

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF FINAL 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 (“Establishment Act”), 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 6052 of the District of Columbia Taxicab Commission Fund Amendment Act of 2012 (Commission Fund Amendment Act), effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-320(a) (2012 Supp.)), hereby gives notice of its adoption of amendments to Chapter 8 (Operation of Taxicabs) of the District of Columbia Municipal Regulations (DCMR).

Proposed rules amending Chapter 6 (Taxicab Parts and Equipment) of DCMR Title 31 were originally approved for publication on January 31, 2013, and published in the *D.C. Register* on February 8, 2013, at 60 DCR 1566. The Commission held a public hearing on the proposed rules on February 15, 2013, to receive oral comments on the proposed rules. The Commission received valuable comments from the public at the hearing and throughout the comment period, which expired on March 9, 2013.

A second proposed rulemaking was drawn from the original proposed rulemaking for Chapter 6 and divided into proposed rulemakings amending Chapters 6 (Taxicab Parts and Equipment), 8 (Operation of Taxicabs), and creating a new Chapter 4 (Taxicab Payment Service Providers). The second proposed rulemakings, to include Chapters 4, 6 and 8, were approved for publication on March 20, 2013, and published in the *D.C. Register* on April 5, 2013 at 60 DCR 5173, 5187 and 5196, respectively. The Commission held another public hearing on the proposed rules on April 17, 2013, to receive oral comments. The Commission reviewed and considered the comments received at the April 17 hearing and throughout the comment period, which expired on May 4, 2013, but made no substantive changes.

The rulemaking for Chapter 8 includes adjustments in the passenger rates and charges for taxicab service consistent with the implementation of the Modern Taximeter System (MTS).

Chapter 8, OPERATION OF TAXICABS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended as follows:

Section 800, APPLICATION AND SCOPE, is amended by adding a new subsection 800.4 to read as follows.

Section 801, PASSENGER RATES AND CHARGES, is amended to read as follows.

801 PASSENGER RATES AND CHARGES

- 801.1 No person shall charge another person a rate, charge, or fare for taxicab service in the District in excess of the amounts established by this section.
- 801.2 No person shall charge another person any amount for a taxicab trip before service is rendered.
- 801.3 Each taxicab company, independent owner, and taxicab operator shall charge the taximeter fare, except for hourly contracts pursuant to § 801.4, and shall accept only cash, cashless payments, and vouchers.
- 801.4 Hourly contract. A taxicab company, independent owner, or taxicab operator may provide taxicab service on a time-only basis pursuant to an hourly contract. The rate for an hourly contract shall be thirty-five dollars (\$35) for the first one (1) hour or fraction thereof, and eight dollars and seventy-five cents (\$8.75) for each additional fifteen (15) minutes or fraction thereof.
- 801.5 A dispatch fee charged by a telephone dispatch service operating in compliance with all applicable provisions of this title and other applicable laws and shall be included in the taximeter fare, pursuant to § 801.7 (b)(1).
- 801.6 A dispatch, booking, or similar, fee charged by a digital dispatch service operating in compliance with all applicable provisions of this title and other applicable laws shall not be included in the taximeter fare, and shall be paid only by digital payment that complies with § 408.15 and any other applicable provision of this title or applicable law.
- 801.7 Taximeter fare. Each taximeter fare shall consist only of the charges based on time and distance rates and the authorized additional charges, if any, established by this subsection, and shall not include any other amount.
- (a) Time and distance rates. The time and distance rates that shall be automatically generated by each taximeter for each taxicab trip are established as follows:
- (1) Three dollars and twenty-five cents (\$3.25) upon entry (drop rate) and first one-eighth (1/8) of a mile;
 - (2) Twenty-seven cents (\$0.27) for each one-eighth (1/8) of a mile after the first one-eighth (1/8) of a mile;
 - (3) The wait rate is twenty-five dollars (\$25.00) per hour. Wait time begins five (5) minutes after time of arrival at the place the taxicab was dispatched. No wait time shall be charged for premature response to a dispatch. Wait time shall be charged for time consumed while the taxicab is stopped or slowed to a speed of less

than ten (10) miles per hour for longer than sixty (60) seconds and for time consumed for delays or stopovers en route at the direction of the passenger. Wait time shall be calculated in sixty (60) second increments. Wait time does not include time lost due to taxicab or operator inefficiency.

(b) Authorized additional charges. The only charges that may be included in the taximeter fare by manually adding an amount to the charges pursuant to § 801.7 (a) are as follows:

- (1) A fee for telephone dispatch, if any, which shall be two dollars (\$2.00);
- (2) A taxicab passenger surcharge, which shall be twenty-five cents (\$.25) (per trip, not per passenger);
- (3) A charge for delivery service (messenger service and parcel pick-up and delivery), which shall be at the same rate as for a single passenger unless the vehicle is hired by the hour pursuant to § 801.4;
- (4) An airport surcharge or toll paid by the taxicab operator, if any, which shall be charged for the same amount that was paid;
- (5) An additional passenger fee, if there is more than one passenger, which shall be one dollar (\$1.00) regardless of the number of additional passengers (the total fee shall not exceed one dollar (\$1.00));
- (6) A snow emergency fare when authorized under § 804; and
- (7) A gratuity, if any.

