

Public Law 85-792

AN ACT

August 28, 1958
[H. R. 13531]

To amend the Act of June 29, 1938, as amended, to increase the insurance coverage required to be carried by cabs for hire in the District of Columbia for the protection of passengers and others, and for other purposes.

District of Columbia Taxicab Insurance Act of 1958.

Bond or liability insurance.
52 Stat. 1233.

47 Stat. 555.
D. C. Code 47-2331.

Limit of liability.

Insurance companies and sureties.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of this Act may be cited as the "District of Columbia Taxicab Insurance Act of 1958".

SEC. 2. The Act entitled "An Act to provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes", approved June 29, 1938, as amended (D. C. Code 44-301), is amended to read as follows:

"That the Public Utilities Commission of the District of Columbia (hereafter referred to in this Act as the 'Commission') is hereby directed to require any and all corporations, companies, associations, joint-stock companies or associations, partnerships, and persons, their lessees, trustees, or receivers, appointed by any court whatsoever, operating, controlling, managing, or renting any passenger motor vehicles for hire in the District of Columbia, except as to operations licensed under paragraph 31 (b) of the Act approved July 1, 1932, known as the 'License Act', and except such common carriers as have been expressly exempted from the jurisdiction of the Commission, to file with the Commission for each such motor vehicle to be operated, evidence, in such form and on such terms and conditions as the Commission may prescribe with the approval of the Superintendent of Insurance of the District of Columbia (hereafter referred to in this Act as the 'Superintendent'), that such motor vehicle is covered by a bond or liability insurance in a surety or insurance company authorized to do business in the District of Columbia, conditioned for the payment to any person of any legal obligation of, or judgment recovered against, such corporations, companies, associations, joint-stock companies or associations, partnerships, and persons, their lessees, trustees, or receivers, appointed by any court whatsoever, or renters of their cabs, for death or for injury to any person or damage to any property, or both, arising out of the ownership, maintenance, or use of such motor vehicle by any person for any purpose within the United States. Such bond or insurance may limit the liability of the surety or insurer on any one judgment to \$10,000, for bodily injuries or death, and \$5,000 for damage to property, and on all judgments recovered upon claims arising out of the same subject of action to \$20,000 for bodily injuries or death, and \$5,000 for damage to property, to be apportioned ratably among the creditors according to the amount of their respective legal obligations. The liability of an insurance company in any policy of insurance or of any indemnity company in a bond issued pursuant to this Act shall, within the limits of coverage required by this Act, become and be absolute for damages adjudged against the insured on account of injuries to or death of persons or damage to or destruction of property resulting from the insured's ownership, maintenance, or use of the motor vehicle or vehicles described in the said policy or bond.

"SEC. 2. (a) Any policy of liability insurance required by this Act shall be issued only by such insurance companies as may have been authorized to do business in the District of Columbia, and any bond or undertaking required by this Act shall be secured by a corporate surety approved by the Superintendent.

"(b) No insurance company or corporate surety shall engage in or conduct the business of insuring or bonding any risk arising out of

the operation of any passenger motor vehicle for hire required to be insured or bonded under this Act unless the Superintendent shall find that the management of such company is capable, by experience or otherwise, of conducting such business in the public interest and unless such insurance company or corporate surety shall possess a certificate of approval issued by the Superintendent for such business. Every such insurance company or corporate surety, whether or not it shall be a mutual company, shall have and shall at all times maintain reserves for losses, unearned premiums, and all other liabilities as will meet the requirements of any regulation issued by the Superintendent applicable to such company or such classifications of companies. The Superintendent is empowered to make reasonable rules and regulations governing the writing of such insurance, and the making of such bonds, and the business of insuring or bonding such risks, including the expenses of management, administration, and acquisition of business and the rates to be charged.

“(c) The Superintendent is authorized and empowered, after hearing, to withdraw his certificate of approval of the business of insuring or bonding taxicab risks of any insurance company or corporate surety violating any provision of this Act or the rules and regulations promulgated hereunder.

Withdrawal of
certificate of ap-
proval.

“(d) No bond or policy of insurance required by this Act may be canceled unless not less than twenty days prior to such cancellation or termination, notice of intention so to do has been filed in writing with the Commission, unless such cancellation is for nonpayment of premiums, in which event five days' notice as above provided shall be given.

“SEC. 3. It shall be unlawful to operate any vehicle subject to the provisions of this Act unless such vehicle shall be covered by an approved bond or policy of liability insurance as provided in this Act.

