District shall certify to the Director, on a form supplied by the Director, that the insurance required by this chapter is in effect with respect to that motor vehicle.

(B) The Director may request an insurer to verify any information provided pursuant to subparagraph (A) of this paragraph. The insurer shall accurately respond to the Director's request within 10 business days.

(C) The Director may request that the person who has certified to the Director pursuant to subparagraph (A) of this paragraph submit proof, within 15 business days, that the required insurance is in effect.

(2)(A) The Director shall suspend the reciprocity sticker or vehicle registration certificate issued to the owner of a motor vehicle if the required insurance is not in effect with respect to the motor vehicle. The suspension shall take effect 30 days after service by regular mail of a notice of proposed suspension, unless the person provides proof that he or she has an effective motor vehicle insurance policy and has paid all applicable fines. The person shall also be advised that the fine established pursuant to § 31-2413(b)(2) shall be imposed unless, within the 30 day period, the person proves that the required insurance was maintained during the registration or reciprocity period. The suspension shall remain in effect until the person appears at the Department with proof of an effective motor vehicle insurance policy and pays a reinstatement fee and the applicable fine.

(i)-(iii) Repealed.

(iv) If a person's registration certificate has been suspended as provided for in this subsection, the registration certificate shall not be transferred and the motor vehicle with respect to which the registration certificate was issued shall not be registered in any other name until the Director is satisfied that the transfer of the registration certificate is in good faith and not for the purpose or with the effect of defeating the purposes of this chapter.

(v) Nothing in this section shall affect the rights of any conditional vendor, chattel mortgagee or lessor of the motor vehicle.

(vi) The Director shall suspend or revoke the registration certificate of any motor vehicle transferred in violation of the provisions of this section.

(vii) Decisions of the Director shall be subject to review by the Mayor. Orders and decisions of the board of review shall be appealable pursuant to § 2-510. For the purposes of this sub-subparagraph, the phrase "review by the Mayor" shall mean a review by any board of review established by the Mayor pursuant to this chapter to review the order or act of any agent of the Mayor.

(B) A motor vehicle with respect to which the registration certificate or reciprocity sticker is suspended under this paragraph may be immobilized by the Department or the Metropolitan Police Department until the insurance required by this section is in effect.

(C) The registration certificate or reciprocity sticker and the tags of any motor vehicle, the registration or reciprocity of which is suspended under this paragraph, shall be recovered whenever possible.

(3)(A) The Director shall require all insurers authorized to sell motor vehicle insurance in the District to furnish to the Department notice of motor vehicle insurance cancellations within 30 days after the effective date of cancellation. Upon receipt of a notice of cancellation concerning a motor vehicle insurance policy on a vehicle registered in the District, the Director shall notify the person in whose name the vehicle is registered that the Director will revoke or cancel the registration of the vehicle pursuant to law.

(B) The insurers shall provide information and cooperate in prosecutions under § 31-2413.

(C) The insurers shall cooperate with, assist, and advise the Director with respect to the detection of persons who have applied for or obtained registration certificate or reciprocity stickers for motor vehicles in the District without first obtaining the insurance, or who cancel or otherwise terminate insurance subsequent to the issuance of a registration certificate or reciprocity stickers.

(4)(A) Repealed.

(B) Payments from the Administration Fund shall be made for the benefit of the Commissioner and for the benefit of the Department but no payments shall be made for costs incurred by either the Department or the Commissioner prior to September 18, 1982, or which would probably have been incurred if this chapter had not been enacted.

(5)(A) On the first day of each month, an insurer authorized to sell motor vehicle insurance in the

District shall furnish to the Director the following records pertaining to each vehicle insured by it in the District:

- (i) The owner's full name and address;
- (ii) The insurance policy number or binder number;
- (iii) The commencement date of the motor vehicle insurance policy;
- (iv) The expiration or termination date of the motor vehicle insurance policy;
- (v) The operator's license number, if known;
- (vi) The corresponding vehicle identification number, if known; and
- (vii) Other relevant information the Director may require.

(B) The records required by this paragraph shall be submitted or transmitted in electronic files and in compliance with procedures established by the Department.

(C) In lieu of requiring insurers to satisfy the requirements of subparagraph (A) of this paragraph, the Director may allow insurers to verify insurance through an online insurance verification system.

(Sept. 18, 1982, D.C. Law 4-155, § 4, 29 DCR 3491; Mar. 14, 1985, D.C. Law 5-159, § 13(a), 32 DCR 30; Mar. 4, 1986, D.C. Law 6-96, § 2(b), 32 DCR 7245; May 21, 1997, D.C. Law 11-268, § 10(v), 44 DCR 1730; Apr. 27, 2001, D.C. Law 13-289, § 101(b), 48 DCR 2057; Oct. 23, 2012, D.C. Law 19-186, § 2, 59 DCR 10147.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-2103.

Effect of Amendments

D.C. Law 13-289, in subsec. (d), par. (2)(A), rewrote the introductory paragraph, repealed sub-subpars. (i) through (iii), and deleted "or revoked" following "has been suspended" in sub-subpar. (iv); and repealed subsec. (d), par. (4)(A). Subsec. (d), par. (2)(A), introductory paragraph and sub-subpars (i) through (iii), and subsec. (d), par. (4)(A) had read:

"(2)(A) The Director shall suspend or revoke the license, reciprocity sticker, or registration certificate issued to the owner or operator of a motor vehicle who has been convicted of a violation of this chapter, or who knowingly operates or knowingly permits the operation of an uninsured motor vehicle, or who falsely certifies to the Director that a motor vehicle is an insured motor vehicle, or who knowingly provides the Director with false or inaccurate information as requested by the Director pursuant to this chapter.

"(i) Whenever a license, reciprocity sticker, or registration certificate has been revoked or suspended under the provisions of this subsection the reasons therefor shall be set forth in the order of revocation or suspension. The order shall take effect 5 days after service or notice on the person whose license, reciprocity sticker, or registration certificate is revoked or suspended unless the person shall have filed with the Director, within the 5- day period, written application for a hearing; provided, that application to the Director for a hearing shall not operate as a stay of the order of the Director when the order has been issued revoking or suspending a reciprocity sticker or registration certificate. The hearing by the Director shall only cover the issues of whether a policy motor vehicle of insurance has been issued to the person and had been in effect on the day the order of revocation or suspension was issued and whether the person provided the Director with false or inaccurate information.

"(ii) If, following the hearing provided for in this subsection, the Director shall sustain the order of revocation or suspension, the order shall become effective immediately.

"(iii) Where the registration certificate, license, or reciprocity sticker has been revoked, no new registration certificate, license, or reciprocity sticker shall be issued to the person for 6 months after the effective date of the order of revocation; provided, that no new registration certificate or reciprocity sticker shall be issued to the person until the motor vehicle is an insured motor vehicle."

[d]"(4)(A) The reasonable costs incurred by the District government in administering and enforcing the requirements of this section and § 31-2413 shall be paid from the Administration Fund."

D.C. Law 19-186 added subsec. (d)(5).

Legislative History of Laws

For legislative history of D.C. Law 4-155, see Historical and Statutory Notes following § 31-2401.

Law 5-159, the "End of Session Technical Amendments Act of 1984," was introduced in Council and assigned Bill No. 5-540, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 20, 1984, and December 4, 1984, respectively. Signed by the Mayor on December 10, 1984, it was assigned Act No. 5-224 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 6-96, see Historical and Statutory Notes following § 31-2408.01.

For legislative history of D.C. Law 11- (Act 11-524), see Historical and Statutory Notes following § 31-2402.

For D.C. Law 13-289, see notes following § 31-2402.

Law 19-186, the "Compulsory/No Fault Motor Vehicle Insurance Amendment Act of 2012", was introduced in Council and assigned Bill No. 19-194, which was referred to the Committee on the Environment, Public Works and Transportation. The Bill was adopted on first and second readings on June 5, 2012, and July 10, 2012, respectively. Signed by the Mayor on August 6, 2012, it was assigned Act No. 19-439 and transmitted to both Houses of Congress for its review. D.C. Law 19-186 became effective on October 23, 2012.

Editor's Notes

Subsection (d)(2)(A)(i) is set forth exactly as enacted by D.C. Law 4-155. The reference in the last sentence of that subsection to "policy motor vehicle of insurance" should probably be "motor vehicle policy of insurance", given the context.

