

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 (c) (2), (3), (4), (5), (7), (19), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307 (c) (2) (3), (4), (5), (7), (19) (2012 Repl. & 2013 Supp.), § 50-313 (2012 Repl. & 2013 Supp.), § 50-319 (2012 Repl. & 2013 Supp.), and § 50-320 (2012 Repl. & 2013 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. & 2013 Supp.); hereby gives notice of its intent to amend Chapter 5 (Taxicab Companies, Associations, and Fleets), Chapter 6 (Taxicab Parts and Equipment) and Chapter 10 (Public Vehicles for Hire of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed rulemaking for Chapters 5, 6, and 10 would accomplish important purposes of the Commission under the Act, including creating new incentives and requirements to add wheelchair accessible and fuel efficient vehicles to the fleet, while continuing to allow the retirement of existing gasoline-powered vehicles under the existing rules in § 609 (Age of Taxicabs).

The proposed amendments to Chapter 5 would create a new form of licensing by the Office of Taxicabs (“Office”), based on meeting the eligibility and operating requirements for approval of a modern taxicab association (“MTA”), in addition to the existing requirements for operating authority as a taxicab association. The members of an MTA would be permitted by § 1010 to apply to the Department of Motor Vehicles (“DMV”) to register vehicles jointly as necessary with the MTA provided they reside within the Washington Metropolitan Area and their vehicles meet an approved vehicle plan requiring that, within five (5) years, one hundred percent (100%) of the MTA’s vehicles will be wheelchair accessible and use the most efficient propulsion then available. Each member of an MTA would have the right under the MTA’s bylaws to withdraw from the MTA without penalty at any time and to retain the additional rights granted to members by the amendments to § 1010 proposed in this notice.

The proposed amendments to Chapter 6 would impose new requirements on vehicle owners who place new vehicles into service, to further incentivize the purchase of vehicles which have the most fuel efficient propulsion and are wheelchair accessible. The proposed amendments to Chapter 6 would not require any gasoline-powered vehicle to be retired sooner than under the current Age of Taxicabs rule in § 609. The proposed rules would allow owners of less efficient or non-accessible vehicles to apply to the Office for approval of a professional conversion to more efficient propulsion or wheelchair accessibility allowing the owner to extend the vehicle’s time in service.

The proposed amendments to Chapter 10 would alter § 1010 as necessary to carry out the Commission’s objectives concerning MTAs and their members, described above, and to make further changes to § 1010 which are intended to incentivize owners to place wheelchair accessible and fuel

efficient vehicles into service throughout the fleet. Any person who places into service, as a replacement vehicle, a new vehicle which utilizes the most fuel efficient propulsion and is wheelchair accessible, and any person who is a member or subsequent transferee of a member of an approved MTA, would own the right under § 1010 to apply to DMV for registration of a vehicle which is the most fuel efficient propulsion available and is wheelchair accessible, and to transfer such right to any other person in perpetuity. Transferability of the right under § 1010 would be conditioned upon pre-approval of each proposed transfer by the Office to ensure compliance with all applicable provisions of this title and other applicable laws, including further transferability and assurance to the satisfaction of the Office that the vehicle will be operated only by an individual who possesses a DCTC accessible vehicle identification (“AVID”) operator’s license. An AVID license would be the only DCTC operator’s license allowing its bearer to operate a wheelchair accessible vehicle. A member of an MTA who jointly owns, with any taxicab company, a vehicle required to be replaced under the existing § 609 (Age of Taxicabs) by December 31, 2014, and who has been unable to secure the taxicab company’s consent to be added to the title of a replacement vehicle, would be permitted by the Office to apply to DMV for a new registration jointly with the MTA, if necessary, while preserving the taxicab’s company rights in the existing registration.

Nothing in the proposed rulemaking would alter the legal rights or obligations of any person under the D.C. Municipal Regulations other than the Commission’s rules and regulations which appear in Title 31, including the rules and regulations of DMV.

Directions for submitting comments may be found at the end of this notice. 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 of second proposed rulemaking in the *D.C. Register*.

CHAPTER 5, TAXICAB COMPANIES, ASSOCIATIONS AND FLEETS, is amended as follows:

Section 500, APPLICATION AND SCOPE, is amended to read as follows:

A new subsection 500.3 is added to read as follows:

500.3 In the event of a conflict between a provision of this section and any other provision of this title, the more restrictive provision shall apply.