801.8 Group or shared riding. In cases where more than one (1) passenger enters a taxicab at the same time on a pre-arranged basis (group riding or shared riding) bound for common or different destinations, in addition to any applicable charges set out in this section, the fare shall be charged as follows: As each passenger arrives to his or her destination, the fare then due shall be paid by the passenger(s) leaving the taxicab. There shall be a new flag drop and the passenger(s) remaining in the group shall pay in the same manner until the last passenger(s) arrives at his or her destination and the final taxicab fare is then paid. There shall be a new flag drop for each leg (or separate destination) of the trip.

801.9 Passengers accompanied by animals.

- (a) Service animals.

A service animal (such as a guide dog, signal dog, or other animal trained to assist or perform tasks for an individual with a disability) accompanying a passenger shall be carried without charge.

(b) Animals other than service animals.

- (1) When securely enclosed in a carrier designed for that purpose, small dogs or other small animals may accompany a passenger without charge. Other animals not so enclosed may be carried at the discretion of the operator.
- (2) An operator may refuse to transport any passenger traveling with a small dog or other small animal if the operator presents to the passenger an exemption certificate from the Office that certifies that such operator suffers from a diagnosed medical condition, such as allergies, which prevents such operator from traveling with such small dogs or other animals;
- (3) No operator shall have a personal pet or animal of any kind in a public vehicle-for-hire while holding the vehicle out for hire or transporting passengers; and
- (4) An operator may request an exemption certificate from the Office that certifies that such operator suffers from a documented diagnosed medical condition, such as allergies, which prevents such operator him or her from traveling with such small dogs or other small animals securely enclosed in a carrier designed for that purpose. Without such exemption certificate, an operator may not refuse to transport any passenger traveling with a small dog or other small animal that is securely enclosed in such carrier. Each exemption certificate shall be on a form prescribed by the Office and notarized by an appropriately licensed medical professional (for example, a general practitioner or allergist). Each exemption certificate shall be renewed at each renewal of the DCTC operator's license.

801.10 A device for the aid of a disabled person, such as a folding wheelchair, when accompanying a passenger with a disability, shall be carried without charge. There shall be no additional charge for loading or unloading such device.

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

803 RECEIPTS FOR TAXICAB SERVICE

803.1 At the end of each taxicab ride, the taxicab operator shall provide the passenger with a receipt containing the following information:

- (a) The date and time of the trip;
- (b) The distance of the trip;
- (c) The trip number assigned by the PSP;
- (d) The vehicle's PVIN;
- (e) The number of passengers;
- (f) The taximeter fare established by § 801.7, itemized to show the time and distance charges and the authorized additional charges, if any;
- (g) The name and customer service telephone number of the PSP that provides the service and support for vehicle's MTS;
- (h) The form of payment, including whether the payment was made by cash payment, cashless payment, voucher, or digital payment;
- (i) When the form of payment is digital payment and the digital payment includes the taximeter fare, the following statement: "Your digital payment to [name of digital dispatch service and customer service telephone number or email address] may include a fee in addition to the taximeter fare shown on this receipt";
- (j) When the form of payment is digital payment and the digital payment does not include the taximeter fare, the following statement: "Your payment to the driver for the taximeter fare shown on this receipt does not include any additional fee that may be charged by [name of digital dispatch service and customer service telephone number or email address]"; and
- (k) The following statement: "Taxicab service in Washington, DC is regulated by the DC Taxicab Commission, 2041 Martin Luther King Jr., Ave., SE, Suite 204, Washington, DC 20020, www.dctaxi.dc.gov, dctc3@dc.gov, 1-855-484-4966, TTY 711."

803.2 When payment is made by a cash or cashless payment, a printed receipt shall be provided using the vehicle's MTS printer component. If the printer component malfunctions while printing a receipt, the operator shall provide the passenger with a handwritten receipt and the vehicle shall then be out of service until the printer component is operational.

803.3 When payment is made by digital payment, the operator shall provide the passenger with the passenger's choice of a printed receipt or an electronic receipt sent to the passenger via email address or SMS text message not later than when the passenger exits the vehicle.

803.4 In the case of messenger or parcel delivery service, the operator shall provide the customer with a written invoice describing the article(s) transported.

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

808.1 Group riding for pre-formed groups, as defined in § 899, is permitted at all times. No driver shall refuse to transport a pre-formed group at any time. Fares for group riding shall be calculated in accordance with § 801.8.

Section 899, DEFINITIONS, is amended to read as follows:

899.1 The words and phrases used in this chapter shall have the meanings ascribed to them in § 499.1 of this title.