Transfer of Functions

See Historical and Statutory Notes following § 35-2102.

§ 31-2404. PERSONAL INJURY PROTECTION.

(a) *In general.* -- (1) In addition to insurance required to be provided by an insurer under § 31-2406, each insurer shall offer to each person required to have insurance under this chapter optional personal injury protection insurance as set forth in this section. Personal injury protection shall provide coverage for victims for injuries arising from accidents resulting from the operation or use of a motor vehicle by the insured or use of the insured motor vehicle within or outside the District. It shall provide benefits for medical and rehabilitation expenses, work loss, and funeral benefits as set forth in this section. Personal injury protection benefits are applicable only to a victim who is an insured or an occupant of the insured's vehicle or of a vehicle which the insured is driving.

(2) An insured may obtain, solely at his or her option, any 1 or any combination of the 3 coverages for the benefits set forth in this section.

(3) A self-insurer shall state on the application for self insurance whether the self-insurer is providing personal injury protection benefits as part of the motor vehicle insurance provided for the vehicles owned by the self-insurer.

(b) *Payment without regard to fault.* -- The benefits set forth in this section with respect to personal injury protection shall be provided without regard to, and irrespective of, negligence, freedom from negligence, fault, or freedom from fault on the part of any person.

(c) *Medical and rehabilitation expenses.* -- (1) Personal injury protection benefits shall be paid for each victim for that victim's medical and rehabilitation expenses consisting of all reasonable charges incurred for reasonably necessary products, services, and accommodations for the victim's care, recovery, or rehabilitation.

(2) Except when the victim requires special or intensive care, the medical and rehabilitation expenses paid by personal injury protection insurance shall not include charges for a hospital room which are in excess of a reasonable and necessary charge for semiprivate accommodations.

(3) Nothing in this section shall prohibit payment as medical and rehabilitation expenses of any nonmedical remedial treatment rendered in accordance with a recognized religious method of healing.

(4) No payment shall be made under this subsection unless the provider of the product, service, or accommodation involved is licensed or approved and complies with any applicable laws or regulations pertinent thereto.

(5) The maximum benefits payable pursuant to this subsection for any victim shall not be less than \$50,000. Insurers providing personal injury protection coverage shall provide insurance package optionals with medical and rehabilitation coverage of \$50,000 and \$100,000 for each victim.

(d) *Work loss.* -- (1) Personal injury protection benefits shall be paid pursuant to this subsection to each victim for that victim's work loss occurring during his or her life consisting of:

(A) Loss of income for work which a victim would have performed after the date of the accident if he or she had not been injured in the accident (not including any expected reduction in the amount payable by that victim for purposes of federal and District income taxation, which amount shall be presumed to be 20% of the amount otherwise payable unless the victim can show a different income taxation effect); and

(B) Replacement services loss for expenses which a victim reasonably incurred in obtaining ordinary and necessary services in lieu of those that the victim would have performed for personal or family benefit (but not for income) during the first 3 years after the date of the accident if he or

she had not been injured in the accident.

(2) The maximum benefits payable for work loss for the victim for any 1 accident shall not be less than \$12,000. Insurers shall provide insurance options with work loss coverages of at least \$12,000 and \$24,000.

(3) Benefits payable for work loss do not include any loss incurred after the date of a victim's death, if the victim dies for any reason.

(e) *Funeral benefits.* -- Personal injury protection benefits shall be paid to the survivors of each victim as funeral and funeral-related benefits. The benefits payable pursuant to this subsection for funeral and funeral-related benefits for any 1 victim shall be actual costs up to \$4,000.

(Sept. 18, 1982, D.C. Law 4-155, § 5, 29 DCR 3491; Mar. 4, 1986, D.C. Law 6-96, § 2(c), 32 DCR 7245.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-2104.

Legislative History of Laws

For legislative history of D.C. Law 4-155, see Historical and Statutory Notes following § 31-2401.

For legislative history of D.C. Law 6-96, see Historical and Statutory Notes following § 31-2408.01.

§ 31-2405. LAWSUIT RESTRICTION AND OPPORTUNITY FOR ARBITRATION UNDER OPTIONAL INSURANCE.

(a) A victim shall notify the personal injury protection insurer within 60 days of an accident of the victim's election to receive personal injury protection benefits.

(b) A victim who elects to receive personal injury protection benefits may maintain a civil action based on liability of another person only if:

(1) The injury directly results in substantial permanent scarring or disfigurement, substantial and medically demonstrable permanent impairment which has significantly affected the ability of the victim to perform his or her professional activities or usual and customary daily activities, or a medically demonstrable impairment that prevents the victim from performing all or substantially all of the material acts and duties that constitute his or her usual and customary daily activities for more than 180 continuous days; or

(2) The medical and rehabilitation expenses of a victim or work loss of a victim exceeds the amount of personal injury protection benefits available.

(c) Nothing in subsection (b) of this section shall prevent the survivors of a victim whose death arises out of the maintenance or use of a motor vehicle from maintaining a civil action based on the liability of another person for the loss and noneconomic loss resulting from the victim's death regardless of whether the victim had previous to his or her death elected to receive personal injury protection benefits.

(d) The insurer must notify any identifiable victim in writing of the 60-day election period.

(e) The 60-day election period may be extended upon the mutual written agreement of the victim and the insurer.

(f) If a victim is incapacitated or in some other way unable to make the election, it may be made by the next closest relative, or if there is no relative, an individual taking responsibility for the victim's affairs.

(g) If the covered victim fails to make an election within the 60-day period, the mandatory liability insurance coverage applies.

(h) Except as provided in subsection (i) of this section, any person having a claim under the mandatory insurance required in § 31-2406 or the optional insurance offered pursuant to § 31-2404 may request that the claim be resolved by arbitration before the Board of Consumer Claims Arbitration for the District of Columbia, established by § 50-503. If the other party or parties to the action consent, the Board may hear and decide the matter. Arbitration of these claims shall be binding.

(i) Insurers shall arbitrate and settle all disputed claims made for automobile physical damage between them in accordance with the terms of the Nationwide Intercompany Arbitration Agreement ("Agreement") as adopted and from time to time amended by its members, and the rules promulgated pursuant to the Agreement, unless the parties mutually agree, on a per case basis, to use another arbitration forum, in which case the claim shall be arbitrated in that alternate forum. Mandatory arbitration of disputed claims shall be limited solely to the issues of liability and damages. Every automobile liability or physical damage insurer doing business in the District of Columbia shall be a member of the Nationwide Intercompany Arbitration Agreement sponsored by the Committee on Insurance Arbitration.

(Sept. 18, 1982, D.C. Law 4-155, § 6, 29 DCR 3491; Mar. 4, 1986, D.C. Law 6-96, § 2(d), 32 DCR 7245; Sept. 20, 1996, D.C. Law 11-160, § 2(a), 43 DCR 3722.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-2105.

Legislative History of Laws

For legislative history of D.C. Law 4-155, see Historical and Statutory Notes following § 31-2401.

For legislative history of D.C. Law 6-96, see Historical and Statutory Notes following § 31-2408.01.

Law 11-160, the "Automobile Amendment Act of 1996," was introduced in Council and assigned Bill No. 11-157, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on May 7, 1996, and June 4, 1996, respectively. Signed by the Mayor on June 26, 1996, it was assigned Act No. 11-296 and transmitted to both Houses of Congress for its review. D.C. Law 11-160 became effective on September 20, 1996.

Miscellaneous Notes

Report by Commissioner of Insurance and Securities: Section 5 of D.C. Law 11-160 provided that "Within two years of September 20, 1996, the Commissioner of Insurance and Securities shall prepare and submit to the Council of the District of Columbia for its review a report on the impact of this act on the private passenger motor vehicle insurance market or any part thereof, the funding for the Office of Insurance, the District of Columbia insurance premium tax, the number of insurers doing business in the District, and the number of insurers domiciled in the District of Columbia. In preparing such report, the Commissioner may request from specific private passenger motor vehicle insurers doing business in the District, or from all such insurers, reasonable and pertinent information. Information which is proprietary to any affected insurer shall be treated as confidential by the Commissioner, but may be used in the aggregate with other information from other affected insurers for statistical or other reporting purposes."

§ 31-2406. AVAILABILITY OF REQUIRED AND OPTIONAL INSURANCE AND BENEFITS.

