

# District of Columbia Tort Easy Reference

FRANKLIN &  
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ATTORNEYS AT LAW

1. **Statute of Limitations** - Three years for negligence actions; one year for assault or defamation; two years for wrongful death (after the death of the person injured).
2. **Punitive Damages** - Plaintiff must show, by "clear and convincing evidence", "actual malice" (i.e., a subjective intent to harm). Public policy does not preclude insurance coverage for punitive damages.
3. **Contributory Negligence** - A "contributory negligence" jurisdiction (meaning any negligence on the part of the plaintiff bars recovery.) There is no provision for comparative negligence.
4. **Assumption of the Risk** - Recognized and acts as a complete bar to recovery.
5. **Dram Shop Act** - A vendor of alcoholic beverages can be held liable for injuries sustained by a third party that result from the intoxication of the vendor's patron. A vendor that serves an intoxicated underage person can be held liable for the patron's death.
6. **Negligent Infliction of Emotional Distress** - Follows "zone of danger" rule. To recover, a plaintiff must show they were in the "physical zone of danger" and as a result, feared for their own safety because plaintiff was "physically endangered by the defendant's negligent activity." Emotional distress must be serious and verifiable.
7. **Collateral Source Rule** - Strictly enforced.
8. **Statutory Cap on Non-Economic Damages** - None.
9. **Mandatory Liability Coverage** - Minimum Auto Liability Limits: \$25,000 per person; \$50,000 per occurrence; and \$10,000 for property damage.
10. **Personal Injury Protection** - Insurers are required to offer optional PIP as follows: (1) Medical and rehabilitation expenses: Range of coverage: \$50,000 - \$100,000 for each victim; (2) Work Loss: Range of coverage: \$12,000 to \$24,000 per victim; (3) Funeral benefits: Actual costs up to \$4,000. NOTE LAWSUIT RESTRICTION: Victims who elect to receive PIP benefits are precluded from maintaining a civil action based upon liability of the wrongdoer unless certain criteria are present. An insurer who pays PIP benefits has a right of subrogation.
11. **Uninsured Motorist Coverage** - Mandatory, but must be equal to or greater than minimum required limits for bodily injury or death and \$5,000 for property damage.
12. **Offer of Judgment** - Follows the Federal Rules of Civil Procedure. If an offer of judgment is made and rejected by the offeree, and the judgment finally obtained is not more favorable than the offer, the offeree must pay the costs incurred by the offeror after the offer or was made.
13. **Joint and Several Liability** - Applies in tort actions with no comparative negligence.
14. **Courts** - The Superior Court is the primary trial court in the District of Columbia. Superior Court has several divisions including Civil and Small Claims & Conciliation (claims under \$10,000).
15. **Death Cases** - Recognizes separate survival (by the estate) and wrongful death (by eligible beneficiaries) actions. Damages are recoverable for loss of income, medical expenses following injury before death and funeral expenses. A plaintiff may not recover for non-economic loss, such as grief or solace, to family members.

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