A new section 504 is added to read as follows:

504 MODERN TAXICAB ASSOCIATIONS

504.1 A taxicab association (“association”) interested in receiving approval from the Office of Taxicabs (“Office”) to operate as a modern taxicab association (“MTA”)

may apply to the Office for approval under this section.

- 504.2 An association may apply for approval as an MTA together with its application for a certificate of operating authority under § 501, or at any time thereafter, provided it meets all requirements of this section at the time of application.
- 504.3 Nothing in this chapter shall be construed as soliciting or creating a contractual relationship, agency relationship, or employer-employee relationship between the District of Columbia and any other person.
- 504.4 Nothing in this chapter shall be construed as creating a right of action against the District of Columbia based on the loss or reduction in value of, or in the loss of transferability of, any legal right or property interest which was due in whole or in part to the action or inaction of any person in violation of the provisions of this title.
- 504.5 Nothing in this chapter shall be construed to alter the legal rights or obligations of any person under any provision of the D.C. Municipal Regulations other than the rules and regulations of this title.
- 504.6 An association shall be eligible to apply for approval as an MTA if it meets the requirements of §§ 501-502 and the following additional requirements:
- (a) It shall be in compliance with all applicable provisions of this title and other applicable laws;
 - (b) If the association has not previously been issued an existing certificate of operating authority, it shall have current operating authority under this title, and be in good standing with the Office, including having no pending enforcement actions;
 - (c) It shall have one hundred (100) or more members all of whom are in compliance with the applicable provisions of this section;
 - (d) Each of the association's members who possesses a DCTC operator's license, or owns a vehicle for which registration as a taxicab is sought pursuant to § 1010 in connection with the application, shall be in good standing with the Office, including having no pending enforcement actions against such member; and
 - (e) It shall be in compliance with, or ready and able to comply with, all operating requirements in § 504.14.

504.7 Each applicant shall provide the following information and documentation to the Office:

- (a) The name of and contact information for the applicant and its manager;
- (b) The trade name(s) and logo used by the applicant, if any;
- (c) The name of and contact information for each of the applicant's members;
- (d) For each vehicle which is currently owned exclusively or jointly by a member and used or intended to be used by a member as a taxicab:
 - (1) The make, model, model year, propulsion type, and wheelchair accessibility of the vehicle; and
 - (2) The names and addresses of all owners of the vehicle, the date and place of registration, and whether or not there is a lien on the vehicle;
- (e) Information and documentation showing that the applicant, its members, and its members' vehicles are in compliance with, or ready and able to comply with, all the eligibility requirements of § 504.6 and all the operating requirements in § 504.14;
- (f) A copy of the applicant's bylaws and all other documents which evidences or establishes the legal relationship between the applicant and its members;
- (g) A proposed vehicle plan which would ensure that one hundred percent (100%) of the association's vehicles will be both wheelchair accessible and use the most fuel efficient propulsion within five (5) years from the date of approval of the MTA; and
- (h) Such other information and documentation as stated in any applicable administrative issuance, instruction, or guidance issued by the Office.

504.8 Each application filed with the Office under this section shall be:

- (a) Full and complete;
- (b) Accompanied by full and complete documentation;
- (c) Provided under penalty of perjury and notarized before a notary public;