(a) *In general.* — (1)(A) After consultation with insurers authorized to sell motor vehicle insurance in the District, the Commissioner shall from time to time approve, with any reasonable modifications, a reasonable plan or plans to assure the availability, to all owners of motor vehicles, of the insurance required to be maintained and of the insurance required to be offered by this chapter. The plan shall provide for suitable apportionment, by the manager or committee designated to operate the plan, among insurers of applicants for any of the insurance who are unable to obtain insurance reasonably through ordinary methods.

(B) When a plan has been approved by the Commissioner, all insurers authorized to sell motor vehicle insurance in the District shall subscribe thereto, cooperate therewith, and participate therein; provided, however, that no insurer shall be required to quote plan rates to applicants for voluntary insurance or to seek waivers from the plan before selling such voluntary insurance.

(C) Any applicant for a policy, any named beneficiary or insured under a policy issued pursuant to the plan, and any insurer may appeal to the Commissioner from any decision of the manager or committee designated to operate the plan.

(D) Each insurer selling motor vehicle insurance in the District shall be required to offer insurance which shall provide at least all minimum benefits required by this chapter with respect to: (i) property damage liability; (ii) third-party personal liability; and (iii) uninsured motorist protection. In addition, each insurer shall offer optional personal injury protection insurance required by § 31-2404 and underinsured motor vehicle coverage as required by this section. Taxicab insurers and self-insurers shall be exempt from the requirement to offer optional personal injury protection insurance. Taxicab insurers and self-insurers shall also be exempt from the requirements of § 31-2404 that they offer uninsured motorist protection and underinsured motor vehicle coverage.

(2) Each insurer selling motor vehicle insurance in the District shall make the insurance policy understandable to policyholders. Each insurance company shall provide to policy holders at least annually the following information:

(A) A listing of each type of coverage available; and

(B) An explanation of the mandatory insurance and required options created under this chapter.

(2A) For policies issued or reissued after January 1, 2007, insurers shall be required to provide at least 2 copies of an Insurance Identification Card to the policyholder of the vehicle registered in the District of Columbia. The Insurance Identification Card must be carried in the insured motor vehicle for

production upon demand. The insurer shall provide additional copies of the Insurance Identification card upon request of the insured.

(3) Repealed.

(4) Repealed.

(5) No insurer authorized to sell motor vehicle insurance in the District shall increase the rates charged an insured on account of an accident unless it is first determined that the accident was caused by the fault of the insured.

(b) *Property damage insurance.* -- Property damage insurance shall provide that any liability to an insured to pay for property damage to any vehicle or other property not owned or controlled by the insured, in accordance with applicable law, shall be paid by the applicable insurer up to an amount requested by the named insured. The minimum amount of property damage liability insurance coverage that a named insured shall purchase is \$10,000 for property damage in any 1 accident.

(c) *Third-party personal liability.* -- Third-party personal liability coverage shall provide that any liability of an insured to pay for injury arising from an accident within or outside the District of Columbia, in accordance with applicable law, shall be paid by the insurer up to the amount established in the policy. The minimum amount of 3rd-party personal liability coverage that an insured shall purchase shall be \$25,000 per person injured in any 1 accident and \$50,000 for all persons injured in any 1 accident.

(c-1) *Underinsured motor vehicle coverage.* -- Underinsured motor vehicle coverage is for the protection of an insured who is legally entitled to recover damages from the owner or operator of an underinsured motor vehicle. Each insurer shall offer, except for the operation of motorcycles, optional underinsured motor vehicle coverage in amounts up to the amounts of the uninsured motorist coverage as requested by the insured. Once an insured has rejected this underinsured motor vehicle coverage the insurer does not have to reoffer it. The insurer shall not be required to obtain or maintain written rejections of the underinsured motor vehicle coverage. The benefits provided by the underinsured motor vehicle coverage shall be subject to the same provisions as denials or exclusions of coverages, insolvency, subrogation, and set-off as provided in the uninsured motorist coverage. Nothing in this section shall prohibit the inclusion of underinsured motor vehicle coverage in any uninsured motor vehicle coverage provided in compliance with this chapter. Insurance that includes underinsured motor vehicle coverage may include terms and conditions that preclude stacking of underinsured motor vehicle coverage.

(d) *Eligibility for benefits.* -- Repealed.

(e) *Ineligibility for benefits.* -- Repealed.

(f) *Mandatory uninsured motorist protection.* -- (1) For the purposes of this subsection, the term "uninsured motor vehicle" means a motor vehicle which:

(A) Is a motor vehicle which is not insured by a motor vehicle liability policy applicable to the accident;

(B) Is covered by a motor vehicle liability policy of insurance but the insurer denies coverage for any reason or becomes the subject of insolvency proceedings in any jurisdiction; or

(C) Is a motor vehicle which causes bodily injury or property damage and whose owner or operator cannot be identified.

(2) Each insurer selling motor vehicle insurance in the District with respect to any motor vehicle registered or principally garaged in the District shall include coverage for bodily injury or death in amounts of \$25,000 per person injured in any 1 accident, or \$50,000 for all persons injured in any 1 accident, and coverage for property damage in an amount of \$5,000 for property damage in any 1 accident for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles.

(3) Any payments for property damage made pursuant to this subsection shall be subject to a deductible amount of \$200.

(4) The named insured may require the issuance of coverage for bodily injury or death and property damage in accordance with a schedule of optional higher amounts up to the amount of \$100,000 per person injured in any 1 accident or \$300,000 for all persons injured in any 1 accident, and up to \$25,000 for property damages for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles.

(5) To the extent of any payment made to any person by the insurer under the coverage required by this section and subject to the terms and conditions of the coverage, the insurer is entitled to the proceeds of any settlement or judgment resulting from the exercise of any rights of recovery of any person against any other person legally responsible for the bodily injury or death for which the payment is made, including any amount recoverable from an insurer which is or becomes the subject of an insolvency proceeding through such proceedings or in any other lawful manner.

(6) No insurer shall attempt to recover any amount against the insured of an insurer which is or becomes the subject of insolvency proceedings.

(7) Any motor vehicle policy of insurance may include terms and conditions that preclude stacking of uninsured motor vehicle coverages.

(g) *Prohibitions.* -- A victim is prohibited from claiming personal injury protection benefits under this chapter, other than to compensate for any deductible, if the victim is eligible for compensation for the loss covered by personal injury protection from another insurer or another insurance coverage, unless the victim has exhausted benefits offered by the insurer or insurance coverage.

(h) *Additional reporting obligations.* -- The Director may require a person whose driver's license or registration was revoked to obtain insurance coverage that includes additional reporting obligations, including SR 22 insurance coverage, prior to the issuance or reinstatement of a driver's license or registration, or both.

(Sept. 18, 1982, D.C. Law 4-155, § 7, 29 DCR 3491; Mar. 4, 1986, D.C. Law 6-96, § 2(e), 32 DCR 7245; Feb. 24, 1987, D.C. Law 6-192, § 19, 33 DCR 7836; Sept. 20, 1996, D.C. Law 11-160, § 2(b), 43 DCR 3722; May 21, 1997, D.C. Law 11-268, § 10(v), 44 DCR 1730; June 8, 2006, D.C. Law 16-117, § 201(b), 53 DCR 2548; Mar. 14, 2007, D.C. Law 16-279, § 101, 54 DCR 903; Mar. 25, 2009, D.C. Law 17-353, §§ 197(a), 246, 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-2106.

Effect of Amendments

D.C. Law 16-117 added par. (a)(2A).

D.C. Law 16-279 added subsec. (h).

D.C. Law 17-353, in subsec. (f)(1)(B), substituted "insurer denies coverage" for "insured denies coverage"; and validated previously made technical corrections in subsec. (h).

Legislative History of Laws

For legislative history of D.C. Law 4-155, see Historical and Statutory Notes following § 31-2401.

For legislative history of D.C. Law 6-96, see Historical and Statutory Notes following § 31-2408.01.

Law 6-192, the "Technical Amendments Act of 1986," was introduced in Council and assigned Bill No. 6-544, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 5, 1986, and November 18, 1986, respectively. Signed by the Mayor on December 10, 1986, it was assigned Act No. 6-246 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 11-160, see Historical and Statutory Notes following § 31-2405.

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-2402.

