

DEPARTMENT OF FOR-HIRE VEHICLES

NOTICE OF EMERGENCY & PROPOSED RULEMAKING

The Director of the Department of For-Hire Vehicles (“Department” or “DFHV”) pursuant to the authority set forth in Sections 8(c) (2), (3), and (19), and 14 of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97), as amended by the Transportation Reorganization Act of 2016, effective June 22, 2016 (D.C. Law 21-0124); D.C. Official Code §§ 50-301.07(c) (2) (3), and (19), and 50-301.13 (2014 Repl. & 2015 Supp.)) hereby gives notice of the adoption, on an emergency basis, of amendments to Chapter 4 (Taxicab Payment Service Providers), Chapter 5 (Taxicab Companies, Associations, Fleets, and Independent Taxicabs), Chapter 6 (Taxicab Parts and Equipment), Chapter 8 (Operating Rules for Public Vehicles-For-Hire), Chapter 18 (Wheelchair Accessible Paratransit Taxicab Service), Chapter 20, (Fines and Civil Penalties), and Chapter 99 (Definitions) of Title 31 (Taxicabs and Public Vehicles For Hire) of the District of Columbia Municipal Regulations (DCMR).

This emergency rulemaking amends Chapters 4, 5, 6, 8, 15, 18, 20, and 99, the Department’s regulations promulgated consistent with the “Modernization of Taxicabs” section of the Establishment Act, added by the Taxicab Service Improvement Amendment Act of 2012, D.C. Law 19-0184 (eff. October 27, 2013) (codified at D.C. OFFICIAL CODE § 50-301.26) and for related purposes, and supersedes the emergency rulemaking that was adopted by the Department on August 28, 2017 and published in *D.C. Register* on September 1, 2017.¹ The Emergency and Proposed rulemaking published on September 1, 2017 (“First Notice”) represented the first major overhaul of the regulations adopted to implement provisions of the Taxicab Service Improvement Act (the “modernization regulations”) since those regulations were promulgated.

The Department received several comments during the 45-day comment period that expired October 16, 2017. One PSP requested that the regulations be revised to clarify how digital taximeters must be certified, how they must calculate fares, how they must integrate with credit card processing devices, and how shared ride fares should be apportioned. Another PSP disagreed with the Department’s justifications for promulgating emergency rules, objected to the rules becoming effective prior to their publication in the *DC Register*, and voiced concerns with non-PSPs’ ability to process in-vehicle payments. Two comments were received from disability rights advocates, which both noted that the DTS rules should contain stronger safeguards to ensure that any new in-vehicle technology is fully accessible to the blind and people with low vision. Finally, the Department received comments from one of the largest DFHV-licensed taxicab companies expressing concerns that the DTS rollout had been delayed, and asserting that any delay in beginning the new DTS era would be extremely prejudicial to the taxi industry.

In response: the Department will now require DTSs to be PCI-compliant; require DTSs to be fully accessible to people who are blind and are low vision in accordance with Section 508 of the Federal Rehabilitation Act; and will require DTSs to publish open Application Programming

¹ 64 DCR at 008696

Interface (“APIs”). The Department is in the process of adopting rules to calculate shared ride fares.

In addition to the changes referenced above, this Emergency and Proposed rulemaking modifies the First Notice by: (1) extending the Digital Taxicab Solution (“DTS”) transition period from October 31, 2017 to December 31, 2017; (2) increasing competition among payment processors by allowing all payment processors (including legacy businesses) to register as an Option for Payment Technology (“OPT”); (3) creating an online registration for OPTs to be certified, at no charge, as capable of working with the digital meters of one or more approved DTS providers for the trip data and surcharge collection; (4) allowing each DTS provider to choose as many OPTs they want; and (5) introducing a new business model under which independent owners can operate without using a DTS provider.

