

DISTRICT OF COLUMBIA TAXICAB COMMISSION

THIRD NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (Commission), pursuant to the authority set forth in § 8(b)(1)(C), (F), and (G) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-307(b) (1)(C), (F), and (G)) (2009 Repl.), hereby gives notice of its intent to adopt amendments to Chapter 6 (Taxicab Parts and Equipment) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendments will: 1) clarify the authority of hack inspectors to make traffic stops to enforce regulations; 2) expand the type of vehicles that are allowed to operate as taxicabs in the District of Columbia to include compact and midsize sport utility vehicles; 3) authorize and clarify the use of a cruising-light toggle switch; 4) clarify “functioning meter” language; 5) clarify that a hack inspector may inspect officially required vehicle equipment and operator documents during traffic stops for vehicle safety inspections; 6) update the statutory Americans with Disabilities Act compliance language relating to the Specially-equipped taxicab vehicles; 7) update for language of the cruising light requirements; 8) update the language of the seat belt use requirement; and 9) correct the subsection designation in section 612.

The proposed rules were originally published on April 29, 2011, at 58 DCR 3774. The comment period expired on May 30, 2011. The Commission held a public hearing on Wednesday, May 11, 2011, to receive oral comments on the Commission’s proposed amendments to Chapter 6. The Commission received some valuable comments from the public and revised the proposed rules in light of the suggestions and comments received at the public meeting and during the written comment period.

The proposed rules were published for a second time on August 12, 2011, at 58 DCR 007170. The comment period expired on September 12, 2011. The proposed rules were tabled for a period of time for review by the new Chairman of the Commission. A second public hearing was held on June 6, 2012 to receive oral comments on the August 12, 2011 publication. The Commission again received some valuable comments from the public and again revised the proposed rules in light of the suggestions and comments received at the public meeting and during the written comment period. A few revisions have been made to the proposed rulemaking in response to public comments. Revisions were made to subsections 600.4, 602.1(d), and 608.4. The Commission approved this proposed rulemaking for a third, abbreviated, publication on June 13, 2012.

This third notice proposed rulemaking incorporates revisions made after considering comments received from the public. The Commission will consider additional comments received in response to this Third Notice of Proposed Rulemaking.

The Commission gives notice of its intent to take final rulemaking action to adopt these proposed rules in not less than fifteen (15) days after the publication of this notice in the *D.C. Register*.

Chapter 6, TAXICAB PARTS AND EQUIPMENT, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Section 600, APPLICATION AND SCOPE, is amended by adding a new subsection 600.4 to read as follows:

600.4 Hack Inspectors, police officers, and other duly appointed law enforcement personnel may make traffic stops in order to enforce the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-301, *et seq.* (2009 Repl.)) and its implementing regulations. Traffic stops may include, but are not limited to, stops to verify compliance with license and insurance requirements; stops to inspect vehicles for compliance with safety standards; and stops made in response to observed conduct which may constitute safety and service violations. Such traffic stops shall be conducted in accordance with Commission rules and regulations and General Orders.

Section 601, PARKS AND EQUIPMENT, is amended as follows:

Subsection 601.1 is amended to read as follows:

601.1 Each taxicab licensed under D.C. Official Code § 47-2829(d) (2005 Repl.; 2011 Supp.) shall be a sedan, compact or midsize sport utility vehicle (as defined in subsection 601.1B), station wagon, or minivan and shall be equipped with at least two (2) rear doors in addition to the door or doors which give access to the driver's seat. All passenger doors shall be so constructed that they will remain securely fastened during normal operation, but may be readily opened by a passenger in case of emergency. A minivan shall accommodate at least five (5) passengers and a taxicab operator. Passenger capacity in all vehicles shall not exceed seat belt capacity of that vehicle.

601.1A Repealed

601.1B For the purposes of this section, a compact or midsize sport utility vehicle means a sport utility vehicle designated by the manufacturer as compact or midsize or a sport utility vehicle weighing five thousand pounds (5,000 lbs.) or less according to manufacturer specifications.