For D.C. Law 16-117, see notes following § 31-2402.

Law 16-279, the "Department of Motor Vehicles Service and Safety Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-821, which was referred to Committee on Public Works and Environment. The Bill was adopted on first and second readings on November 14, 2006, and December 5, 2006, respectively. Signed by the Mayor on December 28, 2006, it was assigned Act No. 16-636 and transmitted to both Houses of Congress for its review. D.C. Law 16-279 became effective on March 14, 2007.

For Law 17-353, see notes following § 31-1131.06.

Miscellaneous Notes

Report of the Commissioner of Insurance and Securities: Section 5 of D.C. Law 11-160 provided that "Within two years of September 20, 1996, the Commissioner of Insurance and Securities shall prepare and submit to the Council of the District of Columbia for its review a report on the impact of this act on the private passenger motor vehicle insurance market or any part thereof, the funding for the Office of Insurance, the District of Columbia insurance premium tax, the number of insurers doing business in the District, and the number of insurers domiciled in the District of Columbia. In preparing such report, the Commissioner may request from specific private passenger motor vehicle insurers doing business in the District, or from all such insurers, reasonable and pertinent information. Information which is proprietary to any affected insurer shall be treated as confidential by the Commissioner, but may be used in the aggregate with other information from other affected insurers for statistical or other reporting purposes."

Department of Insurance abolished: See Historical and Statutory Notes following § 31-2402.

§ 31-2407. PRIORITIES FOR THE PAYMENT OF PERSONAL INJURY PROTECTION BENEFITS.

(a) The insurer responsible for the payment of personal injury protection benefits shall be determined in accordance with, and in the order of, priorities set forth in this section. The insurer liable to pay benefits is:

(1) The insurer providing personal injury protection insurance under which the victim is the named insured; or

(2) The insurer providing personal injury protection with respect to the motor vehicle in which, at the time of the accident, the victim is present.

(b) If 2 or more obligations to pay personal injury protection benefits apply equally to an injury, the insurer against which the claim is asserted first shall process and pay the claim as if wholly responsible, subject to subsequent contribution pro rata from any other insurer for the amount of benefits paid and for the cost of processing the claim.

(Sept. 18, 1982, D.C. Law 4-155, § 8, 29 DCR 3491; Mar. 4, 1986, D.C. Law 6-96, § 2(f), 32 DCR 7245.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-2107.

Legislative History of Laws

For legislative history of D.C. Law 4-155, see Historical and Statutory Notes following § 31-2401.

For legislative history of D.C. Law 6-96, see Historical and Statutory Notes following § 31-2408.01.

§ 31-2408. ADMINISTRATION FUND.[REPEALED]

(Oct. 21, 1993, D.C. Law 10-40, § 13(a), 40 DCR 6009.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-2108.

Legislative History of Laws

Law 10-40, the "Insurance Regulatory Trust Fund Act of 1993," was introduced in Council and assigned Bill No. 10-93, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 29, 1993, and July 13, 1993, respectively. Signed by the Mayor on August 4, 1993, it was assigned Act No. 10-75 and transmitted to both Houses of Congress for its review. D.C. Law 10-40 became effective on October 21, 1993.

§ 31-2408.01. UNINSURED MOTORIST FUND.

(a) A fund is established in the District, to be known as the Uninsured Motorist Fund ("Fund"), for the purpose of awarding compensation to a victim of an accident who sustains injury therefrom and would not otherwise be compensated for his or her loss. Assessment shall be made, on a fair and equitable basis, among all insurers in accordance with projections of the District government as to costs required for reasonable funding and administration of the Fund. The Fund shall be classified by the Mayor pursuant to § 47-375. The Fund shall be administered by the Mayor.

(1) All compensation awarded under this section shall be paid from the monies in the Fund.

(2) Monies in the Fund shall consist of, and there shall be deposited in the District of Columbia treasury to the credit of the Fund, monies received pursuant to subsection (a) of this section.

(b) A victim is eligible for compensation under this section subject to the following conditions:

(1) The accident upon which the claim is based was reported to the Mayor not more than 45 days after the accident occurred, except that this requirement may be waived for good cause shown.

(2) The victim files a claim on a form supplied by the Mayor and submits all required information and documents within 180 days after the accident, except that this requirement may be extended for good cause shown or if the victim is still undergoing medical treatment for injuries relating to the accident.

(3) The victim has suffered loss in an amount exceeding \$100 as a result of the accident upon which the claim is based.

(4) The victim shall be eligible if the only identifiable insurer or insurers, who would otherwise be obligated to compensate the victim, are financially unable to fulfill their obligations.

(c) The victim shall not be eligible if the victim is at fault, is an insured, owns a registered motor vehicle, or operated a motor vehicle in the accident upon which the claim is based.

(d) Claims shall be processed and maintained in the order of their filing.

(e) The amounts of compensation awarded shall be equal to the amount of the victim's loss, decreased by all amounts received by or available to the victim from collateral sources. No compensation shall be awarded pursuant to this section in an amount exceeding \$100,000 in medical and rehabilitative expenses, \$24,000 in wage loss, and \$4,000 in funeral expenses. No final award of compensation shall be made unless the Fund contains sufficient monies to pay the award.

(f) In addition to the amount of compensation awarded to a successful claimant, a reasonable fee may be awarded for any professional assistance required in connection with any claim under this section. The fee may not exceed 10% of the amount of the claimant's award or \$1,000, whichever is less.

(g)(1) Nothing in this section shall deprive the claimant or the claimant's successors in interest of the right to recover damages from the negligent party.

(2) The District of Columbia shall be subrogated to the claimant's right against the negligent party to the extent of any compensation awarded under this section. The District of Columbia may initiate a suit against the negligent party for damages. The District of Columbia shall be notified by the plaintiff of the institution of any suit against the negligent party for damages. The District of Columbia shall have a lien on any recovery made from such a suit. All monies recovered through subrogation shall be deposited in the District of Columbia treasury to the credit of the Uninsured Motorist Fund.

(h) Any agreement by a person to waive, release, or commute his or her rights under this section is void. Compensation awarded under this section is exempt from execution, attachment, or other remedy for recovery or collection of debt, except for expenses resulting from injury or death which is the basis for the claim.

(i) Any person who knowingly submits false information in support of a claim under this section or knowingly suppresses relevant information concerning a claim under this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$2,000 or imprisoned for not more than 1 year, or both. A person convicted of an offense under this subsection shall forfeit any compensation under this section and shall reimburse and repay to the District of Columbia any compensation received pursuant to this section.

(j)(1) The Mayor shall administer the provisions of this section, and shall issue rules necessary to carry out the provisions and purposes of this section.

(2) The Mayor shall report annually to the Council of the District of Columbia on the status and activities of the Uninsured Motorist Fund. The report shall include, but is not limited to, the following information: Total number of claims filed, the number of claims approved and the amount of each award, the number of claims denied, the number of cases in which the claimant used professional assistance, the cumulative total of professional fees paid, the number of cases pending, and the future liability of the Uninsured Motorist Fund.

(Sept. 18, 1982, D.C. Law 4-155, § 9a, as added Mar. 4, 1986, D.C. Law 6-96, § 2(h), 32 DCR 7245.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-2114.

Legislative History of Laws

Law 6-96, the "Compulsory/No-Fault Motor Vehicle Insurance Act of 1982 Amendments Act of 1985," was introduced in Council and assigned Bill No. 6-249, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 5, 1985, and November 19, 1985, respectively. Signed by the Mayor on November 22, 1985, it was assigned Act No. 6-104 and transmitted to both Houses of Congress for its review.

§ 31-2409. CONSUMER PROTECTION.

(a) *Grounds for cancellation of policy.* -- No insurer shall cancel a policy except:

(1) For refusal or failure of the insured to pay a premium due under the terms of the policy of motor vehicle insurance;

(2) Where the motor vehicle registration certificate of the insured has been suspended or revoked during the period of the policy of motor vehicle insurance; or

(3) Where the license of an insured has been suspended or revoked during the period of a policy of motor vehicle insurance, the insurance shall not provide coverage for such insured during the period of suspension or revocation.

