

**DEPARTMENT
OF
FOR-HIRE VEHICLES**

ADMINISTRATIVE ISSUANCE

Title: Non-MSA Service
Member Pilot Program
Series/Number: AI-2016-007
Approved: June 29, 2016
Revised: July 26, 2016
Effective: July 27, 2016

I. BACKGROUND AND PURPOSE

The Department of For-Hire Vehicles (“Department”) has the authority and obligation to enact rules and regulations applicable to private sedan rides, within the parameters of the Establishment Act. *See generally* D.C. OFFICIAL Code § 50-301.29g. The Department’s authority includes the power to reasonably construe and interpret the regulations and statutes it is charged with enforcing, through administrative guidance and clarification consistent with established public policy. *See id.*; *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984). This administrative issuance provides guidance to allow “qualified nonresident service members” and “qualified spouses”, as defined herein, to work as private sedan operators in the District as if they possessed personal driver’s licenses issued by a driver licensing agency within the MSA.

Pursuant to the language of a 2015 amendment to the Establishment Act (the Vehicle for Hire Innovation Amendment Act of 2014 (eff. March 10, 2015) (“Vehicle for Hire Act”)), which legalized private sedan service in the District, private sedan operators must have a “current and valid personal driver’s license issued by a jurisdiction within the [Multistate Area (“MSA”) of Virginia, Maryland, and the District of Columbia].” *See* D.C. OFFICIAL Code § 50-301.29e. The Department’s regulations track the language of the Vehicle for Hire Act. *See* 31 DCMR § 1904 (e). At the same time, these individuals are exempt from the requirement of obtaining an MSA driver’s license while stationed in the MSA, away from their places of residence. *See* Federal Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901, *et. seq.*; D.C. OFFICIAL Code § 50-1401.02(c)(5), (7); MD. TRANSP. CODE ANN. § 16-102 (a) (7); VA. CODE ANN. § 46.2-600.

As a result of this incongruity, service members and their spouses stationed in the MSA pursuant to active duty military orders have been excluded from working as private sedan operators since the Vehicle for Hire Act first went into effect. The Department finds this situation to be legally untenable, as well as unfair to military families, because the language of the more recently enacted Vehicle for Hire Act should be read in harmony with the pre-existing driver licensing statutes in all three MSA jurisdictions, which are laws of more general application. *See O’Rourke v. D.C. Police & Firefighters’ Ret. & Relief Bd.*, 46 A.3d 378, 383 (D.C. 2012) (“[W]e must construe [sections of a statute] not in isolation, but together with other related provisions, and derive their meaning not from the reading of a single sentence or section, but from consideration of [the] entire enactment against the backdrop of its policies and objectives.”).

To address this incongruity, and to create new economic opportunities for military families and private sedan businesses, the Department hereby establishes the Non-MSA Service Member Pilot Program, to allow service members and their spouses stationed in the District, Maryland, and Virginia to operate private sedans in the District without MSA personal driver's licenses. Service members and spouses may participate by registering directly with the Department at www.tinyurl.com/Non-msaDecal, or by signing up with a private sedan business which has elected to participate in the pilot and which registers the service member or spouse on his or her behalf. No fees shall be charged to individuals or businesses that choose to participate in the pilot.

II. DEFINITIONS

“Multi-State Area” – the District of Columbia, the State of Maryland, and Commonwealth of Virginia.

“Pilot documents” – the documents (which shall be originals unless the Department allows otherwise) to be provided to the Department so it may determine that an individual is a qualified non-MSA service member or a qualified spouse, as defined herein, consisting of:

- (a) His or her current and valid personal driver's license issued by the motor vehicle licensing agency of the non-MSA jurisdiction where he or she is a legal resident;
- (b) His or her (or his or her spouse's) military common access card (“CAC”);
- (c) His or her (or his or her spouse's) current, active duty military orders pursuant to which the service member (or his or her spouse) is stationed within the MSA; and
- (d) For qualified spouses: a sworn statement bearing the date and the applicant's signature that the individual resides with the qualified non-MSA service member at the same street address.

“Private sedan” – a private vehicle-for-hire, as defined in the Establishment Act, where the operator and vehicle are subject to the regulations in Chapter 19, and other applicable laws.

“Qualified non-MSA service member” – a member of the military stationed in the MSA pursuant to current, active duty military orders, who, by virtue thereof, is exempt from compliance with D.C. OFFICIAL CODE §§ 50-1401.01 and 50-1501.02, and from the provisions of the DCMR requiring the registration of motor vehicles, the display of identification tags, and the licensing of owners and operators of motor vehicles in the District.