“SEC. 4. The Commission is empowered to make all reasonable rules and regulations which, in its opinion, are necessary to make effective the purposes of this Act.

Rules and regu-
lations.

“SEC. 5. (a) Any owner of a public vehicle required by this Act to file a bond or policy of insurance may, in lieu thereof—

“(1) file with the Commission a blanket bond or a blanket policy of liability insurance, in an amount to be approved by the Commission, but not to exceed \$75,000, conditioned as required by this Act, and covering all vehicles lawfully displaying the trade name or identifying design of any individual, association, company or corporation; or

Blanket bond or
policy.

“(2) create and maintain a sinking fund in such amount as the Commission may require, but not to exceed \$75,000, and deposit the same, in trust, for the payment of any judgment recovered against such owner, as provided in this Act, with such person, official, or corporation as the Commission shall designate. Such sinking fund shall not be created unless the Commission is satisfied that such owner is possessed and will continue to be possessed of financial ability to pay judgments obtained against such owner. If such a fund has been created, the Commission shall have authority to require whatever evidence of such owner's financial status may be necessary to satisfy the Commission that such owner is possessed and will continue to be possessed of financial ability to pay judgments obtained against such owner, and may at such time or times as, in its discretion, may be necessary, require such owner to submit in affidavit form detailed information from which such ability may be determined. When upon not less than five days' notice and a hearing pursuant to such notice (unless the right to such hearing is waived in writing by such owner) the Commission

Sinking fund.

finds that any such owner having created and maintained a sinking fund is not possessed or probably will not continue to be possessed of financial ability to pay judgments obtained against such owner the Commission shall require that such owner file with the Commission a bond or policy of insurance as described in this Act in lieu of such sinking fund and shall thereafter return to the owner the amount of such sinking fund when the Commission is satisfied that the maintenance thereof is not needed to assure the payment of any claim or judgment then outstanding against such owner. Failure to pay any judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for a finding by the Commission that the owner is not possessed of financial ability to pay judgments.

"(b) If any owner elects to comply with paragraph (1) or (2) of subsection (a) of this section, he shall first file with the Commission an admission of liability, in conformity with the principle of respondeat superior, for the tortious acts of the driver or drivers of such vehicle or vehicles displaying the trade name or identifying design of the company or owner.

"(c) Any cash or collateral deposit and/or any sinking fund provided for in this Act shall be exempt from attachment or levy for any obligation or liability of the depositor except as provided in this Act.

"Owner".

"SEC. 6. Within the meaning of this Act, the word 'owner' shall include any corporation, company, association, joint-stock company or association, partnership or person, and the lessees, trustees, or receivers appointed by any court whatsoever, permitting his, their, or its trade name and/or identifying design to be displayed upon vehicles governed by this Act.

Violation of Act.

"SEC. 7. Each violation of this Act or of the regulations lawfully promulgated thereunder shall be deemed a misdemeanor and upon conviction shall be punishable by a fine of not more than \$300 or by imprisonment for not more than ninety days, and/or cancellation of license."

Review by Commissioners.

SEC. 3. Section 4 of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (68 Stat. 122; sec. 40-420, D. C. Code, 1951 edition), is amended by striking the second sentence of said section and inserting in lieu thereof the following: "Application for review of any such order or act shall be in writing and shall set out in detail the reasons for such review. Such application shall be filed with the Commissioners within five days after the issuance of the order or occurrence of the Act in question."

Service of process on nonresident.

SEC. 4. (a) Section 7 of such Act approved May 25, 1954 (D. C. Code, sec. 40-423) is amended by inserting "(a)" immediately after "Non-RESIDENT.—" and by inserting immediately before the colon at the end of the first proviso the following: "except that nothing contained in this proviso shall be construed to require the United States or the District of Columbia to file the undertaking hereby required".

(b) The last paragraph of section 7 of such Act approved May 25, 1954 (D. C. Code, sec. 40-423) is amended to read as follows:

"(b) For the purposes of this section—

"(1) The term 'operation' as used in connection with a motor vehicle includes any use as well as any operation of such vehicle.

"(2) The term 'nonresident' shall include any person who is not a resident of the District of Columbia and who was the owner or operator of a motor vehicle at the time such vehicle was involved in an accident or collision in the District of Columbia, and includes any such person who was a resident of the District of Columbia at the time such motor vehicle was involved in such accident or collision but who subsequently became a nonresident

of the District of Columbia and is a nonresident thereof at the time process is sought to be served on him as a result of such accident or collision.