The overhaul of the modernization regulations is required for the reasons stated below; conforming amendments are also required for Chapters 20 and 99. The Department finds that the rulemaking must be enacted as emergency rulemaking because there is an immediate need to preserve and promote the safety and welfare of District residents, in order to directly and indirectly alleviate the rapidly-deteriorating competitive position of taxicabs in the District’s vehicle-for-hire industry, and to accomplish other lawful objectives within the jurisdiction of the Department, by: (1) incentivizing the prompt transition from legacy taxicab equipment to newer equipment that meets the challenges of today’s for-hire market – including replacing modern taximeter systems (“MTSs”) with new digital taxicab solutions (“DTSSs”), and replacing the patented and licensed universal dome light with a lower-cost vehicle light – to attract more customers, lower regulatory barriers, and increase owner and driver revenue; (2) incentivizing the purchase of 100% electric vehicles, wheelchair accessible vehicles – including the additional accessible vehicles which were required to be purchased by taxicab companies not later than December 2016, vehicles that serve underserved communities, and other vehicles participating in the Department’s programs, by amending the uniform color rules to allow for modifications that enhance vehicle identification and appearance, promoting and growing participation in these programs; (3) shifting the responsibility for providing payment and meter systems from payment service providers (“PSPs”) that market the MTS systems to taxicab companies and, eventually, to the D.C. Taxicab Industry Co-op (“Co-op”) – for the purpose of promoting competition and innovation among a group of businesses that also have more direct ties to the District’s taxicab industry; (4) beginning a transition period ending December 31, 2017, from legacy technologies to new technologies – which will involve all 7,500 or so of the District’s taxicabs – for the purpose of minimizing disruption to stakeholders and customers during the transition; (5) ensuring consistency between Title 31 and the Establishment Act; (6) incentivizing the prompt availability of DTSSs which – unlike systems that use legacy taximeters – facilitate shared taxicab rides without the need for reprogramming at a meter shop; (7) enhancing safety by incentivizing the early adoption of innovative technologies that integrate with autonomous and semi-autonomous vehicle control systems; (8) enhancing the Department’s ability to verify a vehicle’s location and status – at such times when the operator is on duty – thereby improving safety, consumer protections, and regulatory compliance, including compliance with the rules prohibiting discrimination through refusal to haul; and (9) providing an extended opportunity for advance business planning by vehicle owners in selecting the equipment they wish to use in their vehicles during the transition period, and by PSPs in

deciding how they wish to continue participating in the industry during and/or after the transition – beyond the opportunity created by the notice and comment requirements for proposed rulemaking – in light of the termination of the PSP/MTS program in 2017.

The Department finds that the continued approval of PSPs and MTSs is not in the interest of the District, its residents, its visitors, or taxicab owners or operators. PSP licensing will terminate on December 31, 2017. PSPs, which were granted licenses expiring August 31, 2017, shall have their licenses extended until December 31, 2017. This rulemaking does not create an independent basis for any person to cancel an existing contract with a PSP; it simply begins a transition period from MTSs to DTSs, with optional deployment of DTSs which began on September 1, 2017, and mandatory deployment of DTSs beginning January 1, 2018. The Department may post one or more administrative issuances as needed to guide affected stakeholders during the extended transition period. The Department encourages all stakeholders to participate in the public debate, by submitting comments during the comment period for the proposed rulemaking once this notice is published in the *D.C. Register*, by visiting the Department's website at <http://dfhv.dc.gov/>, and by attending and testifying at the public hearing to be scheduled once the comment period has been determined.

A notice of emergency and proposed rulemaking was adopted by the Department on September 13, 2016, unpublished in the *D.C. Register*. The first emergency rulemaking took effect immediately upon adoption and remained in effect for one hundred twenty (120) days expiring on January 11, 2017. A second emergency and proposed rulemaking was adopted on January 11, 2017, unpublished in the *D.C. Register*. It took effect immediately upon adoption and remained in effect for 120 days expiring on May 11, 2017. A third emergency rulemaking was adopted by the Department on May 11, 2017, unpublished in the *D.C. Register*, and took effect immediately upon adoption. It was superseded by a fourth emergency rulemaking, unpublished in the *D.C. Register*, which was adopted by the Department on June 28, 2017.

The fourth emergency rulemaking was superseded by a fifth emergency and proposed rulemaking, which was adopted on August 11, 2017 and which took effect immediately upon adoption, unpublished in the *D.C. Register*. The fifth notice of emergency and proposed rulemaking was superseded by a notice of emergency and proposed rulemaking which was adopted on August 28, 2017, and which took effect immediately upon adoption, and which is hereby superseded by this notice of emergency and proposed rulemaking adopted by the Department on October 27, 2017. This emergency rulemaking took effect immediately upon adoption and expires on February 24, 2018.

The Department believes that this rulemaking must be enacted on an emergency basis because there is an immediate need to preserve and promote the safety and welfare of District residents by extending the DTS implementation date from November 1, 2017, to January 1, 2018, to allow additional opportunities for businesses that provide payment processing, and thereby to provide increased options to DTS providers and independent operators.