(b) *Notice of cancellation of or refusal to renew policy.* -- (1) No cancellation or refusal to renew by an

insurer of a policy of motor vehicle insurance shall be effective unless the insurer has delivered or mailed to the named insured, at his or her last known address, a written notice of intent to cancel or refusal to renew. The required notice shall be provided to the named insured at least 30 days prior to the effective date of cancellation, or in the case of nonrenewal, 30 days prior to the end of the policy period. The notice shall contain a statement:

- (A) Of the specific reasons relied upon by the insurer as the basis of cancellation or refusal to renew;
- (B) Advising the named insured of his or her right to request, in writing, within 15 days of receipt of the notice, that the Commissioner review the action of the insurer in cancelling or refusing to renew the policy of the insured;
- (C) Advising the insured of the possible availability of other insurance which may be obtained through his or her agent, through another insurer, or through the District of Columbia Automobile Insurance Plan; and
- (D) That the motor vehicle registration or reciprocity sticker of the vehicle shall be suspended or revoked for failure to maintain required insurance.

(2)(A) Or, in the case of a refusal or failure of the insured to pay a premium due under the terms of the policy, the notice shall be provided to the insured not less than 15 days prior to the effective date of the cancellation, or in the event of a cancellation or nonrenewal for refusal or failure or an insured to pay a premium due under the terms of the policy, within 15 days of receipt of the notice.

(B) The provisions of subparagraph (A) of this paragraph may take effect when the Director of the Department of Motor Vehicles certifies, as published in the District of Columbia Register, that the automated systems and procedures of the Department reasonably permits implementation of this change, but not later than October 1, 2002. Insurance companies shall file with the Commissioner by June 30, 2004, a report on the industry-wide economic impact, if any, of this section on the insurance premium downpayment for purchasing automobile coverage to residents of the District of Columbia with a goal of contributing to an overall reduction in the premium downpayment of 10% from the date of the implementation of subsection (b) of this section. The Commissioner shall issue a report to the Council on the overall industry reduction in the insurance premium payment on or before September 1, 2004. In the event the industry-wide insurance premium downpayment reduction is less than 10%, the report shall state the reasons why the decrease is less than the goal.

(c) *Proof of mailing notice.* -- Proof of mailing of the notice of cancellation, or of intention not to renew, to the named insured by post office receipt secured or certified mail at the address shown in the policy or to the named insured's last known address, shall be sufficient proof of notice.

(d) *Consequences of failure to provide required notice.* -- Despite failure of the named insured to make timely payment of the renewal premium, failure by the insurer to provide the notice required by this section shall result in the insurer being required:

- (1) To provide coverage for any claim which would have been covered under the policy, if a claim arises within 45 days after the date within which the named insured discovers or should have discovered that his or her policy has not been renewed; and
- (2) To renew the policy upon tender of payment; provided, that tender is made within 15 days after the date the named insured discovers, or should have discovered, that his or her policy has not been renewed.

(e) *Prohibited discrimination.* -- No insurer, other than a self-insurer, shall fail or refuse to issue a policy of motor vehicle insurance to an applicant, fail or refuse to renew a policy of motor vehicle insurance, or cancel a policy of motor vehicle insurance for any reason provided in Unit A of Chapter 14 of Title 2.

(f) *Prohibited inquiries concerning prior cancellation or nonrenewals.* -- No applicant for a policy of motor vehicle insurance, as a condition precedent to obtaining a policy or renewing a policy, shall be required to disclose whether he, she, or any person reasonably expected to operate the applicant's motor vehicle has ever had an insurance policy cancelled or nonrenewed; provided, however, that at the time of application an applicant may be required to disclose his or her experience as an operator of a motor vehicle for a past period of not more than 3 years, and that of any person reasonably expected to operate the motor vehicle.

(g) *Refusal to accept brokerage business.* -- An insurer or agent that accepts brokerage business and rejects the business of a broker shall provide the Mayor and the broker, upon the request of the broker, the reasons in writing for such rejection.

(h) *Policies in effect less than 60 days.* -- The restrictions on cancellation contained in this section shall not be effective with respect to any policy which shall have been in force for 60 days or less if the policy is not a renewal policy.

(i) *Appeal procedure.* --

- (1)(A) If the insured disputes the validity of a purported cancellation or nonrenewal, the insured may

send, within 15 days of receipt of the notice of intent to cancel or not to renew, written notification to the Commissioner of the reasons the insured believes the action by the insurer is invalid. The Commissioner shall, upon receipt, immediately send the insurer a copy of the notification; or

(B) In the event of a cancellation or nonrenewal for refusal or failure of an insured to pay a premium due under the terms of the policy, within 15 days of receipt of the notice of intent to cancel or not to renew.

(C) The provisions of subparagraph (A) of this paragraph may take effect when the Director of the Department of Motor Vehicles certifies, as published in the District of Columbia Register, that the automated systems and procedures of the Department reasonably permits implementation of this change, but not later than October 1, 2002. Insurance companies shall file with the Commissioner by June 30, 2004, a report on the industry-wide economic impact, if any, of this section on the insurance premium downpayment for purchasing automobile coverage to residents of the District of Columbia with a goal of contributing to an overall reduction in the premium downpayment of 10% from the date of the implementation of subsection (b) of this section. The Commissioner shall issue a report to the Council on the overall industry reduction in the insurance premium payment on or before September 1, 2004. In the event the industry-wide insurance premium downpayment reduction is less than 10%, the report shall state the reasons why the decrease is less than the goal.

(2) Unless the matter referred to in paragraph (1) of this subsection has been settled, the Commissioner shall determine, within 45 days calendar days, whether the cancellation or nonrenewal was authorized under the terms of this section and shall notify immediately the insured and the insurer in writing of the decision.

(3) If the Commissioner determines that a policy was improperly cancelled or not renewed, the policy in question shall be considered to be in effect and to have been in effect from the period of notification of cancellation or nonrenewal. If the Commissioner determines that a policy was properly cancelled or not renewed, the policy in question shall be considered to be cancelled or not renewed as of the cancellation or nonrenewal date given in the notice sent by the insurer pursuant to this section or as of the date of determination by the Commissioner, whichever is later. The insured shall pay any portion of the required premium or cost to the insurer for the insurance coverage in effect and provided by the insurer for which the insured has not paid.

(4) Decisions of the Commissioner shall be appealable pursuant to subchapter I of Chapter 5 of Title 2.

(j) *Immunity.* -- There shall be no liability on the part of and no cause of action of any nature shall arise against any employee of the District government, any insurer, its authorized representatives, its agents, its employees, or any firm, person, or corporation who, in good faith:

- (1) Furnishes to the named insured information as to reasons for cancellation or nonrenewal;
- (2) Makes any statement in any written notice of cancellation or renewal;
- (3) Makes any other communication, oral or written, specifying the reasons for cancellation or nonrenewal;
- (4) Provides information pertaining to the insured; or
- (5) Makes statements or submits evidence at any hearing conducted in connection therewith. An insurer may request the disclosure for a period exceeding 3 years for the sole purpose of providing a discount on the premium or cost of the motor vehicle insurance at the request of the insured.

(k) *Other rights.* -- The rights provided by this chapter shall be in addition to and shall not prejudice any other rights the named insured may have at common law or otherwise.

(l) *Terms more favorable; prohibition of waiving rights.* -- A policy may provide terms more favorable to named insureds than are required by this chapter, but no policy shall contain any provisions which waives any of the requirements of this chapter.

(m) *Consumer's right to information.* -- A copy of the provisions of this section shall be provided, in writing, by the insurer to the named insured at the time of the initial purchase of insurance, or in the case of insurance renewal, provided, in writing, to the named insured by the insurer at the time of the 1st renewal after September 18, 1982.

(n) *Nondiscrimination against persons not previously insured.* -- No insurer shall refuse to insure, refuse to continue to insure, limit coverage available to, or charge a disadvantageous rate to any person seeking to obtain insurance required by this chapter because that person had not been previously insured. This provision shall not apply if the applicant was required by law to maintain automobile insurance coverage and failed to do so. An insurer may require reasonable proof that the applicant did not fail to maintain this coverage. The insurer is not required to accept the mere lack of a conviction or citation for failure to maintain this coverage as proof of maintenance of coverage.

(o) *Insurer to provide settlement.* -- Each insurer shall, at the time of renewal or denial of a motor vehicle

insurance policy, provide to an applicant a statement which provides the following information:

- (1) If requested by the policyholder, the cost of the minimum package of insurance required by this chapter; and
- (2) In the case of a denial, specific reasons for the denial.

