

DEPARTMENT OF FOR-HIRE VEHICLES

NOTICE OF SECOND EMERGENCY RULEMAKING

The Acting Director of the Department of For-Hire Vehicles (“Department” or “DFHV”), pursuant to the authority set forth in Sections 8(c)(2), (3), (10), (19), and (20) and 14, 20, and 20j of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97), as amended by the Transportation Reorganization Amendment Act of 2016, effective June 22, 2016 (D.C. Law 21-0124); D.C. Official Code §§ 50-301.07(c) (2), (3), (10), (19), and (20), 50-301.13, 50-301.19 and 50-301.29 (2014 Repl. & 2015 Supp.)), hereby gives notice of adoption, on an emergency basis, of amendments to Chapter 10 (Public Vehicles for Hire), Chapter 12 (Luxury Class Services – Owners, Operators and Vehicles) and Chapter 99 (Definitions) of Title 31 (Taxicabs and Public Vehicles For Hire) of the D.C. Municipal Regulations (DCMR).

This second emergency rulemaking amends Chapters 10 and 12 to authorize the Department to issue provisional licenses for applicants seeking new DFHV operator’s licenses to operators seeking to provide point-to-point black car and other luxury class service in the District. The Washington Metropolitan Area Transit Authority (“WMATA”) has begun its SafeTrack safety program which accelerates major repairs to the Metrorail system. SafeTrack’s safety surge projects are expected to cause major delays in Metrorail service and attendant transportation disruptions throughout the District and surrounding areas. The Department finds there is an immediate need to preserve and promote the safety and welfare of District residents by ensuring there are sufficient DFHV-licensed operators available to meet the expected sharp increase in customer demand during SafeTrack, through the adoption, on an emergency basis, of amendments to Chapters 10 and 12 to authorize the Department to issue provisional licenses for applicants seeking new DFHV operator’s licenses, to allow them to conduct luxury class service in the District.

This notice adopts on an emergency basis a portion of the proposed rulemaking adopted by the District of Columbia Taxicab Commission¹ on January 20, 2016 and published in the *D.C. Register* on May 20, 2016 at 63 DCR 004888. The earlier notice also proposed to amend Chapter 10 by requiring applicants for a new or renewal DFHV operator’s license to complete disability sensitivity training; that provision is not part of this notice. A notice of final rulemaking based on the proposed rulemaking was approved by the Department on June 29, 2016.

An emergency rulemaking was adopted by the Department on June 29, 2016 took effect immediately and expires on October 27, 2016. This second emergency rulemaking, which supersedes the emergency rulemaking adopted by the Department on June 29, 2016, was adopted by the Department on October 6, 2016 and will remain in effect for one hundred twenty (120) days after the date of adoption (expiring February 3, 2017) unless earlier superseded by amendment or repeal by the Department or publication of final rulemaking, whichever occurs first.

Chapter 10, PUBLIC VEHICLES FOR HIRE, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:

¹ The District of Columbia Taxicab Commission was renamed and re-structured as the Department of For-Hire Vehicles by the Transportation Reorganization Act of 2016 (D.C. Law 21-0124) effective June 22, 2016.

Section 1001, ELIGIBILITY FOR A HACKER’S LICENSE, is amended as follows:

A new Section 1008 is added to read as follows:

1008 PROVISIONAL LUXURY CLASS SERVICE OPERATOR’S LICENSE

1008.1 The Department may issue a provisional DFHV operator’s luxury class service license (provisional LCS operator’s license) consistent with the requirements of § 1209 and pursuant to an administrative issuance.

Chapter 12, LUXURY CLASS SERVICES – OWNERS, OPERATORS AND VEHICLES, is amended as follows:

Section 1209, LICENSING OF LCS VEHICLE OPERATORS – ISSUANCE OF LICENSES, is amended as follows:

New Subsections 1209.5 and 1209.6 are added to read as follows:

1209.5 The Department may issue a provisional DFHV operator’s luxury class service license (provisional LCS operator’s license) pursuant to an administrative issuance provided that each applicant:

- (a) Meets the requirements of §§ 1205 and 1207;
- (b) Submits an application pursuant to § 1206;
- (c) Completes the training and education requirements of § 1208; and
- (d) Complies with such additional terms and conditions for provisional licensing as may be set forth in the administrative issuance, including requirements related to:
 - (1) Passenger, operator, and public safety;
 - (2) Consumer protection; and
 - (3) Any other purpose within the jurisdiction of the Commission.

1209.6 The total application fees for a provisional LCS operator’s license, including fees for fingerprinting and testing, shall not exceed the total fees for a full (non-provisional) DFHV operator’s license.

Chapter 99, DEFINITIONS, is amended as follows:

Section 9901, DEFINITIONS, is amended as follows:

Subsection 9901.1 amended to add the following:

“Provisional DFHV luxury class service operator’s license” – a DFHV operator’s license issued to an operator of a luxury class service vehicle

which, following its issuance, may be subject to additional requirements or conditions, including the completion of a background check by the Federal Bureau of Investigation, prior to full licensing consistent with the requirements of this title and other applicable laws.

“Provisional LCS operator’s license” – a provisional DFHV luxury class service operator’s license as defined in this section.