The Director hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than forty-five (45) days after the publication of this notice in the *D.C. Register*. A public hearing will be held on the proposed rulemaking in not fewer than twenty (20)

days from the date of publication. Instructions on submitting comments on this rulemaking may be found at the end of this Notice.

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

Section 401, GENERAL REQUIREMENTS, is amended as follows:

A new Subsection 401.7 is added as follows:

401.7 Notwithstanding any other provision of this title, no PSP shall be approved by the Department to operate, or to market MTS units, after December 31, 2017.

Chapter 5, TAXICAB COMPANIES, ASSOCIATIONS, FLEETS, AND INDEPENDENT TAXICABS, is amended as follows:

Section 503, TAXICAB COLORINGS AND MARKINGS, is amended as follows:

Subsection 503.1 is amended to read as follows:

503.1 Uniform color scheme. Each vehicle used as a taxicab shall be in compliance with the uniform color scheme in § 503.3 if:

- (a) It is entering service using a new taxicab vehicle license (and corresponding new “H tag” from DMV);
- (b) It is entering service using an existing vehicle license, as required by the vehicle retirement rules of Chapter 6 or based on the owner’s decision to replace a vehicle earlier than required by such rules; or
- (c) The owner chooses to repaint in whole or in part for any reason, including changes in association or affiliation.

Subsection 503.3 is amended by adding a new subparagraph (h) to read as follows:

- (h) The PVIN shall appear in one or more locations on the vehicle if the vehicle is equipped with a cruising light rather than a legacy dome light, as set forth in an administrative issuance.

Subsection 503.4 is amended to read as follows:

503.4 The Department may allow or require enhancements to or modifications of the uniform color scheme for a vehicle that participates in a pilot, grant, donation agreement, or other program, or that is equipped with a digital taxicab solution (“DTS”).

Section 510, TAXICAB COMPANIES AND ASSOCIATIONS – OPERATING REQUIREMENTS, is amended as follows:

Sections 510.5 and 510.6 are amended to read as follows:

- 510.5 Beginning September 13, 2016, each taxicab company may operate a digital taxicab solution (“DTS”), and may equip its owned and/or associated vehicles, or any other licensed taxicab, with a DTS unit. Beginning January 1, 2018, each taxicab company shall operate a DTS and shall equip each of its owned and associated vehicles with a DTS unit. Each DTS shall be approved and operated pursuant to Chapter 6, other applicable provisions of this title, other applicable laws, and any applicable administrative issuance. Each DTS unit shall be installed and operated pursuant to a written agreement. Until a taxicab company operates an approved DTS, it shall continue to provide one or more safety devices for all of its owned and associated vehicles that conforms to the equipment requirements of § 603.8 (n) (3), as specified in an administrative issuance, including a device which provides for operator safety.
- 510.6 Each taxicab company shall maintain a website containing only current and accurate information about the company, including, if it operates a DTS:
- (a) If it uses dynamic street hail pricing: a prominent, clear, and complete disclosure of its current discount, if any, on the street hail rates and charges in Chapter 8, which shall be the same as the disclosure that appears on the passenger console of each DTS unit; and
 - (b) A general description of the DTS and its components, the most recent date on which the DTS was approved by the Department pursuant to Chapter 6, and a disclosure of the DTS contract terms including its pricing structure.

Chapter 6, TAXICAB PARTS AND EQUIPMENT, is amended as follows:

Section 602, TAXIMETERS, is amended to read as follows:

602 TAXIMETERS AND DIGITAL TAXICAB SOLUTIONS

- 602.1 Beginning September 13, 2016, no legacy (non-digital) taximeters shall be approved by the Department.
- 602.2 Beginning September 1, 2017, a taxicab may use either an MTS unit or a DTS unit.
- 602.3 Beginning January 1, 2018:
- (a) The Department shall approve only DTSs, each of which shall incorporate a digital taximeter;

- (b) The approval of each legacy taximeter shall terminate; and
- (c) No person shall participate in dispatching or otherwise providing taxicab service if the service is provided without an approved DTS or approved digital taximeter and registered OPT.

602.4 Each DTS shall be provided and maintained by a taxicab company, or by the D.C. Taxicab Industry Co-op (“Co-op”) (collectively for purposes of this section, “provider”). Each DTS shall comply with the technology and service requirements of this section. The Co-op shall seek approval of its DTS not later than six months following its registration as a DDS.