Section 602, TAXIMETERS, is amended as follows:

Subsection 602.1 is amended to read as follows:

602.1 All licensed taxicabs shall be equipped with a functioning taximeter that meets the following standards:

- (a) The taximeter shall provide for calculation of the following rates and charges, as may be amended by the Commission from time to time:
 - (1) Flag drop rate;
 - (2) Distance rate;
 - (3) Luggage charge;
 - (4) Radio dispatch charge;
 - (5) Fuel surcharge;
 - (6) Snow emergency; and
 - (7) Wait time charges.
- (b) The taximeter shall provide the following data and reports:
 - (1) A printed customer receipt;
 - (2) Shift statistics, including but not limited to paid miles, unpaid miles, and the number of trips; and
 - (3) End-of-year statistics, including but not limited to paid miles, unpaid miles, and number of trips.
- (c) The taximeter shall meet the following requirements:
 - (1) Be fully electronic;
 - (2) Have all access points sealed by a taximeter business licensed by the Commission;
 - (3) Have casings made of hard impenetrable plastic or metal;
 - (4) Be capable of operating within a temperature range of negative twenty degrees Fahrenheit (-20° F) and positive one hundred twenty degrees Fahrenheit (+120° F);
 - (5) Be capable of automatically producing a printed receipt for passengers, or Commission personnel, as described in subsection 803.1;
 - (6) Be capable of producing a printed receipt within ten (10) seconds;

- (7) Be capable of producing a printed report for Commission personnel which shows total mileage, total paid mileage, total trips, total units, and total extras. All such printed reports must show a minimum of six (6) digits exclusive of decimals, for example 009,999. This function shall be operated by a separate button or switch;
- (8) Have the name and license number of the licensed taximeter shop on the sealed surface of all seals. If an adjustment can be made to any component affecting the performance of the printer, then provision shall be made for by applying a seal in a manner which requires the seal to be broken before an adjustment can be made;
- (9) Have an auxiliary power source contained in the unit which operates independently of the vehicle's electrical system and operates the memory at its full capacity for a minimum of two (2) years;
- (10) Have a memory which shall be non-erasable.
- (11) Upon reaching the limits of any display, the unit shall be capable of turning over;
- (12) Have a fully programmable fare structure with low-cost rate change capability;
- (13) For two (2)-piece units, have a printer capable of interfacing with and recording information from a fully approved electronic taximeter;
- (14) For two (2)-piece units, have all connections between the display unit and the memory/printer unit permanently sealed and tamper-proof by use of approved tubing or electrical conduits. The display unit must be unable to function if disconnected from the memory/printer unit;
- (15) Be capable of automatically making meter displays inoperable if printer paper is not available in the taximeter;
- (16) Have model and serial numbers appearing on the face of the unit. For two (2)-piece units, model and serial numbers must appear on the display unit and the memory/printer unit;
- (17) Have all operating buttons and/or switches related to passenger functions appearing on the face of the unit, properly labeled, and indicating each function;

- (18) Have all extra charges appear separately on the display as well as the receipt for passengers and have the extra charge indicator illuminated when in operation;
 - (19) Have the fare displayed for a total of fifteen seconds (15) from the time the printer begins to print the customer receipt at the completion of the ride;
 - (20) Have a clearly visible fare display;
 - (21) Have a receipt dispenser unit which is visible to the passenger;
 - (22) Have sufficient candlepower so that all illuminated indicators are visible to the passenger;
 - (23) Be permanently affixed to the vehicle in a location approved by the Commission;
 - (24) Have a cruising light that is controlled by engaging the meter; provided, however, that the cruising light may be disengaged by a separate toggle switch if a taxicab is "Off Duty" and not for hire or is "On Call" and responding to a dispatched call or previously arranged engagement, acting in compliance with subsections 605.6, 605.7, 605.8 and 820.3.
 - (25) Calculate and display the authorized metered rate of fare required by section 801 in chapter 8 of these regulations;
 - (26) Use switches, wiring, and wire caps in all connections to the taximeter harness, cruiser light wires and pulse wires that meet the specifications of the Society of Automotive Engineers, where such specifications are applicable. All of the ports and peripheral connections shall be physically secure from tampering that could disrupt the functionality or compromise the integrity of the taximeter; and
 - (27) Meet the specifications and tolerances published in the National Bureau of Standards Handbook 44.
- (d) A request of the Commission for the collection of reports or data shall also obligate any company, association or fleet to be responsible for the collection of that information or data from any taxi driver-owner that is affiliated with, or operating under, the company, association or fleet's color. The company, association or fleet shall be a conduit of that

information to the Commission without liability for the transmission of such information to the Commission.