- (d) Submitted no later than the deadline stated in any applicable administrative issuance, instruction, or guidance issued by the Office; and
 - (e) Accompanied by an application fee of five hundred dollars (\$500).
- 504.9 The Office shall review each application pursuant to the Clean Hands Act (D.C. Law 11-118, D.C. Code § 47-2861, *et seq.*) and shall deny the application of the applicant or any of its members which are not in compliance with the Clean Hands Act.
- 504.10 An application may be denied if the applicant or any of its members does not cooperate with the Office during the application process, if the application is not complete, or if the applicant or any of its members provides materially false information for the purpose of inducing the Office to grant the application.
- 504.11 If the Office denies an application:
 - (a) The Office shall state the reasons for its decision in writing; and
 - (b) The applicant may appeal the decision to the Chief of the Office within fifteen (15) calendar days, and, otherwise, the decision shall constitute a final decision of the Office. The Chief shall issue a decision on an appeal within thirty (30) calendar days. A timely appeal of a denial shall extend any existing approval pending the Chief's decision. A decision of the Chief to affirm or reverse a denial shall constitute a final decision of the Office. A decision of the Chief to remand to the Office for further review of an application shall extend any existing approval pending the final decision of the Office.
- 504.12 Each approval shall be effective for the duration of the MTA's operating authority as a taxicab association provided, however, that notwithstanding other provisions of this section, the MTA may seek to renew its certificate of operating authority at any time within twelve (12) months following its expiration, which, if granted, shall be retroactive for all purposes of this title to the date of expiration. If, at any time or for any reason an association loses its approval to operate as an MTA or its operating authority as an association, its members shall retain all rights granted by this section and by § 1010 which exist at the time the MTA approval is lost.
- 504.13 The Office shall provide to the association a physical certificate reflecting the Office's approval of the association as an MTA, which shall remain the property of the Office and which shall be returned to the Office if, at any time or for any reason the association loses its approval to operate as an MTA or its operating authority as an association.

- 504.14 Each MTA shall at all times be in compliance with the following operating requirements:
- (a) It shall remain in compliance with the eligibility requirements of § 504.6 and all other applicable provisions of this title and other applicable laws;
 - (b) It shall be associated with a single payment service provider (“PSP”);
 - (c) It shall be associated with not more than one (1) digital dispatch service (DDS);
 - (d) Each vehicle associated with it shall be compliant with the MTA’s approved vehicle plan unless a modification of the plan is approved in advance by the Office;
 - (e) It shall allow each member to apply for registration of a vehicle pursuant to § 1010 and shall consent, when requested by a member, to appear on the title and/or registration as necessary to allow the vehicle to be registered under all applicable DMV regulations and other applicable laws; and
 - (f) It shall allow each member to withdraw from the MTA without financial payment or penalty, and shall make no legal or equitable claim to such member’s vehicle or to such member’s rights created by § 1010 as the result of a joint titling or registration of such vehicle.
- 504.15 No MTA shall alter its bylaws or other documents which evidence or establish its legal relationship with its members without obtaining prior approval from the Office. Any attempt to violate this subsection shall be null, void, and unenforceable.
- 504.16 No vehicle associated with an MTA may be placed into service unless it complies with the MTA’s approved vehicle plan, provided however, that a modification of the plan may be granted by the Office for good cause shown where the proposed modification would not impair the rights or obligations of any person under this section or § 1010.

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

Section 609 is amended to read as follows:

609 VEHICLE RETIREMENT

- 609.1 Effective January 1, 2015, no vehicle shall be operated as a taxicab unless it complies with the requirements of this section at the time of its required DMV inspection or an application for a DCTC vehicle license under § 1010, whichever is earlier.
- 609.2 Notwithstanding the provisions of § 609.1, no gasoline-powered vehicle shall be required to be removed from service prior to the date established by the “Age of Taxicabs” rule in § 609 which is effective on the date these new rules take effect.
- 609.3 Each vehicle shall be retired by the end of the calendar year in which the vehicle reaches its maximum service life, as stated in § 609.4, or in which it reaches its maximum vehicle mileage, as stated in § 609.5, whichever is earlier. Service life shall be added to the age of the vehicle based on its model year, which shall be deemed to begin on September 1st, regardless of the particular manufacturer’s actual model year.
- 609.4 Maximum service life for taxicabs:

VEHICLE PROPULSION	WHEELCHAIR ACCESSIBLE	SERVICE LIFE (YEARS)
CNG or Fuel Cell	Yes	12
CNG or Fuel Cell	No	8
Diesel, E85, or LP	Yes	11
Diesel, E85, or LP	No	7
Hybrid Gasoline	Yes	10
Hybrid Gasoline	No	6
Standard Gasoline	Yes	8
Standard Gasoline	No	4
Key: CNG = Compressed Natural Gas Fuel Cell = Hydrogen Fuel Cell Diesel = Diesel or Bio-Diesel E85 = 85% Ethanol LP = Liquid Propane Hybrid Gasoline = Gasoline-Electric Hybrid		

- 609.5 Maximum vehicle mileage for taxicabs: forty five thousand (45,000) miles for each year which the vehicle is allowed to be in service under § 609.4.
- 609.6 No vehicle shall be placed into service if:

- (a) It would have one (1) year or less prior to retirement under § 609.4;
- (b) It has been driven more than one hundred thousand (100,000) miles, regardless of whether it has previously been used as a public vehicle-for-hire; or
- (c) It has been salvaged or rebuilt.