602.5 Each DTS shall have one digital taximeter and one or more OPT (payment processor) as selected by the DTS provider, provided however, that if the Department makes a digital taximeter available to the industry free of charge, then each DTS provider shall incorporate such digital taximeter into its DTS within ninety (90) days of its availability, or such longer period as set by administrative issuance, provided however, that each DTS provider may in lieu thereof incorporate any other digital taximeter that meets or exceeds the performance and features of the Department’s digital meter; and provided further that each OPT shall be registered with the Department.

602.6 The Department may issue an administrative issuance concerning DTSs, digital meters, and OPTs, in order to:

- (a) Establish requirements for when approval or renewal of approval is required, including establishing uniform approval periods of not less than twelve (12) months; establishing an annual DTS open season during which DTS providers approved for the next uniform approval period may compete for customers during such period; establishing an annual deadline by which DTSs must apply for approval or renewal in order to be approved for the next uniform approval period and to participate in the next DTS open season, or otherwise be considered only for approval during the uniform approval period starting one (1) year after the next uniform approval period; and establishing standards from when re-approval is required due to a material modification of a DTS during an approval period;
- (b) Interpret and provide guidance about DTS technology and service requirements;
- (c) Establish reasonable requirements related to surcharge bonds;
- (d) Establish reasonable requirements for the use, operation, configuration, placement, and installation of DTS units and their components, such as requirements for accessibility and use by disabled passengers including visually-impaired and blind customers, which shall be in full compliance

with federal law including but not limited to Section 508 of the Rehabilitation Act, 29 U.S.C. § 794 (d);

- (e) Establish reasonable requirements concerning the use of dynamic street hail pricing, including the placement of signs in and/or on vehicles to inform passengers about such pricing;
- (f) Establish reasonable requirements concerning the requirements for separate mechanisms for the operator and the passenger to discreetly summon assistance;
- (g) Interpret and provide guidance on the requirements for a digital taximeter to meet or exceed the performance and features of the Department's digital meter made available to the industry for free, if applicable.
- (h) Interpret and provide guidance on the requirements for a payment card processor that a DTS provider seeks to use to process payments;
- (i) Provide guidance on the technical and other reasonable requirements for the registration of an OPT;
- (j) Provide guidance for independent owners who choose to operate without affiliating with a DTS provider;
- (k) Establish other reasonable requirements for DTSs and DTS units related to safety, passenger privacy, consumer protection, compliance with any other applicable law, and other reasonable purposes within the jurisdiction of the Department; or
- (l) Take any action with respect to achieving PCI compliance, as measured or determined by the PCI Security Standards Council.

602.7 The legality or wisdom of any administrative issuance promulgated pursuant to this section may be challenged in any administrative proceeding where the Department seeks to rely on such administrative issuance.

602.8 The approval of a DTS may be suspended or revoked, and a renewed approval may be denied, in addition to other civil penalties under this title, if the DTS provider fails to comply with an applicable administrative issuance, provided that the DTS provider shall have the opportunity to challenge the legality or wisdom of any or all provisions of the relevant administrative issuance or issuances in an administrative hearing.

602.9 Each application for the approval of a DTS shall be executed by an individual with authority to file the application, and shall contain the following information and documentation:

- (a) Contact information for the applicant, including name, telephone number, email, and website URL;
- (b) Information and documentation about each component of the DTS unit, including its digital meter, driver console, passenger console, and credit card processing device, and how it interacts with the vehicle's dome light or innovation cruising light, including a narrative, photographs, and screenshots for each component;
- (c) Information and documentation showing the DTS complies with all service and technology requirements of this section, other requirements of this title, the Establishment Act, and other applicable laws;
- (d) A certification that the applicant owns the rights to, or holds a license to use, all the intellectual property that comprises the DTS other than intellectual property required by this section to be used in connection with a digital meter, or an arrangement with a payment card processor, made available by the Department;
- (e) Information showing the applicant is in good standing with the Department and is in compliance with all applicable laws pertaining to its business, including without limitation the Clean Hands Act;
- (f) Information demonstrating that the applicant will collect from the passenger and pay to the District the taxicab passenger surcharge of twenty-five cents (\$0.25);
- (g) A sample of each agreement with owners and operators used by the applicant;
- (h) An explanation of the provider's pricing structure, and whether the provider expects to offer dynamic street hail pricing; and
- (i) A certification that the DTS is fully integrated with the DC TaxiApp, as required by this section, Chapter 16, and any applicable administrative issuance, and the names of any other apps with which the DTS is also integrated.