Subsections 602.2 and 602.3 are repealed.

Subsection 602.9(b) and (c) are amended to read as follows:

- (b) A driver shall not pick up or transport a passenger without a properly functioning taximeter, which shall be equipped with paper for the printing of receipts; and
- (c) While on duty a driver shall have the cruiser light illuminated when the taximeter is not in use, indicating that the taxicab is available for hire, except as authorized by subsection 602.1(c) (24). When a driver has a passenger and the meter is engaged, the cruiser light shall not be illuminated, indicating the taxicab is not available for hire.

Subsection 602.10 is amended to read as follows:

602.10 A driver shall not operate a taxicab with a non-functioning taximeter, including a taximeter in which the taximeter or the seals affixed to the taximeter by a licensed taximeter repair shop have been tampered with, broken or altered in any manner. The operation of a taxicab with a non-functioning taximeter or with a broken taximeter seal shall give rise to a rebuttable presumption that the driver knew of the non-functioning taximeter, tampering, or alteration and operated the taxicab with such knowledge. The specifications of a functioning taximeter are found primarily in subsection 602.1;

New subsections 602.11, 602.12, and 602.13 are added to read as follows:

602.11 A driver shall not tamper with, repair or attempt to repair, or connect any unauthorized device to the taximeter or the taximeter technology system, including any seal, cable connection or electrical wiring of the taximeter or taximeter technology system, or make any change in the vehicle's mechanism or its tires which would affect the operation of the taximeter or the taximeter technology system.

602.12 Except as authorized by subsection 602.1(c) (24), a driver shall not tamper with the cruiser light or any of the interior lights or connections of the taxicab except to replace a defective bulb or fuse. The cruiser light of a taxicab shall be automatically controlled by the movement of the taximeter button or ignition switch so that it is lighted only when the taximeter is in an off or "Vacant" position and unlighted when the taximeter is in a recording or "Hired" position. The operation of a taxicab with an unauthorized installation or device controlling interior or cruiser lighting shall give rise to a rebuttable presumption that the

driver knew of the unauthorized installation or device and operated the taxicab with such knowledge.

- 602.13 A driver shall not place tires or wheels of a different size, or "off-size" tires, on the taxicab without reinspection and recalibration of the taximeter. The driver shall not operate a taxicab with tires inflated outside the manufacturer's recommended level, whether under-inflated or over-inflated. The driver shall not operate a taxicab carrying passengers while the vehicle is equipped with a temporary tire, also known as a "donut," as this is operation of an "unsafe vehicle" in violation of section 608.

Section 603, SPECIALLY-EQUIPPED TAXICAB VEHICLES, is amended to read as follows:

603 SPECIALLY-EQUIPPED TAXICAB VEHICLES

- 603.1 Specially-equipped vehicles, including but not limited to wheelchair accessible vehicles, may be approved by the Commission to operate as taxicabs to transport physically-disabled or medically-disabled persons.
- 603.2 An application for authorization to place a specially-equipped vehicle in service as a taxicab shall be made on a form provided by the Office of Taxicabs, and shall contain a sworn and notarized statement from the applicant that the information contained in the application is true under penalty of perjury and that the applicant is in compliance with the clean hands requirements of D.C. Official Code § 47-2829(a) (2005 Repl.; 2011 Supp.).
- 603.3 In addition to the vehicle information required in chapter 5 of this title, an applicant to place a specially-equipped vehicle in service as a taxicab shall provide the following information for each vehicle to be registered as a specially-equipped taxicab vehicle:
- (a) A statement that the vehicle complies with the standards within Title II of the Americans with Disabilities Act of 1990, approved July 26, 1990, (104 Stat. 338; 42 USC §§ 12131-12134) (ADA) and the applicable Federal Motor Vehicle Safety Standards for this type of vehicle;
 - (b) A list of the types of physical or medical disabilities that can be accommodated by this vehicle; and
 - (c) Verification that the applicant has applied for and is pre-approved for insurance applicable to the operation of a specially-equipped taxicab vehicle in the District of Columbia.
- 603.4 The permit fee for the registration of a specially-equipped taxicab shall be the same as the permit fee for the registration of a taxicab vehicle.