609.7

The owner of a vehicle already in service may file an application with the Office for a one-time extension of the deadline by which the vehicle must be removed from service pursuant to §§ 609.3-609.5. If the request is denied, no additional requests may be filed concerning the vehicle. If the request is granted, no additional extensions may be requested.

- (a) The following provisions shall apply to each petition for an extension:
 - (1) The vehicle shall have passed its last two (2) required DMV inspections;
 - (2) The vehicle shall be in excellent mechanical condition and appearance, shall not be a salvaged vehicle, and shall not have any body damage;
 - (3) The vehicle shall not have been driven more than three hundred thousand (300,000) miles at the time the application is filed;
 - (4) The vehicle and its owner shall be in compliance with all applicable provisions of this title, including without limitation the insurance requirements of Chapter 9 and the equipment requirements of Chapter 8; and
 - (5) A petition shall be filed not earlier than one hundred twenty (120) days prior to, and not later than sixty (60) days prior to, December 31st of the year in which the vehicle must otherwise be retired pursuant to §§ 609.3-609.6.
- (b) An application for extension shall be filed by the owner on a form established by the Office, executed under oath, together with a filing fee of fifty dollars (\$50) and accompanied by information and documentation, including a Carfax report, demonstrating to the satisfaction of the Office that the vehicle is in excellent condition. In considering an application, the Office shall use a panel of three (3) individuals, which may include a DMV representative, a public vehicle inspection officer, and any employee of the

Office or the Commission's Office of General Counsel.

- (c) If the application is granted, the extension shall not extend the applicable service life based on age by more than three (3) years or based on mileage by more than one hundred thousand (100,000) miles. A denial of the application may not be appealed.

609.8 Notwithstanding the provisions of §§ 609.3-609.5, the owner of a vehicle may file an application with the Office for approval of a proposed conversion of the vehicle's propulsion and/or wheelchair accessibility, to be professionally and timely completed by an established business recognized in the public vehicle-for-hire industry as performing such conversions to all applicable industry standards and provisions of this title and other applicable laws, including all ADA standards. If the conversion is approved, it shall be timely performed, and following inspection of the vehicle by the Office, the vehicle's service life pursuant to §§ 609.3-609.5 shall be based on the conversion. Written evidence of the approval shall thereafter be carried in the vehicle at all times and presented upon demand by a District enforcement official.

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

Section 1010 is amended to read as follows:

1010 ISSUANCE OF DCTC VEHICLE LICENSES

- 1010.1 Nothing in this chapter shall be construed as creating a right of action against the District of Columbia based on the loss or reduction in value of, or in the loss of transferability of, any legal right or property interest which was due, in whole or in part, to the action or inaction of any person in violation of the provisions of this title.
- 1010.2 Nothing in this chapter shall be construed to alter the legal rights or obligations of any person under any provision of the D.C. Municipal Regulations other than the rules and regulations of this title.
- 1010.3 Each owner of a public vehicle-for-hire prior to operating in the District shall obtain a DCTC vehicle license from the Office, except as provided in § 1010.4.
- 1010.4 A DCTC vehicle license is not required for the following vehicles:
 - (a) Sightseeing vehicles owned by a school, school board, or similar body;

- (b) Sightseeing vehicles transporting passengers to the District from a point outside the District, if the total operation of the vehicle does not exceed fifteen (15) days during any license year (April 1st through March 31st); and
- (c) Sightseeing vehicle registered elsewhere than in the District which does not operate for more than fifteen (15) days during any license year (April 1st through March 31st).

1010.5 The owner of the vehicle (“applicant”) shall file an application for a license with the Office, which shall determine whether or not the vehicle shall be registered in the District as well as elsewhere, as required by all applicable provisions of this title, DMV regulations and other applicable laws. If it is determined that the vehicle must be registered in the District, the applicant for a license shall meet all the requirements of §§ 1010.7 and 1010.8. The Office’s determination shall be noted upon the application.