(Sept. 18, 1982, D.C. Law 4-155, § 10, 29 DCR 3491; Mar. 4, 1986, D.C. Law 6-96; § 2(i), 32 DCR 7245; Sept. 20, 1996, D.C. Law 11-160, § 2(c), 43 DCR 3722; May 21, 1997, D.C. Law 11-268, § 10(v), 44 DCR 1730; Apr. 13, 1999, D.C. Law 12-209, § 401, 45 DCR 8433; Apr. 27, 2001, D.C. Law 13-289, § 101(c), 48 DCR 2057.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-2109.

Effect of Amendments

D.C. Law 13-289 rewrote subsecs. (b) and (i)(1) which had read:

"(b) *Notice required of cancellation of or refusal to renew policy.* -- No cancellation or refusal to renew by an insurer of a policy of motor vehicle insurance shall be effective unless the insurer has delivered or mailed to the named insured, at his or her last known address, a written notice of intent to cancel or refusal to renew. The required notice shall be provided to the named insured at least 30 days prior to the effective date of cancellation, or in the case of nonrenewal, 30 days prior to the end of the policy period. The notice shall contain the following:

"(1) A statement of the specific reason or reasons relied upon by the insurer as the basis of cancellation or refusal to renew;

"(2) A statement advising the named insured of his or her right to request, in writing, within 15 days of receipt of the notice, that the Commissioner review the action of the insurer in cancelling or refusing to renew the policy of such insured;

"(3) A statement advising the insured of the possible availability of other insurance which may be obtained through his or her agent, through another insurer, or through the District of Columbia Automobile Insurance Plan; and

"(4) A statement that the motor vehicle registration of the vehicle will be cancelled or revoked for failure to maintain required insurance."

[i]"(1) If the insured disputes the validity of a purported cancellation or nonrenewal, the insured may, within 15 days of receipt of the notice of intent to cancel or not to renew, send written notification to the Commissioner of the reasons the insured believes the action by the insurer is invalid. The Commissioner shall, upon receipt, immediately send the insurer a copy of the notification."

Temporary Amendments of Section

For temporary (225 day) amendment to section, see § 501 of Health Insurance Portability and Accountability Federal Law Conformity, Motor Vehicle Insurance, Regulatory Reform, and Consumer Law Temporary Amendment Act of 1998 (D.C. Law 12-154, September 18, 1998, law notification 45 DCR 6951).

Emergency Act Amendments

For temporary amendment of section, see § 13 of the Reciprocal Insurance Company Conversion Emergency Amendment Act of 1998 (D.C. Act 12-298, March 4, 1998, 45 DCR 1775).

For temporary amendment of section, see § 501 of the Health Insurance Portability and Accountability Federal Law Conformity Emergency Amendment Act of 1998 (D.C. Act 12-339, May 4, 1998, 45 DCR 2947), and § 501 of the Health Insurance Portability and Accountability Federal Law Conformity, Motor Vehicle Insurance, Regulatory Reform, and Consumer Law Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-429, August 6, 1998, 45 DCR 5890).

Legislative History of Laws

For legislative history of D.C. Law 4-155, see Historical and Statutory Notes following § 31-2401.

For legislative history of D.C. Law 6-96, see Historical and Statutory Notes following § 31-2408.01.

For legislative history of D.C. Law 11-160, see Historical and Statutory Notes following § 31-2405.

Law 12-209, the "Health Insurance Portability and Accountability Federal Law Conformity and No-Fault Motor Vehicle Insurance Act of 1998," was introduced in Council and assigned Bill No. 12-419, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second reading on July 7, 1998, and September 22, 1998, respectively. Signed by the Mayor on October 16, 1998, it was assigned Act No. 12-496, and transmitted to both Houses of Congress for review. D.C. Law 12-209 became effective on April 13, 1999.

For D.C. Law 13-289, see notes following § 31-2402.

Editor's Notes

Near the middle of paragraph (2) of subsection (i), the phrase "45 days calendar days" is set forth exactly as enacted by D.C. Law 6-96.

Miscellaneous Notes

Report of the Commissioner of Insurance and Securities: Section 5 of D.C. Law 11-160 provided that "Within two years of September 20, 1996, the Commissioner of Insurance and Securities shall prepare and submit to the Council of the District of Columbia for its review a report on the impact of this act on the private passenger motor vehicle insurance market or any part thereof, the funding for the Office of Insurance, the District of Columbia insurance premium tax, the number of insurers doing business in the District, and the number of insurers domiciled in the District of Columbia. In preparing such report, the Commissioner may request from specific private passenger motor vehicle insurers doing business in the District, or from all such insurers, reasonable and pertinent information. Information which is proprietary to any affected insurer shall be treated as confidential by the Commissioner, but may be used in the aggregate with other information from other affected insurers for statistical or other reporting purposes."

Department of Insurance abolished: See Historical and Statutory Notes following § 31-2402.

§ 31-2410. SPECIAL PROVISIONS.

(a) *Election of deductible.* -- An insurer offering to provide personal injury protection insurance in the District may offer, at appropriately reduced premium rates, a deductible of a specified dollar amount up to the amount prescribed by the Mayor, upon the recommendation of the Commissioner. This deductible may be applicable to all or any specified type of personal injury protection benefit, except that it may not be made applicable to any medical, paramedical, ambulance, or hospital services furnished to a victim on an emergency basis during the 72 hours immediately following an accident.

(b) *Subtraction of certain other benefits.* -- All benefits (less reasonably incurred collection costs) that an individual receives or may receive, with respect to an injury, from:

- (1) Repealed;
- (2) Workers' compensation;
- (3) Temporary nonoccupational disability insurance that is required by a state or the District government; and
- (4) Repealed;

shall be subtracted in calculating personal injury protection benefits unless the law authorizing or providing for those benefits makes them secondary to or duplicative of personal injury protection benefits.

(c) *Penalty for overdue payment of personal injury protection benefits.* -- (1) All personal injury protection benefits are payable as loss accrues, subject to receipt by the applicable insurer of reasonable proof of the fact and amount of loss sustained. If personal injury protection benefits are not paid within 30 days after receipt of such proof, the payment is overdue.

(2) An overdue payment of personal injury protection benefits bears interest at the prime rate of interest generally prevailing in the District on the date upon which such payment is first overdue per annum from the date upon which such payment is first overdue.

(3) For purposes of this subsection, payment is made on the date a draft or other valid commercial instrument is placed in the United States mail in a properly addressed and posted envelope or on the date of delivery thereof, whichever is applicable.

(d) *Assignment of rights to future benefits.* -- An agreement for the assignment of a right to any personal injury protection benefits payable in the future is void.

(e) *Payment of attorneys fees.* -- (1) An attorney may receive a reasonable fee for advising and representing a claimant in an action for personal injury protection benefits which are overdue. The fee shall be paid by the applicable insurer in addition to the amount of the personal injury protection benefits which are overdue and the penalty under subsection (c) of this section if a court finds that the insurer did not promptly pay the amount due.

(2) An insurer may be allowed, by a court, an award of a reasonable sum for a fee for its attorney for the legal cost of defending against a claim that is or was fraudulent in some significant respect. The award may be treated as an offset against the amount of any personal injury protection benefits then or thereafter owing by that insurer to the person making that claim.

(f) *Primacy of personal injury protection.* -- Repealed.

(Sept. 18, 1982, D.C. Law 4-155, § 11, 29 DCR 3491; Mar. 14, 1985, D.C. Law 5-159, § 13(b), 32 DCR 30; Mar. 4, 1986, D.C. Law 6-96, § 2(i), 32 DCR 7245; May 21, 1997, D.C. Law 11-268, § 10(v), 44 DCR 1730;

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-2110.

Legislative History of Laws

For legislative history of D.C. Law 4-155, see Historical and Statutory Notes following § 31-2401.

For legislative history of D.C. Law 5-159, see Historical and Statutory Notes following § 31-2403.

For legislative history of D.C. Law 6-96, see Historical and Statutory Notes following § 31-2408.01.

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-2402.

Law 12-81, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-408, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 1997, and December 4, 1997, respectively. Signed by the Mayor on December 22, 1997, it was assigned Act No. 12-246 and transmitted to both Houses of Congress for its review. D.C. Law 12-81 became effective on March 24, 1998.

