Public Law 86-654

AN ACT

July 14, 1960
[S. 3616]

To deny to the District of Columbia, in suits on claims arising out of the negligent operation of vehicles owned or controlled by it and operated by its employees in the performance of their official duties, the defense of governmental immunity, to relieve such employees of liability in such cases to third persons, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Employee Non-Liability Act."

D. C. Employee Non-Liability Act.

SEC. 2. As used in this Act the term—

(a) "Commissioners" means the Commissioners of the District of Columbia, or their designated agent.

(b) "Court" means either the United States District Court for the District of Columbia or the Municipal Court for the District of Columbia, depending upon the amount involved in an action under the authority of this Act as related to the limits of jurisdiction of the said courts.

(c) "District" means the Government of the District of Columbia, a municipal corporation.

(d) "Emergency run" means the movement of a District-owned vehicle, by direction of the operator or of some other authorized person or agency, under circumstances which lead the operator or such person or agency to believe that such vehicle should proceed expeditiously upon a particular mission or to a designated location for the purpose of dealing with a supposed fire or other emergency, an alleged violation of a statute or regulation, or other incident requiring emergency action, or the prompt transportation to a place of treatment or greater safety of an alleged sick or injured person.

(e) "Emergency vehicle" means a vehicle assigned (1) to the Fire Department of the District or to the Metropolitan Police Department and not designated by the Commissioners as a nonemergency vehicle; or (2) to other departments or officials of the District and designated by the Commissioners as an emergency vehicle.

(f) "Employee" means a person serving as an officer or employee of the District, whether or not paid by the District, or a person formerly so engaged, or the representative of a deceased officer or employee of the District.

(g) "Vehicle" means every type of conveyance or machine capable of movement on land, or in water or air, including an animal being ridden and any animal-drawn machinery or conveyance.

SEC. 3. Hereafter the District of Columbia shall not assert the defense of governmental immunity in any suit at law in which a claim is asserted against it for money only on account of damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of any employee of the District occurring as the result of the operation by such employee, within the scope of his office or employment, of a vehicle owned or controlled by the District: *Provided*, That in the case of a claim arising out of the operation of an emergency vehicle on an emergency run the District shall be liable only for gross negligence. Nothing contained in this Act shall be construed as depriving the District of any other defense in law or equity which it may have to any such action or give to any person, corporation, partnership, or association any right to institute or maintain any suit against the District which it did not have prior to the date of enactment hereof.

SEC. 4. The judgment in any such action shall constitute a complete bar to any action by the claimant by reason of the same subject matter against the employee of the District whose act or omission gave rise to

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the claim. No suit shall be instituted involving any claim described in section 3 unless the claimant shall have first given notice to the District in accordance with the Act of February 28, 1933 (47 Stat. 1370; sec. 12–208, D.C. Code, 1951 edition) and shall have presented to the District in writing a claim for money damages in connection therewith, and the District has had six months from the date of such filing within which to make final disposition of such claim. The administrative disposition of a claim by the District shall not be competent evidence of liability or amount of damages in proceedings on any such claim.

SEC. 5. In any case involving any claim described in section 3 in which the trial court shall consider the verdict excessive, the court may order a remittitur of so much of the amount of such verdict or judgment, as the case may be, as it considers excessive, and either permit the party in whose favor the verdict was rendered or the party recovering such judgment, as the case may be, to file a remittitur.

SEC. 6. After the effective date of this Act, no civil action or proceeding shall be brought or be maintained against an employee of the District for loss of or damage to property or for personal injury, including death, resulting from the operation by such employee of any vehicle if it be alleged in the complaint or develop in a later stage of the proceeding that the employee was acting within the scope of his office or employment, unless the District shall, in an action brought against it for such damage or injury, including death, specifically deny liability on the ground that the employee was not, at the time and place alleged, acting within the scope of his office or employment. If in any such civil action or proceeding pending in a court in the District of Columbia as of the effective date of this Act the District has not been named as a defendant, said District shall be joined as a defendant and after its answer has been filed and subject to the provisions of the preceding sentence, the action shall be dismissed as to the employee and the case shall proceed as if the District had been a party defendant from the inception thereof.

SEC. 7. Nothing in this Act shall be construed so as to relieve any District employee from liability to the District for negligent damage to or loss of District property.

Effective date.

SEC. 8. This Act shall take effect thirty days after its enactment.

Approved July 14, 1960.

Public Law 86-655

July 14, 1960
[S. 2674]

AN ACT

To authorize the acquisition of certain lands for addition to Harpers Ferry National Monument, and for other purposes.

Harpers Ferry National Monument.
16 USC 450bb-450bb-2.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to further the commemorative purposes of the Act of June 30, 1944 (58 Stat. 645), by providing historic properties and administrative facilities, the Secretary of the Interior is hereby authorized to acquire, in the manner hereafter stated, the Storer College site, the original site of John Brown's "Fort" and the old Federal armory, comprising altogether approximately thirty acres, for addition to Harpers Ferry National Monument.

SEC. 2. (a) The Secretary of the Interior may accept the conveyance of all right, title, and interest of the trustees of Storer College in and to the lands and improvements in Harpers Ferry, West Virginia, granted to their predecessors for educational purposes pursuant