



ADMINISTRATIVE ISSUANCE

2018 For-Hire Industry Relief

Series/No.: AI-2018-07

Approved November 21, 2018

Effective December 3, 2018

I. BACKGROUND AND PURPOSE

Over the past three years, DFHV has succeeded in eliminating antiquated and unnecessary requirements and laying the foundation for new innovations that meet the needs of the ever-evolving for-hire market. These successes include: replacing paper with electronic manifests; creating online business portals; authorizing first-ever dynamic street hail pricing; lowering civil fines; authorizing independent vehicle businesses, which allow non-District residents to become independent owners; offering voluntary mediation to resolve disputes between stakeholders; deploying the first, citywide, all-digital taxicab platform; streamlining the processing of public complaints; proposing a revision of all Title 31 regulations; and many more. DFHV is committed to achieving more successes. To fulfill that commitment, this administrative issuance identifies four requirements that discourage competition, impose unequal burdens on public and private for-hire vehicles, and/or hinder the growth of driver and owner income without a lawful and proper justification in safety, consumer protection, accessibility, or another agency policy goal.

First, the Establishment Act requires the agency to ensure that an applicant for an initial public VFH operator's license (face card) has "good moral character". D.C. OFFICIAL CODE § 47-2829(e)(1). To meet this requirement, in addition to showing an absence of certain criminal offenses, complaints, and civil infractions, §§ 1001.13, 1001.15, and 1005.9, the regulations require an applicant to obtain three letters of reference, 31 DCMR § 1002.5. This is unjustified given the subjective nature of references and the other measures used to assess character (unaffected by this administrative issuance). *Second*, several regulations require a paper certificate to show compliance with the Clean Hands Act. *E.g.* § 501.3 (m) (company and association operating authority); § 505.2 (l) (independent operating authority); § 507.3(b) (transfer of company ownership). This is generally no longer necessary, however, as the Office of Client Services ("OCS") can now verify compliance electronically. *Third*, § 822.11(c) prohibits public VFH operators from providing service while wearing "shorts, 'T' shirts as an outer garment, sweat pants, sweat shirts, sweat suits, or sandals." Unlike the requirements that an operator be clean and fully attired (unaffected by this administrative issuance), a detailed dress code should be a business decision for the *entire* industry (not merely the private VFH-side, which allows casual clothing).

Fourth, the Establishment Act and matching regulations require taxicab companies to boost the wheelchair accessible vehicle ("WAV") portion of their rental fleets to 20 percent as of December 31, 2018. D.C. OFFICIAL CODE § 50-301.25(c); 31 DCMR § 501.10. This requirement follows increases to six percent by December 31, 2014, and 12 percent by December 31, 2016. As with the earlier requirements, companies that do not demonstrate compliance face the denial of their renewed operating authority. The multi-year approach to building an accessible fleet succeeded in boosting the number of WAVs to over 270, the highest percentage of accessible vehicles per capita of any American city. Despite this increase, and DFHV programs to incentivize

operators to drive WAVs, large numbers of these vehicles routinely sit idle on company lots because drivers frequently choose to drive non-WAVs. The cost of new WAVs has pushed some companies to merge or to go out of business, a trend not in the best interest of the District because it threatens to make the taxicab segment unsustainable, and unable to provide its unique mix of services, including street hails. At the same time, DFHV has not recently sustained any complaints about the availability of WAV service generally or within the successful Transport DC program in particular. For these and other lawful and proper reasons, DFHV finds that an applicant in good standing seeking to renew its taxicab company authority for calendar year 2019 shall not have its application denied solely for lack of compliance with the 20 percent WAV requirement.

II. AUTHORITY

D.C. OFFICIAL CODE §§ 47-2829 (e)(1) and 50-301.25 (c)(1); 31 DCMR §§ 501.3 (m), 501.10, 505.2 (l), 507.3 (b), 701, 822.11(c), and 1002.5.

III. PROCEDURES

1. An applicant for an initial public VFH operator's license (face card) shall not be required to obtain or submit a letter of reference in order to obtain the license.
2. An applicant seeking a DFHV license, operating authority, or registration shall not be required to provide a paper certificate to demonstrate compliance with the Clean Hands Act. Compliance shall be determined electronically by OCS, provided however, that a paper certificate may be required if compliance cannot be determined electronically.
3. An operator while providing taxicab, black car, or limousine service shall not be prohibited from wearing shorts, 'T' shirts as an outer garment, sweat pants, sweat shirts, sweat suits, or sandals.
4. An applicant in good standing with DFHV that is seeking to renew its taxicab company authority for calendar year 2019 shall not have its application denied solely for lack of compliance with the 20 percent WAV requirement

IV. HISTORY

Approval of original administrative issuance (11-21-18).

SO ORDERED:

DEPARTMENT OF FOR-HIRE VEHICLES

By: 

ERNEST CHRAPPAH
Director