

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 12, 2012, to amend Chapter 8 (Operation of Taxicabs) 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; (2) implement the new dome light requirements; and (3) update penalties and fines.

The Commission adopted the present rulemaking as Emergency and Proposed Rule on July 18, 2012, which 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 upon publication of final rulemaking in the *D.C. Register*, whichever occurs first. After receipt of public comments at a Commission public hearing on these rules, the Commission determined to make significant changes to reflect the comments received at the public hearing.

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 8, OPERATION OF TAXICABS, of title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the District of Columbia Municipal Regulations is amended as follows:

Subsection 801.6(l) is amended and 801.6(m) is added to read as follows:

- 801.6 (l) Additional passenger fee for vans – A one dollar (\$1) per passenger fee may be charged for the second, third, and fourth passenger (for a maximum additional passenger fee of three dollars (\$3) per trip) in a minivan; and
- (m) Fifty cents (\$.50) passenger surcharge for each trip provided by a licensed public vehicle for hire operator originating in the District of Columbia.

The following new subsections are added, to read as follows:

- 801.13 During a special event or, holiday, as declared by the Chairperson of the Commission, a public vehicle for hire may add an additional charge, as determined by the Chairperson. The charge shall be in addition to the time and distance fare as shown on the meter. For purposes of this Section, a special event or holiday shall include the following:
- (a) An official holiday that is celebrated in the District of Columbia;
 - (b) A post-season sporting event;
 - (c) A convention or other large gathering taking place in the District of Columbia; and
 - (d) A Presidential inaugural celebration.
- 801.14 The additional charge may, but is not required to be, collected by the public vehicle for hire operator during the dates and times established in a public announcement by the Chairperson no later than seven (7) days prior to the holiday or special event giving rise to the additional charge. The public announcement shall be widely disseminated by the Commission to both the print and electronic media and shall be posted on the Commission's website. No additional charge shall be collected other than during the dates and times established by the Chairperson. No additional charge shall be in effect for greater than seventy-two (72) hours.
- 801.15 Whenever the additional charge is in effect, the public vehicle for hire operator shall inform a passenger upon entering the vehicle that the additional charge is in effect and explain how the additional charge will affect the fare. Additionally, the Passenger Information Module shall display information concerning the additional charge upon the passenger(s) entering the vehicle.
- 801.16. Any complaints or disputes concerning the additional charge shall be directed to the Commission in accordance with Section 1013 of this Title. The Passenger Information Module (PIM) shall display the process for the filing of a complaint with the Commission.

Section 803, CUSTOMER RECEIPTS FOR SERVICE, is amended as follows:

Subsection 803.1 is amended to read as follows:

- 803.1 At the end of each taxicab ride, the public vehicle for hire operator shall provide a printed Taxi Smart Meter System receipt to the passenger after the passenger has accepted the fare information displayed on the passenger information module.

New subsections 803.4 and 803.5 are added to read as follows:

- 803.4 The operator shall not give a customer a non-Taxi Smart Meter System generated receipt; except, if the Taxi Smart Meter System malfunctions during the process of printing the receipt then the operator may give that customer a non-Taxi Smart Meter System generated receipt at the customer's request. The non-Taxi Smart Meter System generated receipt must include all information included on the Taxi Smart Meter System receipt and must be signed, legibly, by the driver. The driver shall immediately repair the non-functioning portion of the TSMS and shall remain out of service until the TSMS is fully functional.
- 803.5 The exception in § 803.4 does not relieve the operator of complying with the requirements that the taximeter and Taxi Smart Meter System must be operational at all times. The operator must immediately proceed to an authorized repair shop and have the system repaired.

Section 808, GROUP RIDING AND SHARED RIDING, is amended as follows:

The introductory paragraph of Subsection 808.2 is amended to read as follows:

- 808.2 Shared Riding, as defined in § 899, is only permitted at Union Station, Verizon Center, Nationals Park, Convention Center, John F. Kennedy Center for the Performing Arts and Robert F. Kennedy Memorial Stadium at such times as are determined to be necessary to achieve adequate service by a Starter employed or authorized by the relevant venue. The following requirements shall apply to Shared Riding:

The definition of "Shared Riding" in Section 899 is amended to read as follows:

Shared Riding – a group of two (2) or more passengers arranged by a Starter at Union Station, Verizon Center, Nationals Park, Convention Center, John F. Kennedy Center for the Performing Arts and Robert F. Kennedy Memorial Stadium with common or different destinations.

Section 809, DIRECTIONAL SIGNS, is repealed.

Section 810, DISPLAY OF SIGNS, is amended as follows:

Subsection 810.3 is amended as follows:

- 810.3 **Repealed**

Section 814, DISPLAY OF IDENTIFICATION, is repealed.

Section 819, SOLICITING PASSENGERS, is amended as follows:

The section heading is amended to read as follows:

819 CONSUMER SERVICE AND PASSENGER RELATIONS

Subsection 819.5 is amended to read as follows:

- 819.5 No taxicab operator shall refuse to transport a person while holding his or her taxicab "For Hire," as indicated on the operator's Dome Light, unless:
- (a) Previously engaged;
 - (b) Unable or forbidden by the provisions of this Title to do so;
 - (c) The operator has reason to believe the person is engaged in a violation of law;
 - (d) The operator has cause to fear injury to his or her person, property, or taxicab; or
 - (e) The passenger(s) is engaged in lewd, lascivious, or sexual behavior in the taxicab at anytime while the trip is in progress, after the operator has asked the passenger(s) at least once to stop the conduct.

Subsection 819.6 is amended to read as follows:

- 819.6 Any taxicab occupying a taxicab stand shall be considered to be "For Hire."

