

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (Commission), pursuant to the authority set forth in sections 8(b)(1) (C), (D), (E), (F), (G), (I), (J), 14, and 20 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), (D), (E), (F), (G), (I), (J) and 50-319 (2009 Repl.), and D.C. Official Code 50-313 (2009 Repl.; 2012 Supp.); D.C. Official Code § 47-2829 (b),(d), (e), (e-1), and (i) (2012 Supp.); section 12 of the 1919 District of Columbia Taxicab Act, approved July 11, 1919 (41 Stat. 104; D.C. Official Code § 50-371 (2009 Repl.)), and Section 3 of the Taxicab Improvement Emergency Act of 2012, effective July 24, 2012 (D.C. Act 19-403; 59 DCR 9116) hereby gives notice of proposed rulemaking action taken on September 19, 2012, to amend Chapter 5 (Taxicab Companies, Associations, and Fleets), of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendment will: (1) implement the Taxi Smart Meter System mandate; (2) establish company, association, and fleet responsibilities for meeting the new equipment mandates; and (3) update penalties and fines.

This Proposed Rulemaking was originally adopted as emergency and proposed rulemaking on July 18, 2012, and became effective on July 25, 2012. The emergency rulemaking will remain in effect for up to one hundred twenty (120) days after the date of adoption, expiring on November 15, 2012, or upon earlier amendment or repeal by the Commission or publication of final rulemaking in the *D.C. Register*, whichever occurs first. The Commission has determined to republish as proposed rulemaking in order to incorporate a number of substantive changes resulting from comments received at a public hearing on the proposed rulemaking held on August 22, 2012.

The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*.

Chapter 5, PUBLIC VEHICLES FOR HIRE COMPANIES, ASSOCIATIONS, AND FLEETS AND INDEPENDENT TAXICABS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Section 500, **APPLICATION AND SCOPE**, is amended as follows:

New subsection 500.3 is added to read as follows:

500.3 This chapter shall also outline the public vehicle for hire company, association, fleet and independent public vehicle for hire obligations and responsibilities as

vehicle owners for Taxi Smart Meter System equipment installation and protection.

Section 505, **INDEPENDENT TAXICABS**, is amended as follows:

Subsection 505.7 is amended to read as follows:

505.7 Each independently owned taxicab will be assigned a new public vehicle for hire identification number (“PVIN”) by the Commission during the implementation of the Taxi Smart Meter System and/or during the dome light installation to replace the current numbering system utilized for independently operated taxicabs. The PVIN shall be placed on each newly installed dome light. An independently owned taxicab that is affiliated with a company, association or fleet shall retain its PVIN number when the owner either changes its affiliation or determines to operate the taxicab independently of a company, association or fleet.

Section 506, **TAXICAB REMOVAL FROM SERVICE**, is amended as follows:

New subsection 506.3 is added to read as follows:

506.3 The Taxi Smart Meter System must be immediately surrendered to an authorized Taxi Smart Meter System installer when the vehicle is removed from service as a licensed taxi in the District of Columbia, whether the removal is voluntary or involuntary. However, if the vehicle being removed from service as a licensed taxicab is being immediately replaced with a new vehicle by the vehicle owner, the vehicle owner is authorized to have an authorized Taxi Smart Meter System installer reinstall the System in the replacement vehicle; provided, however, that such vehicle owner notifies the Commission in advance of such action on a form provided by the Commission.

New section 519 is added to read as follows:

519 INSTALLATION AND PROTECTION OF TAXI SMART METER SYSTEM

519.1 A taxicab owner, shall be responsible for scheduling installation appointments for all of its vehicles with the Taxi Smart Meter System authorized installer.

519.2 If a scheduled installation appointment is missed, the vehicle will be rescheduled for installation at the end of the installation process schedule, unless the vehicle owner requests and is granted an earlier date that is mutually agreeable. If the appointment is missed due to the intentional misconduct of or willful disregard by the taxicab owner or the company, association, or fleet owner to which it is affiliated and either (i) the owner or, if relevant, the affiliated company, association, or fleet owner does not provide the Commission with written evidence of a legitimate reason for missing the appointment, or (ii) the taxicab

owner removes the taxicab from service and relinquishes to the Commission the vehicle registration and all other indicia of registration as a District of Columbia taxicab, the vehicle owner or, if relevant, the taxicab company, association, or fleet owner shall be fined a penalty of \$500 per missed appointment.

519.3 A vehicle owner, shall be responsible for the replacement cost of Taxi Smart Meter System equipment that is lost, stolen, destroyed, vandalized, abused, altered, or otherwise rendered inoperable for the purpose for which it was purchased and installed, while in the owner's possession, unless the casualty is covered by a Taxi Smart Meter System vendor that is under contract to the District of Columbia or covered by the a manufacturer's or vendor's express written warranty, . In addition to any fine that may accrue, the vehicle owner shall be suspended from operation until the replacement equipment is installed.

Copies of the proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Edward Rich, Interim 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, DC 20020, Attn: Edward Rich, Interim General Counsel and Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C Register*.