

JURISDICTION:
General Reference:

DISTRICT OF COLUMBIA
D.C. Code and Weil's Code of D.C. Municipal Regulations (CDCR)

Required Use of Safety Belts¹:

Requirements: The driver and all passengers in a motor vehicle² shall wear safety belts. D.C. Code §40-1602(a) Note: Except for vehicles for hire, a driver is responsible for insuring that passengers comply with this requirement. D.C. Code §40-1606(f)

Sanctions for Failure to Use or Require the Use of Safety Belts: Civil Infraction: A fine of **\$50**. The mayor is authorized to increase this fine penalty. D.C. Code §40-1606(b)(2) & (e) A vehicle operator has 2 points assigned to their driving record. D.C. Code §40-1606(d)

Effect on Civil Liability: A violation of this requirement shall not constitute evidence of negligence, evidence of contributory negligence or a basis for a civil action for damages. A violation shall not be used as the basis for mitigating damages arising from a civil liability. D.C. Code §40-1607

Required Use of Child Safety Restraint Systems³:

Requirements: I. A motor vehicle operator shall not transport a child <3 years old unless such child has been secured in a child restraint seat which conforms to Federal standards. D.C. Code §§40-1203(a) & 40-1204
II. A motor vehicle operator shall not transport a child between 3 and 16 years old unless such child has been restrained in either a safety belt or child restraint seat. D.C. Code §40-1203(b)

Sanctions for Failure to Require the Use of Child Restraint Systems: Infraction: A fine of **\$55**.⁴ D.C. Code §40-1206(a) D.C. Municipal Regulations provide for a fine of only \$25. CDCR 18-26-2600.1

Effect on Civil Liability: A violation of the above requirements shall not constitute evidence of negligence, evidence of contributory negligence or a basis for a civil action for damages. D.C. Code §40-1207

Required Use of Motorcycle Protective Headgear:

Requirements: Persons operating or riding on a motorcycle must wear helmets that comply with nationally approved standards. D.C. Code §40-703 and CDCR 18-7-741.1

¹**Exemptions.** This requirement does not apply in the following circumstances: (1) To persons riding in motor vehicles manufactured before July 1, 1966; (2) to persons who are unable to wear a safety belt for medical reasons; and, (3) to passengers where all of the seating positions with seat belts are occupied by other persons. However, the driver is required to insure that passengers ≤16 years old have preference to seating positions with seat belts over passengers who are >16 years old. D.C. Code §40-1602(b) and CDCR 18-7-737.1 & 18-7-737.2

²For the purposes of safety belt usage, a "motor vehicle" is defined as a device with more than 3 wheels and a seating capacity of 8 or less. D.C. Code §40-1601(1)

³**Exemptions.** I. This requirement does not apply to children who are being transported in vehicles used for livery, sightseeing, taxi, ambulance, funeral, or farm purposes or who are being transported in a motor vehicle with a seating capacity of more than 8 passengers not including the driver. D.C. Code §40-1202(5)
II. "A parent or legal guardian may transport his or her own child without restraint herein if that person is transporting a number of his or her own children of less than 16 years of age which exceeds the number of passenger positions equipped with safety belts in the motor vehicle. However, an unrestrained child may not be transported in the front seat of a motor vehicle." D.C. Code §40-1203(c)

⁴The law is not specific but a person may have 2 points assessed against their driving record. CDCR 18-3-303.1(b)

DISTRICT OF COLUMBIA

Sanctions for Failure to Use:

Infraction: A fine of **\$25**.⁴ CDCR 18-26-2600.1

Required Use of Motorcycle Eye Protection Device:

Requirements:

Persons operating or riding on a motorcycle must wear safety eye protection devices that comply with nationally approved standards. D.C. Code §40-703 and CDCR 18-7-742.1

Sanctions for Failure to Use:

Infraction: A fine of **\$25**.⁴ CDCR 18-26-2600.1

Required Use of Bicycle Protective Headgear:

Requirements:

I. A person <16 years old shall wear either ANSI or Snell Memorial Foundation approved protective headgear when operating or riding on a bicycle. D.C. Code §§40-1405(a) & (e) and 40-1409(5)
II. A parent or legal guardian or a person <16 years old shall not knowingly permit such person to operate or ride a bicycle without wearing approved protective headgear. D.C. Code §1405(b)

Sanctions for Failure to Use:

A parent or legal guardian is subject to a **\$25** fine. D.C. Code §40-1405(c)

Note: Failure to wear protective headgear shall not be considered evidence of either negligence per se, contributory negligence or assumption of the risk in a civil suit. D.C. Code §1406

Required Use of Bicycle Eye Protection Device:

Requirements:

None

Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements:

(1) No person shall ride and (2) no driver shall allow a person to ride on any portion of any vehicle which is not designed or intended for the use of passengers. D.C. Code §40-703 and CDCR 18-22-2213.6

Sanctions for a Violation:

Infraction: A fine of **\$25**.⁴ CDCR 18-26-2600.1

Exemptions:

This prohibition does not apply to an employee engaged in the necessary discharge of their duties or to persons riding within truck bodies in a space intended for materials.⁵ CDCR 18-22-2213.6

⁵This exemption may not apply due to the provisions of the safety belt and child restraint laws.