

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), (5), (7), (12), and (19), 14, and 20 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), (5), (7), (12), and (19), 50-301.13, and 50-301.19 (2014 Repl. & 2015 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2015 Repl.), hereby gives notice of adoption, on an emergency basis, of amendments to Chapter 10 (Public Vehicles for Hire) of Title 31 (Taxicabs and Public Vehicles For Hire) of the District of Columbia Municipal Regulations (DCMR).

This second emergency rulemaking amends Chapter 10 to clarify the authority of the Department to impose licensing conditions in connection with the existing and proposed pathways for those seeking new DFHV vehicle licenses (and corresponding “H” tags from DMV). The Department finds there is an immediate need to preserve and promote the safety and welfare of District residents by immediately clarifying the Department’s authority to impose conditions on new licenses, in order to: (1) reduce stakeholder confusion about regulatory and financial requirements for new vehicle licenses which flow from the Department’s authority to impose conditions on vehicle licensing; and (2) to minimize the District’s potential exposure from such stakeholder confusion.

This notice effectuates, on an emergency basis, rulemaking contained in a notice of proposed rulemaking adopted by the District of Columbia Taxicab Commission (“Commission”)¹ on December 9, 2015 and published in the *D.C. Register* on March 25, 2016 at 63 DCR 004467. The earlier notice also proposed that applicants for new DCTC operator licenses complete disability sensitivity training; that provision is not part of this notice. The notice of final rulemaking was adopted by the Commission on May 11, 2016 but has not yet been published in the *D.C. Register*.

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effect for one hundred and twenty (120) days after the date of adoption (expiring on February 3, 2017) unless earlier superseded by an amendment or repeal by the Department or the 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

The title of section 1010, ISSUANCE OF DCTC VEHICLE LICENSE, is amended to read as follows:

ISSUANCE OF DFHV VEHICLE LICENSE

A new subsection 1010.21 is added as follows:

1010.21 The Department may issue a new DFHV vehicle license to each applicant that meets the applicable requirements of this title and other applicable laws. In addition, each applicant may be required by the Department to:

- (a) Purchase or lease a vehicle that uses electric or other efficient means of propulsion, and/or is wheelchair accessible;
- (b) Provide service in underserved areas of the District, as identified by the Department; or
- (c) Meet other requirements to enhance safety and consumer protection, to improve customer service, or to achieve other lawful purposes within the jurisdiction of the Department, as determined in an administrative issuance.