

DEPARTMENT OF FOR-HIRE VEHICLES

NOTICE OF FOURTH EMERGENCY RULEMAKING

The Director of the Department of For-Hire Vehicles¹ (“Department” or “DFHV”), pursuant to the authority set forth in Sections 8(c) (3), (7), (19) and (20), 20a, and 20g, of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986, effective March 10, 2015 (D.C. Law 6-97; D.C. Official Code §§ 50-301.07(c) (3), (7), (19) and (20), 50-301.20, and 50-301.26 (2014 Repl. & 2015 Supp.)), hereby gives notice of the adoption, on an emergency basis, of amendments to Chapter 4 (Taxicab Payment Service Providers) of Title 31 (Taxicabs and Public Vehicles For Hire) of the District of Columbia Municipal Regulations (DCMR).

This fourth emergency rulemaking establishes the amount of the payment service provider (PSP) surcharge bond; it is identical in language to a proposed rulemaking approved by the Commission, on October 14, 2015. Current regulations require PSPs to maintain a bond to ensure the payment to the District of the passenger surcharges collected through approved modern taximeter systems (MTSs). The regulations do not establish, however, the amount of the bond. There is an immediate need to preserve and promote the safety and welfare of District residents by ensuring that the amount of the bond is clearly established in the Department’s regulations, to eliminate the possibility of confusion among these stakeholders about this requirement for both: (1) renewal applications of all current PSPs are currently pending before the Department; and (2) new applicants may submit applications as PSPs at any time.

An identical emergency rulemaking was adopted by the Commission on December 9, 2015 and took effect immediately. The emergency rulemaking remained in effect for one hundred and twenty (120) days after the date of adoption, expiring April 6, 2016. An identical second emergency rulemaking was adopted by the Commission on April 13, 2016 and took effect immediately. The second emergency rulemaking remained in effect for one hundred and twenty (120) days after adoption expiring on August 11, 2016. An identical third emergency rulemaking was adopted by the Department on August 11, 2016 and took effect immediately. The third emergency rulemaking remained in effect for one hundred and twenty (120) after adoption expiring on December 9, 2016.

This fourth emergency rulemaking was adopted by the Department on December 9, 2016 and took effect immediately. This fourth emergency rulemaking will remain in effect for one hundred and twenty (120) days after the date of adoption, expiring April 8, 2017.

Chapter 4, TAXICAB PAYMENT SERVICE PROVIDERS, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:

Section 403, PROPOSED MODERN TAXIMETER SYSTEMS – APPLICATIONS BY PSPS, is amended as follows:

¹ The District of Columbia Taxicab Commission was renamed and re-structured as the Department of For-Hire Vehicles by the Transportation Reorganization Act of 2016 (D.C. Law 21-0124) effective June 22, 2016.

The title of Section 403, PROPOSED MODERN TAXIMETER SYSTEMS – APPLICATIONS BY PSPS, is amended to read as follows:

403 APPLICATIONS

Subsection 403.3 is amended to read as follows:

403.3 Each application shall be made under penalty of perjury, and shall be accompanied by an application fee of five thousand dollars (\$5,000) and by a surcharge bond of one hundred thousand dollars (\$100,000).