



A. Statute of Limitations

- **Personal Property:** 3 Years – D.C. Code § 12-301(2,3)
- **Personal Injury:** 3 Years from the date of accident. D.C. Code § 12-301(8)
- **Wrongful Death:** 2 Years from the date of death. D.C. Code § 16-2702

B. Contributory Negligence

The District of Columbia does not have comparative negligence. It is a contributory negligence state. If the plaintiff is found to be even 1% at fault, he or she will not recover anything.

C. Joint & Several Liability

In the District of Columbia, if two or more persons are found liable, any one of them can be held responsible for the entirety of an injured person's loss.

D. PIP Subrogation

District of Columbia law provides that an insurer has the right of reimbursement from any other insurer, for PIP benefits paid, based on a determination of fault. D.C. Code § 31-2411(d). If the liability insurer already paid the injured person to settle that claim, the PIP insurer can still seek reimbursement. D.C. Code § 31-2406(f)(5) states:

(f) Mandatory uninsured motorist insurance

(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

See also, *Hubb v. State Farm*, 85 A. 3d 836 (2014).

E. Graves Amendment

Under the Graves Amendment, the owner of a leased vehicle cannot be held vicariously liable for the negligent operation of that vehicle. This repealed a D.C. law that considered a vehicle operator to be the agent of the owner. *Johnson v. Agnant*, 480 F.Supp.2d 1 (D.D.C. 2006). So long as the owner demonstrates, prima facie, that it was

engaged in the business of renting or leasing motor vehicles and was not otherwise negligent, the owner/lessor will be dismissed from the litigation pursuant to the Graves Amendment. *See Gluck v. Negben*, 72 A.D.3d 1023 (2d Dep't 2010). Pursuant to Federal statute 49 USC § 30106, the Graves Amendment preempts all state statutory and common law to the extent those laws hold owners in the business of renting or leasing motor vehicles, vicariously liable for the negligence of drivers.

49 USC § 30106(a) states:

(a) In general. – An owner of a motor vehicle that rents or leases the vehicle to a person (or an affiliate of the owner) shall not be liable under the law of any State or political subdivision thereof, by reason of being the owner of the vehicle (or an affiliate of the owner), for harm to persons or property that results or arises out of the use, operation, or possession of the vehicle during the period of the rental or lease, if –

(1) the owner (or an affiliate of the owner) is engaged in the trade or business of renting or leasing motor vehicles; and

(2) there is no negligence or criminal wrongdoing on the part of the owner (or an affiliate of the owner)