Subsection 819.7 is amended to read as follows:

- 819.7 Any taxicab being operated on the streets shall be considered "For Hire" when displaying "Taxi For Hire" on the LED portion of the Dome Light as authorized by the Commission's rules and regulations.

Subsection 819.8 is amended to read as follows:

- 819.8 For the purposes of this chapter, a taxicab is not considered "For Hire" when the following occurs:
- (a) The operator ceases to hold his or her vehicle available for hire and the LED portion of the Dome Light that displays "Taxi For Hire" is "dark" in accordance with the provisions of § 820;

- (b) The driver is proceeding to take on a passenger in response to a dispatch call or proceeding to a prior arranged transport, is transporting a passenger, is transporting a passenger, is operating the vehicle for personal use, is on the way to or from the operator's residence, is engaged by the hour for the carriage of passengers or is making an emergency delivery of a parcel or package and the LED portion of the Dome Light that displays "Taxi For Hire" is "dark" as otherwise provided for in this Title;
- (c) The taxicab is loaded to the designed capacity of the vehicle and has no room for passengers;
- (d) The taxicab is disabled or faced with an emergency and the LED portion of the Dome Light that displays "Taxi For Hire" is "dark" as otherwise provided for in this Title; or
- (e) The passengers occupying the taxicab do not consent to the operator engaging in shared riding.

Section 820, ON-CALL AND OFF-DUTY SIGNS is amended to read as follows:

- 820.1 Whenever a taxicab is proceeding to take on a passenger in response to a dispatch call or proceeding to a prior arranged transport, has a previous appointment, is operating the vehicle for personal use, is on the way to or from the operator's residence, is engaged by the hour for the carriage of passengers or making an emergency delivery of a parcel or package, the LED portion of the Dome Light that displays "Taxi For Hire" shall go "dark".
- 820.2 Whenever a taxicab is proceeding to take on a passenger in response to a dispatch call or proceeding to a prior arranged transport, has a previous appointment, is operating the vehicle for personal use, is on the way to or from the operator's residence, is engaged by the hour for the carriage of passengers or making an emergency delivery of a parcel or package, the operator shall immediately enter on the TSMS the time at which the taxicab went "dark" and the reason for going "dark".
- 820.3 Whenever a taxicab operator ceases to be available for hire and is proceeding to a place without intending to take on passengers, the LED portion of the Dome Light that displays "Taxi For Hire" shall go "dark". The operator shall immediately enter on the TSMS the time and location the operator went "dark".
- 820.4 Repealed.
- 820.5 Repealed.

Section 821, TAXICAB STANDS, is amended as follows:

Subsection 821.1 is amended to read as follows:

821.1 No taxicab shall be placed upon or occupy any taxicab stand except for the purpose of being “for hire.” Taxicabs shall be placed on stands only from the rear and shall be moved forward and to the front of the stand immediately as space becomes available by the departure or movement of preceding taxicabs.

Section 823, MANIFEST RECORD, is amended as follows:

Subsection 823.1 is amended to read as follows:

823.1 Every operator’s TSMS shall maintain an electronic daily log record (manifest) of all fare trips made by the taxicab while under the operator’s control. The manifest shall contain, at a minimum, all information required by § 823.2. The electronic manifest must be capable of being electronically accessed by wireless transmission or printed from the TSMS immediately upon request by a Hack Inspector, law enforcement personnel, or Commission personnel.

A new subsection 823.5 is added to read as follows:

823.5 The electronic manifest shall not be altered in any manner. An altered manifest represents a failure to properly complete and maintain an electronic manifest and shall subject the operator to any corresponding violation represented by the actual alteration.

Section 825, CIVIL FINES FOR TAXICAB INFRACTIONS, is amended as follows

The heading of Section 825 is amended to read:

825 TABLE OF CIVIL FINES AND PENALTIES

Subsection 825.1 is amended to read as follows:

825.1 The civil infractions and their respective fine amounts set forth in this section are applicable to the operation of all public vehicles for hire. These civil infractions and their respective fines do not include moving violations for which jurisdiction remains within other District, federal or municipal agencies and/or the Superior Court of the District of Columbia or other courts of original jurisdiction. The notice of infraction shall, to the extent feasible, include the time, not later than 10 days, within which the responsible person shall correct the infraction and shall include a statement that failure to correct the specific infraction within the allotted time shall constitute a violation of this Title, with each additional day of violation constituting a separate infraction.

Subsection 825.2 is amended as follows:

The following civil infractions and their respective fines are added or amended as follows

| INFRACTION | FINE (\$)/PENALTY |
|---|--|
| <u>Dome Lights</u> | |
| Broken | \$50 |
| Failure to have | \$100 |
| Failure to use properly | \$200 |
| Tampering with Dome Light mechanism | \$200 |
| Acquiring or using counterfeit dome light | \$200 |
| <u>Taximeter and TSMS</u> | |
| Tampering with meter/meter seals or TSMS | \$1,000 or license suspension, revocation, or non-renewal or any combination of the sanctions listed |
| Operating without meter or TSMS | \$1,000 or license suspension, revocation, or non-renewal or any combination of the sanctions listed |
| Operating with non-functional meter or TSMS | \$1,000 or license suspension, revocation, or non-renewal or any combination of the sanctions listed |

| | |
|---|--|
| Acquiring or using counterfeit equipment, meter or TSMS | \$1,000 |
| Violations of Consumer Service Fund collection or remittance requirements | \$1,000 |
| Failure to keep scheduled installation appointment | \$500 and reschedule to the end of the installation schedule |

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*.