1010.6 An applicant who is a member of an approved modern taxicab association (“MTA”) under § 504 and is not domiciled in the District shall be eligible for a new DCTC vehicle license and corresponding privilege to apply to DMV for registration and tags pursuant to DMV regulations and other applicable laws, provided that:

- (a) The vehicle would be registered jointly in the name of the applicant and the MTA pursuant to the applicable provisions of § 504;
- (b) The applicant is or was a joint owner of a vehicle registered in the District in the name of the applicant and a District taxicab company, which is required to be retired from service under the “Age of Taxicabs” rules in § 609 in effect on the date these rules become effective and not later than December 31, 2014; and
- (c) The taxicab company in paragraph (b) has refused to release its interests in the vehicle or in the registration to the applicant upon terms satisfactory to the applicant, following written demand by the applicant, proof of which shall be provided to the Office with the application.

1010.7 Each member of an approved MTA pursuant to § 504, each person who is replacing a vehicle which uses the most efficient propulsion available and is wheelchair accessible, and each transferee of such persons approved by the Office pursuant to § 1010.8, shall possess a perpetual and transferable right to a DCTC vehicle license under this section (and corresponding privilege to apply to DMV for registration and tags pursuant to DMV regulations and other applicable laws), provided that the

vehicle to be placed in service shall be:

- (a) A new taxicab vehicle which uses the most efficient propulsion available, is wheelchair accessible,
- (b) Operated only by an operator who possesses a DCTC accessible vehicle identification (“AVID”) operator’s license; and
- (c) Operated only in compliance with all other applicable provisions of this title and other applicable laws.

This subsection shall not guarantee any person’s right to be issued registration or tags by DMV where issuance would be inconsistent with DMV regulations or other applicable laws.

1010.8 Each proposed transfer of a DCTC vehicle license (and corresponding privilege to apply to DMV for registration and tags pursuant to DMV regulations and other applicable laws) pursuant to § 1010.6 shall comply with the following requirements.

- (a) The applicant shall submit an application for a proposed transfer using a form established by the Office, executed under oath, and accompanied by a description of the terms of the proposed transfer, a proposed purchase and sale agreement, and a fee of one hundred dollars (\$100) in addition to any other fees required by this title.
- (b) Each application shall demonstrate to the satisfaction of the Office that the proposed transfer would ensure and not impair the continued transferability of the DCTC vehicle license (and corresponding privilege to apply to DMV for registration and tags under its regulations and all other applicable laws) pursuant to § 1010.7.

1010.9 If the Office determines that the vehicle need not be registered in the District, the applicant shall meet the requirements of § 1010.12.

1010.10 Each applicant shall submit the application to the Director of the Department of Finance and Revenue for a determination of applicable taxes. The Director of Finance and Revenue shall note compliance with any applicable tax requirements upon the application.

1010.11 Each applicant whose vehicle is registered in the District shall present evidence that the vehicle has been inspected by DMV and is in compliance with all other provisions of this title relating to vehicle safety and passenger comfort.

- 1010.12 Each applicant shall present evidence satisfactory to the Office that the vehicle is insured under the provisions of Chapter 9. The Office shall act as agent for the purpose of enforcing insurance regulations and shall maintain records necessary to perform that function.
- 1010.13 Each application shall be made on a form provided by the Office, and shall state the owner's full name, place of residence and business addresses, and any other information and documentation required by the Office.
- 1010.14 DMV, acting as agent for the Office, shall inspect taxicabs to ensure compliance with the Commission's regulations concerning authorized vehicle type, paint color(s), trade name, insignias, rate and passenger rights signs, meter seals, cruising lights, upholstery condition, and sanitation.
- 1010.15 The Office shall determine from its own records whether a taxicab owner is in compliance with the color and insignia requirements with respect to company, association, or independent taxicab status.
- 1010.16 The Office, upon receipt of an application for a public vehicle-for-hire and evidence satisfactory to the Office that all requirements of this title have been met, and upon receipt of the proper fee, shall issue a license to the owner.
- 1010.17 The Office shall collect the prescribed fees for each DCTC license sought by the applicant.
- 1010.18 Each license shall be in form prescribed by the Office and shall contain any information which the Office deems appropriate.
- 1010.19 The Office shall record and maintain records of assignments made by licensees to whom licenses have been issued under this chapter. Each assignment shall be made in the form prescribed by the Office.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Juanda Mixon, 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: Juanda Mixon, Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.