602.10 Each application shall be accompanied by a filing fee of two thousand five hundred dollars (\$2,500), regardless of whether: it is a new or renewal application; or it seeks re-approval of a DTS due to its material modification by its provider during an approval period.

602.11 Each application for the approval of a DTS shall be accompanied by a bond, naming the District as obligee, to secure the payment of the passenger surcharges owed to

the District under this title and the Establishment Act during the current approval period. Such bond(s) shall:

- (a) Be in effect throughout the current approval period to which the approval applies and for one (1) year thereafter; and
- (b) Be in the amount of one hundred fifty thousand dollars (\$150,000).

602.12 An application may be denied if it contains or was submitted with materially false information provided orally or in writing for the purpose of inducing approval.

602.13 An applicant seeking to renew the approval of a DTS shall meet all requirements for a new approval, or such portion thereof, as the Department may require by administrative issuance.

602.14 The Department shall issue all decisions to grant or deny the approval of a DTS within the period established in an administrative issuance.

602.16 Each approval of a DTS shall be for the duration of the uniform approval period set forth in an administrative issuance, or the remainder of the current period, whichever is less.

602.17 Each DTS provider shall execute contracts with operators that are no longer than the license period for which they are granted operating authority, and DTSs must allow operators to switch to another DTS provider during an annual DTS open season as that term is defined in an administrative issuance, without penalty.

602.18 Technology requirements for DTS units. Each DTS unit shall:

- (a) Operate in a manner which ensures the vehicle owner and operator, and the DTS provider, are able to comply with all requirements of this title and other applicable laws, and all applicable administrative issuances;
- (b) Use open architecture, open application program interfaces, and a modular design, to ensure proper interaction among:
 - (1) A driver console incorporating a digital taximeter that—
 - (A) Is fully integrated with the DC TaxiApp and, at the option of the provider, the app of any other DDS registered and operated as required by this title and other applicable laws;
 - (B) Processes shared and group rides, calculates fares (including dynamic street hail prices, if offered by the provider), and provides receipts as required by Chapter 8;

- (C) Provides the Department with real-time trip and location data when the operator is on duty, and such other information as reasonably required by an administrative issuance;
 - (D) Is linked electronically, or via a DFHV network, API, integration hub, website, mobile app, URL, or hardware, to one or more registered digital dispatch services, including at a minimum, full integration with the DC TaxiApp, for the purpose of receiving ehails and allowing ehail passengers to choose in-vehicle or digital payments; and
 - (E) Provides the operator and District enforcement officials with the ability to view the vehicle's electronic manifest as required by § 823 for the prior forty-eight (48) hours, and maintains all manifest records for at least two (2) years.
- (2) A passenger console;
 - (3) A credit card processing device;
 - (4) Any other device the provider wishes to include that does not impair the required function and performance of the DTS; and
 - (5) Complies with all other applicable requirements of this title and other applicable laws, and any applicable administrative issuance;
- (c) Interact with the vehicle's legacy dome light or cruising light to properly control its functions in the manner required by this chapter.
 - (d) Be integrated with two or more registered OPTs at the time of renewal of the DTS' operating authority.
 - (e) Bear the costs of integrating with any OPTs beyond the initial two with which it is integrated.

602.19 Service requirements for DTSs. Each DTS provider shall:

- (a) Ensure that each of its DTS units is in compliance with the technology and other requirements of this title and other applicable laws, including proper operation and connectivity with a cruising light or legacy dome light;
- (b) Comply with the following requirements for the taxicab passenger surcharge. It shall:
 - (1) Collect the surcharge as an authorized additional charge under

Chapter 8;