“(c) The appointment of the Commissioners or their successors in office to be the true and lawful attorney for such nonresident as provided by this section shall be irrevocable and binding upon the executor, administrator, or other personal representative of such nonresident. Where a nonresident has been served in accordance with this section and he dies thereafter, the court must allow the action to be continued against his executor, administrator, or other personal representative upon motion, and with such notice as the court deems proper. Except as otherwise provided in the two preceding sentences, service of process may be made on the executor, administrator, or other personal representative of a nonresident in the same manner as is provided in this section in the case of a nonresident.”

SEC. 5. Subsection (b) of section 12 of such Act, approved May 25, 1954 (sec. 40-428 (b), D. C. Code, 1951), is amended by inserting immediately after “accident report” the following: “, or refuses or neglects to make such report.”

Accident report.

SEC. 6. Paragraph numbered (4) of section 18 of such Act approved May 25, 1954 (sec. 40-434 (4), D. C. Code, 1951), is amended by inserting immediately after “section 79” the following: “of this Act or part II of the Interstate Commerce Act”.

SEC. 7. Section 22 of such Act approved May 25, 1954 (sec. 40-438, D. C. Code, 1951 edition), is amended by adding the following new subsection:

Release from liability.

“(d) In any accident involving property of the United States or the District of Columbia, should it appear upon investigation by or on behalf of the United States or the District that a person involved in such accident may not be liable to the United States or the District for any damage resulting therefrom, such person may submit, and the appropriate United States official and the Commissioners are hereby authorized to give to him, a statement to such effect, and such statement may be in lieu of the release required by this section: *Provided*, That the United States and the Commissioners may withdraw such statement at any time if it should appear that the person to whom it was given may be liable to the United States or the District for damages arising out of such accident, and if such statement be withdrawn, the person to whom it was given shall be required to comply with the provisions of this Act.”

SEC. 8. Section 24 of such Act approved May 25, 1954 (sec. 40-440, D. C. Code, 1951), is amended by adding the following subsection:

Settlement agreement.

“(e) The Commissioners may accept evidence of a payment to the driver or owner of a vehicle involved in any accident by any other person involved in such accident or by the insurance carrier of any other person involved in such accident on account of damage to property or bodily injury as a settlement agreement relieving such driver or owner from the security and suspension provisions of this article in respect to any possible claim by the person on whose behalf such payment has been made might have for property damage or bodily injury arising out of the accident. A payment to the insurance carrier of a driver or owner under the carrier's right of subrogation for the purposes of this article shall be considered the equivalent of a payment to such driver or owner.”

SEC. 9. Section 37 of such Act approved May 25, 1954 (sec. 40-453, D. C. Code, 1951), is amended to read as follows:

Suspension of license, etc.

“SEC. 37. PROOF REQUIRED UPON CERTAIN CONVICTIONS.—(a) The license and registration of all vehicles registered in the name of any person who by a final order or judgment shall have forfeited any bond

or collateral given to secure appearance for trial for a violation of any of the following provisions of law:

"(1) Operating a motor vehicle under the influence of any intoxicating liquor or narcotic drug;

"(2) Any homicide committed by means of a motor vehicle;

"(3) Leaving the scene of an accident in which the motor vehicle driven by him was involved and in which there is personal injury, without giving assistance or making known his identity and address and the identity and address of the owner of said vehicle;

"(4) Reckless driving involving personal injury;

"(5) Any felony in the commission of which a motor vehicle is used; or

"(6) A conviction of, or forfeiture of bail or collateral for an offense in any State which, if committed in the District of Columbia, would be one of the offenses listed in paragraphs (1) through (5) of this subsection (a);

shall be suspended by the Commissioners and shall remain so suspended and shall not at any time thereafter be renewed, nor shall any other motor vehicle be thereafter registered in the name of such person as owner, except that (1) if such owner has previously given or shall immediately give and thereafter maintain proof of financial responsibility for the future with respect to all such vehicles registered by such person as the owner, the Commissioners shall not suspend such registration unless otherwise required or permitted by law, or (2) if a conviction arose out of the operation, with permission, of a vehicle owned by or leased to the United States, the District of Columbia, a State, or a political subdivision of a State or a municipality thereof, the Commissioners shall not suspend the registration of any vehicle so owned or leased. If such person be not a resident of the District of Columbia, the privilege of operating any motor vehicle in the District of Columbia and the privilege of operation within the District of Columbia of any motor vehicle owned by him shall be suspended until he shall have furnished proof of financial responsibility for the future with respect to all such vehicles registered by such person as the owner, and such person shall not be allowed a license, nor shall such owner be allowed to register any vehicle in the District of Columbia, until he has complied with the requirements of this article to the same extent that would be necessary if, at the time of the conviction or forfeiture, he had held a license or had been the owner of a vehicle registered in the District of Columbia.

