

FAQs Regarding D.C. PIP and UM/UIM Coverage

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District of Columbia PIP:

Question:

Does the District of Columbia require mandatory Personal Injury Protection (“PIP”) coverage?

Answer:

No (DC ST §31-2404), PIP coverage is optional in the District of Columbia; however, insurers must offer personal injury protection insurance.

Question:

Who is eligible to collect on a PIP claim?

Answer:

The injured insured or an injured occupant of the insured’s vehicle or injured occupant of any vehicle the insured is driving may make a PIP claim and must give notice of his intent to pursue PIP benefits within 60 days of the accident.

Question:

What do PIP benefits cover?

Answer:

PIP benefits cover all reasonable charges incurred for reasonably necessary medical and rehabilitation expenses capped at no less than \$50,000 per claimant, work loss benefits capped at no less than \$12,000, replacement services for up to 3 years after the accident and funeral benefits up to \$4,000. Payment is due within 30 days after receipt of reasonable proof of the loss.

Question:

Are taxicabs and buses required to carry PIP?

Answer:

No, taxicabs and buses are not required to maintain PIP. Moreover, self-insurers that have received a Certificate of Insurance issued by the Mayor are not required to carry PIP. (DC ST §31-2402(26)).

Question:

Are you allowed to subrogate PIP claims?

Answer:

Yes, the insurer has a right to reimbursement from another insurer based upon a determination of fault or agreement between the insurers. Inter-company arbitration is utilized to resolve any disagreements between the insurers.

Question:

Can a company driver, injured in a company vehicle, recover PIP benefits from the auto policy on his personal vehicle?

Answer:

The injured driver must first exhaust the benefits afforded via the policy on the company vehicle before making a claim for PIP benefits on the auto policy for his personal vehicle. The only exception to the exhaustion requirement is when the injured driver makes a PIP claim against the policy for his personal vehicle to compensate for any deductible.

Question:

Can a company driver, injured in a company vehicle, recover PIP benefits if he has made a workers’ compensation claim?

Answer:

Yes, however, any workers’ compensation benefits are subtracted from the PIP benefits that the injured driver may recover.

Question:

Can a company waive PIP coverage for members of the public (i.e. passengers)?

Answer:

Yes, PIP is not mandatory in the District of Columbia.

District of Columbia PIP (Continued):

Question:

Can a company waive PIP coverage for its drivers?

Answer:

Yes, PIP is not mandatory in the District of Columbia.

Question:

Are there any lawsuit restrictions for a person collecting PIP?

Answer:

Yes. Pursuant to DC ST §31-2405(b), an individual electing to receive PIP benefits is precluded from maintaining a civil action based on liability of the wrongdoer unless certain criteria are met.

District of Columbia UM-UIM:

Question:

Does the District of Columbia require Uninsured Motorist (“UM”) Coverage?

Answer:

Yes. All policies of insurance in DC must contain uninsured motorist protection equal to or greater than the minimum amounts of \$25,000.00 per person, \$50,000.00 per accident for bodily injury or death, and \$5,000.00 per accident for property damage. Under insurance coverage, however, is optional.

Question:

Are you allowed to “stack” UM coverage from separate policies?

Answer:

“Stacking” of UM coverage policies may be precluded by the applicable policy. (DC ST §31-2406 (f)(7)).

Question:

Are there any exemptions to the UM coverage requirements?

Answer:

Yes. The District of Columbia does not have to provide uninsured motorist coverage for vehicles it owns. In addition, taxicab insurers and self-insurers are not required to offer UM benefits to their insureds.

Question:

Can a company waive UM coverage?

Answer:

No. Pursuant to DC ST § 31-2408.01(h), waiver is prohibited and any such waiver is void.

Question:

Are you allowed to have UM/UIM limits that are greater than limits of liability coverage?

Answer:

No.

Question:

Can UM claims be subrogated?

Answer:

Yes. The District of Columbia shall be subrogated to the claimant’s right against the tortfeasor to the extent of any compensation awarded. (DC ST § 31-2408.01(g)(2))

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