“Qualified spouse” – the spouse of a qualified non-MSA service member who resides at the same street address in the MSA with his or her spouse, who, by virtue thereof, is exempt from compliance with D.C. OFFICIAL CODE §§ 50-1401.01 and 50-1501.02, and from the

provisions of the DCMR requiring the registration of motor vehicles, the display of identification tags, and the licensing of owners and operators of motor vehicles in the District.

III. AUTHORITY

Sections 8(c) (1) - (3), (4) (7), (10), (11), (14), (16), (18) - (20); 14, 15, and 20(j) of the Establishment Act, D.C. OFFICIAL Code § 50-301, *et seq.*; 50-1401.02, *et seq.*; 31 DCMR Ch. 19.

IV. PROCEDURES

A qualified non-MSA service member or qualified spouse, as defined herein, may become a private sedan operator by either: (1) registering directly with the Department; or (2) registering with a private sedan business which has chosen to participate in the pilot and which registers the individual on his or her behalf. Each qualified non-MSA service member and qualified spouse who participates in the pilot shall display a vehicle decal provided without charge by the Department. Service members and spouses may provide service through any private sedan business that has elected to participate in the pilot.

Requirements for Participating Service Members and Spouses

Each service member or spouse who wishes to work as a private sedan operator in the District without a personal driver's license issued by an MSA driver licensing agency shall register with the Department online at: www.tinyurl.com/Non-msaDecal, in order to provide:

- (a) Basic information about the applicant and the vehicle, including the applicant's name, address, cellphone number, and social security number, and the vehicle's model year, make, model, vehicle identification number, color, jurisdiction of registration, and tag number;
- (b) The names of the registered private sedan business(es) with which the individual will be associated;
- (c) The pilot documents; and
- (d) Other information and documentation reasonably required by the Department to process the application.

Service members and spouses may also register through private sedan businesses which participate in the pilot as provided below. The Department shall make a decision to grant or deny an individual's registration within two (2) business days. The Department shall provide each approved individual with a free vehicle decal.

The Department may administratively suspend an individual's participation in the pilot as follows:

- (a) Through a notice of proposed suspension effective not sooner than ten (10) business days, where there is a reasonable basis upon which to conclude that the individual is no longer be eligible to participate in the program; and/or
- (b) Through an order of immediate suspension, where the individual's participation in the program poses an imminent or significant threat to the health, safety, consumer rights, or privacy of passengers, operators, or the public.

A copy of each action may be sent to all private sedan businesses with which the individual is associated. The suspension of an individual under this administrative issuance shall be administrative only and not subject to appeal under Chapter 7, and shall end when, in the reasonable discretion of the Department, the circumstances giving rise to the suspension have been abated. A suspension pursuant to paragraph (a) shall not be considered part of the individual's compliance record with the Department for any purpose other than the individual's further participation in the pilot. A service member or spouse who provides for-hire service during a suspension may be subject to the penalties in the Establishment Act.

Requirements for Participating Private Sedan Businesses

No private sedan business is required to participate in the pilot, and each business that chooses to do so may withdraw at any time. Each business that participates may register service members and spouses with the Department by using the same procedures set forth above, including the form at www.tinyurl.com/Non-msaDecal, and also shall comply with the following requirements:

- (a) Prior to registering service members or spouses, notify the Department in writing that it wishes to participate in the pilot;
- (b) Maintain with the Department a current and accurate list of operators and vehicles for the qualified non-MSA service members and qualified spouses with which it is associated;
- (c) Promptly notify the Department if it learns that a service member or spouse no longer meets the program requirements or has been suspended by the business; and
- (d) Not allow an operator suspended by the Department to use its app.

The Department shall provide each participating business with such vehicle decals as the Department deems appropriate for operators registered by the business; there shall be no charge for decals.

The Department may administratively suspend any private sedan business's participation in the pilot as follows:

- (a) Through a notice of proposed suspension, effective not sooner than ten (10) business days, where the business is not in substantial compliance with the applicable requirements of this administrative issuance; and/or
- (b) Through an order of immediate suspension, where the business's participation in the pilot poses an imminent or significant threat to the health, safety, consumer rights, or privacy of passengers, operators, or the public.

Any suspension of a private sedan business's participation in the pilot shall be administrative only and not subject to appeal under Chapter 7, and shall end when, in the reasonable discretion of the Department, the circumstances giving rise to the suspension have been abated. A suspension pursuant to paragraph (a) shall not be considered part of the business's compliance record for any purpose other than the business's further participation in the pilot.

SO ORDERED:

DEPARTMENT OF FOR-HIRE VEHICLES

By: Ernest Chrappah
ERNEST CHRAPPAH
Acting Director