"(b) Upon receipt of a certification from any State that the operating privilege of a resident of the District of Columbia has been suspended or revoked pursuant to a law providing for such suspension or revocation for a conviction or forfeiture under circumstances which would require the Commissioners to suspend a nonresident's operating privilege had the offense occurred in the District of Columbia, the Commissioners shall suspend the license of such resident and the registration of all vehicles registered in his name."

SEC. 10. Section 39 of such Act approved May 25, 1954 (sec. 40-455, D. C. Code, 1951), is amended to read as follows:

"SEC. 39. ACTION IN RESPECT TO UNLICENSED PERSON.—(a) If a person by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for:

"(1) Driving a motor vehicle upon the highways without being licensed to do so under the laws of the District of Columbia when so required; or

"(2) Driving a vehicle not registered under the laws of the District of Columbia when so required;

the operating privilege of such person shall be suspended and no license shall thereafter be issued to such person, but if such person has obtained a license prior to the time the Commissioners have issued an order precluding the issuance of such license, then such license shall be suspended; and no vehicle shall continue to be registered or thereafter be registered in the name of such person as owner, unless such person shall give and thereafter maintain proof of financial responsibility.

“(b) It shall be the duty of the clerk of the court in which any such conviction or forfeiture is ordered to forward immediately to the Commissioners a certified copy of said order, which certified copy shall be prima facie evidence of the facts stated therein.”

SEC. 11. Section 41 of such Act approved May 25, 1954 (sec. 40-457, D. C. Code, 1951), is amended by striking “a certified copy of such judgment,” and inserting in lieu thereof “a certificate of facts relative to such judgment, upon a form provided by the Commissioners,” and by striking “certified copy” and inserting in lieu thereof “certificate”.

SEC. 12. Section 43 of such Act approved May 25, 1954 (sec. 40-459, D. C. Code, 1951), is amended by striking the word “and” where it first appears and inserting the word “or” in lieu thereof and by striking “, on a form provided by the Commissioners.”

SEC. 13. Section 72 of such Act approved May 25, 1954 (sec. 40-488, D. C. Code, 1951 edition), is amended (a) by inserting the subsection symbol “(a)” immediately before the first sentence; and (b) by adding the following subsection:

“(b) No person shall swear falsely to any affidavit required by the Commissioners under the authority of this Act.”

SEC. 14. Section 73 of such Act approved May 25, 1954 (sec. 40-489, D. C. Code, 1951 edition), is amended (a) by striking “or Registration” in the caption; and (b) by striking “or registration” and “or knowingly permits any vehicle of a type subject to registration under the law of the District of Columbia owned by such person to be operated by another upon any highway”.

SEC. 15. Section 78 of such Act approved May 25, 1954 (D. C. Code, sec. 40-493) is amended to read as follows:

“SEC. 78. EXCEPTION IN RELATION TO VEHICLES INSURED UNDER OTHER LAWS.—Except for sections 7, 8, 10, 11, 12, 13, 14, and 15, this Act shall not apply to any vehicle the owner of which has complied with the requirements of existing laws of the District of Columbia requiring insurance or other security on motor vehicles.”

SEC. 16. Nothing in this Act shall be construed so as to affect the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824). The performance of any function vested by this Act in the Board of Commissioners or in any office or agency under the jurisdiction and control of said Board of Commissioners may be delegated by said Board of Commissioners in accordance with section 3 of such plan.

SEC. 17. Section 2 of this Act shall take effect sixty days after its enactment.

Approved August 28, 1958.

D. C. Code, Title
1, appendix.

Effective date.

Public Law 85-793

AN ACT

To amend section 80 of the Hawaiian Organic Act, and for other purposes.

August 28, 1958
[H. R. 5865]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 80 of the Hawaiian Organic Act, as amended (48

Hawaii.
Employees' re-
tirement board.
31 Stat. 156.