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A BILL

22-420

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Medical Liability Captive Insurance Agency Establishment Act of 2008 to authorize the Captive Insurance Agency to procure liability, personal property, and other insurance policies for the District to reduce the risk of loss.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Captive Insurance Agency Amendment Act of 2018”.

Sec. 2. The District of Columbia Medical Liability Captive Insurance Agency Establishment Act of 2008, effective July 18, 2008 (D.C. Law 17-196; D.C. Official Code § 1-307.81 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-307.81) is amended as follows:

(1) Paragraph (4A) is redesignated as paragraph (4B).

(2) A new paragraph (4A) is added to read as follows:

“(4A) “District personal property asset” means property, other than a District real property asset, that is owned by the District.”.

(3) Paragraph (8A) is redesignated as paragraph (8B).

(4) A new paragraph (8A) is added to read as follows:

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21 “(8A) “Liability insurance” means an insurance policy that pays, or renders a service
22 on behalf of, the insured for losses arising out of a legal liability to others.”.

23 (5) Paragraph (9A) is redesignated as paragraph (9B) and amended to
24 read as follows:

25 “(9B) “Real property insurance” means an insurance policy that protects against risks
26 to real property such as earthquakes, floods, acts of terrorism, fire, boiler or machinery failures,
27 business interruptions, pollution, debris removal, and weather damage.”.

28 (6) A new paragraph (9A) is added to read as follows:

29 “(9A) “Personal property insurance” means an insurance policy that protects against
30 risks to personal property.”.

31 (b) Section 3(b)(2) (D.C. Official Code § 1-307.82(b)(2)) is amended to read as follows:

32 “(2) Procure real property insurance for District real property assets, personal property
33 insurance for District personal property assets, liability insurance to protect the District against loss arising
34 out of a legal liability to others, and such other insurance policies as the Risk Officer determines necessary to
35 minimize risk of loss to the District.”

36 (c) Section 4 (D.C. Official Code § 1-307.83) is amended as follows:

37 (1) Subsection (a)(1)(4A) is amended to read as follows:

38 “(4A) Procure policies of real property insurance, personal property insurance, and
39 liability insurance to reduce the risk of loss to the District.”.

40 (2) A new subsection (c) is added to read as follows:

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41 “(c) Nothing in this act shall be construed to limit or constitute a waiver of the District’s
42 sovereign immunity or common-law defenses to claims that may be covered by insurance.”.

43 (d) Section 6(i)(2A) (D.C. Official Code § 1-307.85(i)(2A)) is amended
44 to read as follows:

45 “(2A) Assess the needs and interests of the District with respect to procuring
46 insurance through the Agency.”.

47 (e) Section 8(b)(4A) (D.C. Official Code § 1-307.87(b)(4A)) is repealed.

48 (f) Section 11(a) (D.C. Official Code § 1-307.90(a)) is amended to read as follows:

49 “(a) The Agency shall offer health centers medical malpractice insurance that is consistent
50 with coverage offered in the market.”.

51 (g) Section 12 (D.C. Official Code § 1-307.91) is amended by striking the section heading
52 “Sec. 12 Establishment of the Medical Liability Captive Trust Fund” and inserting the section
53 heading “Sec. 12. Establishment of the Captive Trust Fund.” in its place.

54 Sec. 3. Fiscal impact statement.

55 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
56 statement required by section 4a of the District of the General Procedures Act of 1975, approved
57 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

58 Sec. 4. Effective Date.

59 This act shall take effect following approval of the Mayor (or in the event of veto by the
60 Mayor, action by the Council to override the veto), and a 30-day period of congressional review as

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61 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,
62 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1), and publication in the District of Columbia
63 Register.