

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To require, on an emergency basis, for the length of the public health emergency and for 90 days thereafter, the tolling of all time periods for holders of a commercial insurance policy to exercise their rights under the policy or District law for claims for physical loss of property.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Commercial Insurance Physical Loss of Property Claim Tolling Emergency Act of 2020”.

Sec. 2. (a) Notwithstanding any provision of District law and notwithstanding the terms of any policy of insurance subject to this section, for commercial policies of insurance issued by a licensed insurer, in force in the District on or as of March 25, 2020, and that include coverage for physical loss of property, the running of all time periods for policy holders to exercise rights under a policy or District law for a claim of physical loss of property shall be tolled from the beginning of the period of a public health emergency declared pursuant to section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01) (“Public Health Emergency”), until the end of the public health emergency, and for 90 days thereafter.

33 (b) For the purposes of this section, the term “physical loss of property” shall include loss
34 of use of property, loss of occupancy, property damage, and lost income, incurred expenses, and
35 other business interruption losses.

36 Sec. 3. Fiscal impact statement.

37 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
38 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
39 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

40 Sec. 4. Effective date.

41 This act shall take effect following approval by the Mayor (or in the event of veto by the
42 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
43 90 days, as provided for emergency acts of the Council of the District of Columbia in section
44 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
45 D.C. Official Code § 1-204.12(a)).