Section 605, CRUISING LIGHTS, is amended as follows

Subsection 605.1 is amended to read as follows:

605.1 Except as provided in subsection 605.10, each taxicab licensed in the District shall be equipped with a permanently affixed cruising light to distinguish it from other vehicles. No cruising light shall be affixed by magnetic or other means so as to be easily removable.

Subsection 605.6 is amended to read as follows:

605.6 The cruising light of a taxicab shall be illuminated at all times when the taxicab is for-hire during the hours when driving lights are required, and shall be turned off, in accordance with subsection 602.1(c) (24), when the taxicab is not for hire.

Subsection 605.7 is amended to read as follows:

605.7 If a taxicab is responding to a dispatch call or previous engagement and is displaying the “On Call” sign as provided in this title, the cruising light shall be turned off. However the cruising light shall not be turned off for a dispatch call unless:

- (a) The dispatcher and operator have a written or electronic record (a manifest) of the dispatch call;
- (b) The dispatched call is properly recorded on the operator’s manifest before the cruising light is turned off; and
- (c) The “On-Call” sign is properly displayed in the taxicab window.

Section 607 is repealed and replaced with:

607 SEAT BELT USE

607.1 Pursuant to section 3(a) and (b)(4) of the Mandatory Use of Seat Belt Act of 1985 (Seat Belt Act), effective December 12, 1985 (D.C. Law 6-73; D.C. Official Code § 50-1802(a) and (b)(4)(2009 Repl.)), all drivers and passengers in a motor vehicle being operated in the District of Columbia must wear a seat belt. However, operators of taxicabs are exempt from this requirement when operating for hire between the hours of 6:00 p.m. and 6:00 a.m.

607.2 Pursuant to section 7(f) of the Seat Belt Act, D.C. Official Code § 50-1806(f)(2009 Repl.), operators of public vehicles for hire are NOT responsible for ensuring that passengers comply with the seat belt requirement.

607.3 All public vehicles for hire shall display a sign which states the following:

“District of Columbia law requires mandatory use of seat belts. A fifty dollar (\$50) fine applies for violations.”

Section 608, INSPECTION OF TAXICABS, is amended as follows:

Subsection 608.2 is amended to read as follows:

608.2 Hack Inspectors, police officers and other duly appointed law enforcement personnel may conduct vehicle safety traffic stops to inspect and test the lights, brakes, steering assembly, tires, equipment, horn or any other vehicle safety device or standard required under title 18 DCMR and the Commission’s rules and regulations and General Orders, as well as to inspect all original officially required vehicle and operator documentation, at any time a taxicab is on the public streets or public space. Copies of these official documents are not acceptable.

A Subsection 608.4 is added to read as follows:

608.4 The Commission may from time to time institute public vehicle for hire equipment inspection check points to randomly inspect public vehicles for hire for the protection of the riding public. Such vehicle equipment inspection check points shall be conducted in accord with Commission’s rules and regulations and General Orders.

Section 612 is amended to read as follows:

612 PENALTY

612.1 A violation of this chapter shall be subject to:

- (a) The fines and penalties set forth in § 825 of this title or a section of this chapter; provided, that where a specific fine or penalty is not listed in § 825 or this chapter, the fine shall be one hundred dollars (\$100);
- (b) Impoundment of the vehicle pursuant to the provisions of the Taxicab and Passenger Vehicle for Hire Impoundment Act of 1992, effective March 16, 1993 (D.C. Law 9-199; D.C. Official Code § 50-331) (2009 Repl.; 2011 Supp.);
- (c) License suspension, revocation, or non-renewal; or
- (d) Any combination of the sanctions listed in this subsection.

Copies of the proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Dena C. Reed, General Counsel and Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020.

All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, D.C. 20020, Attn: Dena C. Reed, General Counsel and Secretary to the Commission, no later than fifteen (15) days after the publication of this notice in the *D.C Register*.

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