Law 12-264, the "Health Insurance Portability and Accountability Federal Law Conformity and No-Fault Motor Vehicle Insurance Act of 1998," was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second reading on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626, and transmitted to both Houses of Congress for review. D.C. Law 12-264 became effective on April 20, 1999.

Miscellaneous Notes

Department of Insurance abolished: See Historical and Statutory Notes following § 31-2402.

§ 31-2411. MISCELLANEOUS PROVISIONS.

(a) *Statute of limitations.* -- (1) Except as otherwise provided in this subsection, a civil action for the recovery of any personal injury protection benefits payable under this chapter shall be commenced not later than 3 years after the date of the injury giving rise to entitlement to such benefits.

(2) If an appropriate written notice setting forth the name and address of the victim and the time, place, and nature of the injury is given to the insurer or any of its authorized agents reasonably promptly after the date of the accident resulting in the injury, a civil action may be commenced at any time within 3 years after the date such a notice is given by a person claiming to be entitled to personal injury protection benefits or by a person acting on behalf of a victim. If the applicable insurer makes any payment of benefits for personal injury protection with respect to a particular victim and injury, then a civil action may be commenced at any time within 3 years after the most recent payment.

(b) *Physical or mental examination of victim.* -- (1) If a person's physical or mental condition is material to any claim that has been made or that may be made for personal injury protection benefits, the person involved shall submit to physical or mental examination by physicians, in accordance with provisions of the policy of insurance pursuant to which a claim has been or may be made. A policy of insurance providing for payment of the benefits required for personal injury protection may include reasonable provisions for physical and mental examination of persons claiming any such benefits.

(2)(A) If requested by the person examined, a copy of every written report concerning an examination under this subsection which is made by an examining physician shall be delivered or mailed to such person without charge.

(B) At least 1 report shall set forth in detail the findings and conclusions of the examining physicians.

(C) Upon request and delivery or mailing, the party causing a person to be examined under this subsection may request the person examined to furnish its representative with a copy of every written report available to that person concerning any examination which is relevant to that person's claim for personal injury protection benefits.

(D) An applicable insurer may request a person claiming personal injury protection benefits to submit the name and address of each physician, medical-care facility, hospital, clinic, rehabilitation center, nursing facility, or other person or institution that has diagnosed or treated the victim for or with respect to the injury claimed and any relevant past injury, as a prerequisite to the payment of benefits under this chapter.

(E) A person shall authorize an insurer to inspect and copy records relevant to such a claim which are prepared or maintained by any physician, hospital, clinic, rehabilitation center, nursing facility, or other person or institution.

(3) A court may make any order which is just in case a person refuses to comply with any provision of paragraph (1) or (2) of this subsection, except that an order shall not be entered directing the arrest of a person for disobeying an order to submit to a physical or mental examination.

(4) Nothing contained in this subsection shall preclude a victim from obtaining treatment by the victim's own physician.

(c) *Good-faith mistake.* -- (1) Payment of personal injury protection benefits by an insurer in good faith to or for the benefit of a person believed to be entitled thereto discharges the insurer from its obligation to the extent of the amount of such payment, unless such insurer has been notified in writing prior to the payment of the claim of some other person.

(2) If there is doubt about the proper person to receive the benefits involved or the proper apportionment to be made among the persons entitled to benefits or about whether an item of medical or rehabilitation expense was reasonably necessary or whether the charge for an item is reasonable, the insurer, the claimant, or any other interested person may apply to the Superior Court of the District of Columbia for an appropriate order. If an application is made by an insurer before the benefit claimed is overdue, the provisions of § 31-2410(c) and (e) are not applicable with respect to the amount.

(d) *Subrogation.* -- (1) An insurer shall have a right of reimbursement from any other insurer, based upon a determination of fault, for any personal injury protection benefits paid or obligated to be paid by that insurer as a result of an accident that involved 2 or more motor vehicles, at least 1 of which was of a type other than a passenger motor vehicle.

(2) An insurer which has paid or become obligated to pay personal injury protection benefits in any case not covered by paragraph (1) of this subsection may agree to receive a right of reimbursement from any other insurer with respect to some or all of those benefits.

(3) Entitlement to reimbursement and the amount of any reimbursement under this subsection shall be determined by agreement between any insurers who are involved under paragraph (1) of this subsection or who agree under paragraph (2) of this subsection. If the insurers fail to reach agreement as to entitlement or amount or both, these issues shall be determined by intercompany arbitration in accordance with any applicable agreement between the insurers involved under procedures established by the Commissioner. The determination of any right of reimbursement under this subsection shall not be affected by the provisions of § 31-2405.

(e) *Waiver for taxicabs.* -- (1) Taxicabs shall be waived from the mandatory minimum insurance requirements of § 31-2406 (except for the provisions of § 31-2409) for 2 years from March 4, 1986. The Mayor shall gradually increase minimum liability insurance requirements for taxicabs during the waiver period, after hearings held in accordance with § 2-509.

(2) The rate of increase will be determined by the Mayor based upon evidence submitted to the Mayor on the reasonableness of the insurance rate and liability limit increase in relation to the need to preserve the economic viability of the taxi industry.

(3) The Mayor shall impose the liability limits and rate increases on an annual basis.

(4) Two years from March 4, 1986, the owners and operators of taxis shall be required to obtain mandatory insurance as set forth in § 31-2406.

(5) Nothing in this section shall preclude the owner or operator of a taxi from carrying insurance greater than the required minimum or from carrying at his or her option personal injury protection benefits.

(f) *Rulemaking.* -- The Mayor, the Director, or the Commissioner, or each of them, may, in accordance with § 2-509, issue rules to expeditiously and economically administer this chapter.

(Sept. 18, 1982, D.C. Law 4-155, § 12, 29 DCR 3491; Mar. 4, 1986, D.C. Law 6-96, § 2(k), 32 DCR 7245; May 21, 1997, D.C. Law 11-268, § 10, 44 DCR 1730; Mar. 24, 1998, D.C. Law 12-81, § 32(b), 45 DCR 745.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-2111.

Legislative History of Laws

For legislative history of D.C. Law 4-155, see Historical and Statutory Notes following § 31-2401.

For legislative history of D.C. Law 6-96, see Historical and Statutory Notes following § 31-2408.01.

For legislative history of D.C. Law 11-268, see Historical and Statutory Notes following § 31-2402.

For legislative history of D.C. Law 12-81, see Historical and Statutory Notes following § 31-2410.

Transfer of Functions

See Historical and Statutory Notes following § 31-2402.

Exemption of taxicabs from certain provisions of Law 4-155: See Mayor's Order 83-176, June 30, 1983.

§ 31-2412. TEMPORARY MOTOR VEHICLE INSURANCE REVIEW COMMISSION.[EXPIRED]

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-2112.

Miscellaneous Notes

Expiration of Temporary Motor Vehicle Insurance Review Commission: Pursuant to subsection (i) of former § 35-2112 [1981 Ed.], the Temporary Motor Vehicle Insurance Review Commission was to expire 3 years after March 4, 1986. The Temporary Motor Vehicle Insurance Review Commission is deemed to have expired on March 4, 1989.

§ 31-2413. PENALTIES; ADJUDICATIONS.

(a) A person is guilty of an offense if that person:

- (1) Makes any false material statement with respect to his or her compliance with the obligation to maintain required insurance;
- (2) Is the owner of a motor vehicle that is required to be registered or obtain a reciprocity sticker in the District and required insurance is not in effect with respect to that motor vehicle;
- (3) Is the owner of a motor vehicle and operates or permits that motor vehicle to be operated in the District without required insurance being in effect with respect to that motor vehicle;
- (4) Repealed.
- (5) Operates a motor vehicle as to which the certificate of registration or reciprocity sticker has been suspended pursuant to § 31-2403(d)(2);
- (6) Fails or refuses to return or give a registration certificate, reciprocity sticker, or tags to the Department, an authorized agent of the Department, or to a law-enforcement officer;
- (7) Fails or refuses to present an Insurance Identification Card, its equivalent in another state, or other evidence establishing that required insurance is in effect with respect to a motor vehicle operated by that person upon demand by a law-enforcement officer; or
- (8) Violates any other provision of this chapter.

(a-1) A violation of subsection (a)(7) of this section shall create a rebuttable presumption of a violation of subsection (a)(3) of this section.

(b)(1)(A) A person who commits an offense under subsection (a)(3) of this section shall be subject to both the regulatory scheme established in § 31-2403(d)(2) and to a civil fine of \$500, or a license suspension for up to 30 days, or both, for the first offense, and an increase of 50% of the civil fine for the second and each subsequent offense, or a license suspension for up to 60 days, or both, pursuant to §§ 50-2301.04 and 50-2301.05.

(B) A motor vehicle owner or operator shall be permitted to contest by mail or in person the charge of operating or permitting to be operated a motor vehicle without required insurance being in effect with respect to that motor vehicle pursuant to subsection (a)(3) of this section. For the purposes of contesting the charge, the owner or operator shall be permitted to present as evidence establishing that the required insurance was in effect with respect to the motor vehicle any of the following:

- (i) An Insurance Identification Card;
- (ii) An insurance policy;
- (iii) Any other evidence that constitutes reasonable proof that the required insurance was in effect; or
- (iv) Copies of any documents described in sub-subparagraphs (i) through (iii) of this subparagraph.

(C) Unless the hearing examiner has reasonable doubt about the veracity of the evidence presented pursuant to subparagraph (B)(i) and (ii) of this paragraph, submission of either shall be sufficient to dismiss the charge of operating or permitting to be operated a motor vehicle without required insurance being in effect with respect to that motor vehicle pursuant to subsection (a)(3) of

this section.

(2)(A) In addition to the regulatory scheme established in § 31-2403(d)(2) for a person who commits an offense under subsection (a)(2) of this section a civil fine of \$150 shall be assessed for each vehicle without the required insurance for a period of 1 to 30 days, and increasing to \$7 for each day thereafter, not to exceed a total of \$2,500 for each violation pursuant to § 31-2404(d)(2)(A). All or part of any penalty may be waived by the Director upon submission or proof that the vehicle was not operated during the corresponding time period.

(B) A person shall not be subject to a fine pursuant to this paragraph if the person believed, in good faith, that the person contracted for the required insurance coverage with a company which subsequently went out of business or otherwise failed to comply with this law.

(3) A person who commits an offense under subsection (a)(7) of this section shall be subject both to the regulatory scheme established in § 31-2403(d)(2) and to a civil fine of \$30.

(c) In addition to the penalties provided in subsection (b)(1) of this section, a person who commits an offense under subsection (a)(1), (5), (6), or (8) of this section shall upon conviction also be subject to imprisonment for not more than 30 days for the 1st offense, and imprisonment for not more than 90 days for the 2nd and subsequent offenses.

(d) All fines paid for violations of subsection (a) of this section shall be placed in the General Fund of the District of Columbia.

(Sept. 18, 1982, D.C. Law 4-155, § 15, 29 DCR 3491; Mar. 10, 1983, D.C. Law 4-199, § 3, 30 DCR 119; Sept. 27, 1985, D.C. Law 6-38, § 2, 32 DCR 4307; Mar. 4, 1986, D.C. Law 6-96, § 2(m), 32 DCR 7245; Mar. 23, 1995, D.C. Law 10-253, § 103, 42 DCR 721; Sept. 26, 1995, D.C. Law 11-52, § 103, 42 DCR 3684; Apr. 27, 2001, D.C. Law 13-289, § 101(d), 48 DCR 2057; June 8, 2006, D.C. Law 16-117, § 201(c), 53 DCR 2548; Mar. 14, 2007, D.C. Law 16-279, § 204, 54 DCR 903; July 18, 2008, D.C. Law 17-197, § 10(b), 55 DCR 6277; Sept. 14, 2011, D.C. Law 19-21, § 9050(b), 58 DCR 6226.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 35-2113.

Effect of Amendments

D.C. Law 13-289 rewrote subsec. (b), par. (2)(A) which had read:

"(2)(A) In addition to being subject to the regulatory scheme established in § 31-2403(d)(2), for a person who commits an offense under subsection (a)(2) of this section a civil fine of \$500 for the 1st violation and \$1000 for the 2nd and subsequent violations, with applicable penalties and fees, may be imposed pursuant to Chapter 23 of Title 50."

D.C. Law 16-117, in par. (a)(3) deleted "knowingly" preceding "operates"; repealed par. (a)(4); in par. (a)(7), substituted "an Insurance Identification Card, its equivalent in another state, or other evidence establishing" for "evidence"; added subsec. (a-1), subpars. (b)(1)(B) and (b)(1)(C), and par. (b)(3); and rewrote and designated the existing text of par. (b)(1) as subpar. (b)(1)(A). Prior to amendment, par. (b)(1) had read as follows:

"(b)(1) A person who commits an offense under subsection (a)(3), (4), or (7) of this section shall be subject both to the regulatory scheme established in § 31-2403(d)(2) and to a civil fine of not less than \$300 or more than \$500, or a license suspension for up to 30 days, or both, for the first offense, and not less than \$500 or more than \$1,000, or a license suspension for up to 60 days, or both, for the second and each subsequent offense pursuant to §§ 50-2301.04 and 50-2301.05.

"(2)(A) In addition to the regulatory scheme established in § 31-2403(d)(2) for a person who commits an offense under subsection (a)(2) of this section a civil fine of \$150 shall be assessed for each vehicle without the required insurance for a period of 1 to 30 days, and increasing to \$7 for each day thereafter, not to exceed a total of \$2,500 for each violation pursuant to § 31-2404(d)(2)(A).

"(B) A person shall not be subject to a fine pursuant to this paragraph if the person believed, in good faith, that the person contracted for the required insurance coverage with a company which subsequently went out of business or otherwise failed to comply with this law."

D.C. Law 16-279, in subsec. (b)(2)(A), added a sentence to the end of the subparagraph relating to the waiver of all or part of any penalty.

D.C. Law 17-197 added subsec. (d).

D.C. Law 19-21, in subsec. (d), substituted "General Fund of the District of Columbia" for "Motor Vehicle Theft Prevention Fund established by § 3-1356".

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 103 of Multiyear Budget Spending Reduction and

Support Temporary Act of 1995 (D.C. Law 10-253, March 23, 1995, law notification 42 DCR 1652).

Emergency Act Amendments

For temporary amendment of section, see § 103 of the Omnibus Budget Support Congressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

Legislative History of Laws

For legislative history of D.C. Law 4-155, see Historical and Statutory Notes following § 31-2401.

Law 4-199, the "Christmas Tree Act of 1982," was introduced in Council and assigned Bill No. 4-427, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on November 16, 1982, and December 14, 1982, respectively. Signed by the Mayor on December 28, 1982, it was assigned Act No. 4-283 and transmitted to both Houses of Congress for its review.

Law 6-38, the "District of Columbia Traffic Amendment Act of 1985," was introduced in Council and assigned Bill No. 6-12, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 11, 1985, and June 25, 1985, respectively. Signed by the Mayor on July 11, 1985, it was assigned Act No. 6-56 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 6-96, see Historical and Statutory Notes following § 31-2408.01.

Law 11-52, the "Omnibus Budget Support Act of 1995," was introduced in Council and assigned Bill No. 11-218, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 19, 1995, and June 6, 1995, respectively. Signed by the Mayor on July 13, 1995, it was assigned Act No. 11-94 and transmitted to both Houses of Congress for its review. D.C. Law 11-52 became effective on September 26, 1995.

For D.C. Law 13-289, see notes following § 31-2402.

For D.C. Law 16-117, see notes following § 31-2402.

Law 16-279, the "Department of Motor Vehicles Service and Safety Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-821, which was referred to Committee on Public Works and Environment. The Bill was adopted on first and second readings on November 14, 2006, and December 5, 2006, respectively. Signed by the Mayor on December 28, 2006, it was assigned Act No. 16-636 and transmitted to both Houses of Congress for its review. D.C. Law 16-279 became effective on March 14, 2007.

Law 17-197, the "Motor Vehicle Theft Prevention Act of 2008", was introduced in Council and assigned Bill No. 17-138 which was referred to the Committee on Public Safety and Judiciary. The Bill was adopted on first and second readings on April 1, 2008, and May 6, 2008, respectively. Signed by the Mayor on May 23, 2008, it was assigned Act No. 17-394 and transmitted to both Houses of Congress for its review. D.C. Law 17-197 became effective on July 18, 2008.

For history of Law 19-21, see notes under § 31-107.