- (2) Remit to the District, at the end of each month, a payment to the D.C. Treasurer reflecting all surcharges owed to the District for such period based on the number of trips during such period, regardless of whether or not the surcharge was actually collected from the passenger;
 - (3) Transmit to the Department a report certifying its payment to the District, and containing a basis for the amount of the payment and such other information reasonably related to the payment as may be required by an administrative issuance; and
 - (4) Cooperate with the Department to resolve any issue related to compliance with this subsection, including a discrepancy in the amount of a payment. If the issue remains unresolved to the satisfaction of the Department within thirty (30) days following notice of the issue to the payer, the Department shall have discretion to make a claim against the payer's surcharge bond, as necessary and appropriate to satisfy the amount of the discrepancy. A surcharge bond shall be returned to the payee within thirty (30) days following the expiration of the bond, or, upon written request of the payer, at an earlier date if the payer establishes to the satisfaction of the Department that the payer's obligations under this section have been fully discharged;
- (c) Pay each owner or operator with which it is associated the portion of its revenue to which such owner or operator is entitled within twenty-four (24) hours or one (1) business day of when such revenue is received, provided however, that such periods may be extended to not more than one (1) calendar week or five (5) business days if such terms are clearly and transparently disclosed in the contract; and
- (d) Pay all costs and fees related to the DTS, including without limitation, the costs for development, improvement, installation, maintenance, service, support, and legal compliance, provided however, that such costs may be allocated pursuant to a written agreement that clearly and transparently discloses each and every cost, and does not exceed the length of the approval period. No person other than the provider shall pay a cost or fee related to a DTS which has not been fully disclosed in the manner required by this subsection.

602.20 Each payment processor seeking to register with DFHV as a OPT provider shall submit a completed registration application which will be available online.

602.21 Each OPT shall be capable of working or operating with one or more approved

digital meters for trip data and surcharge collection and OPT hardware shall be PCI compliant as determined by the PCI Security Standards Council.

- 602.22 Each OPT shall have an open API beginning January 1, 2018, which shall be published on its website.
- 602.23 The approval of a DTS may be suspended or revoked if its provider integrates with or uses the app of a DDS not registered or operated as required by this title and other applicable laws.
- 602.24 A taxicab equipped to provide taxicab service using a DTS unit shall use the DTS unit for each and every trip.
- 602.25 No taxicab shall be equipped with or use more than one taximeter (analog or digital), more than one DTS unit, or both an MTS unit and a DTS unit.
- 602.26 An operator shall not pick up or transport a passenger unless the taxicab and its DTS unit are functioning properly and the DTS unit is able to provide receipts.
- 602.27 Each approved DTS and each approved taximeter shall be listed on the Department's website.

Section 603, MODERN TAXIMETER SYSTEMS, is amended as follows:

A new Subsection 603.11 is added as follows:

- 603.11 Notwithstanding any other provision of this title, no MTS or MTS unit shall be operated or used after December 31, 2017.

Section 605, DOME LIGHTS AND TAXI NUMBERING SYSTEM, is amended as follows:

- 605.1 Each taxicab in service on September 13, 2016, and each vehicle introduced as a replacement vehicle under § 609, may continue to be equipped with an existing legacy dome light or may be equipped with a cruising light, at the option of the owner, subject to the requirements of this section. Each legacy dome light shall continue to be subject to the legacy dome light regulations to the extent such regulations do not conflict with this section, provided however, that each legacy dome light shall interact with a DTS and otherwise operate as required by this chapter and any applicable administrative issuance if a DTS is installed in the vehicle.
- 605.2 Beginning November 13, 2016, or such later date established by an administrative issuance, each vehicle placed into service other than as a replacement vehicle under § 609, shall be equipped only with a cruising light approved by the Department pursuant to this section, which interacts with the MTS or DTS and otherwise operates as required by this title and any applicable administrative issuance.

- 605.3 Each approved DTS provider shall be responsible for ensuring the interconnectivity and proper functioning of a DTS unit and the legacy dome light or cruising light.
- 605.4 The Department may approve as a cruising light any light which—
- (a) Shall be constructed in a manner that meets or exceeds industry best practices;
 - (b) Shall display the vehicle's PVIN;
 - (c) Shall indicate whether the vehicle is available for booking by street hail;
 - (d) Shall interact with the vehicle's legacy taximeter or DTS as required by this chapter;
 - (e) May incorporate features to indicate that the taxicab is an autonomous or semi-autonomous vehicle; and
 - (f) May incorporate features to indicate that the operator is engaged in delivering goods or performing services.
- 605.5 The Department may issue an administrative issuance which:
- (a) Approves one or more products meeting the requirements for a cruising light under this section;
 - (b) Provides guidance to DTS providers for installing cruising lights and ensuring their proper operation with DTS units;
 - (c) Provides guidance to affected stakeholders about the transition from the legacy dome light to the cruising light;
 - (d) Provides guidance to owners about the transfer of legacy dome lights from vehicles already in service to replacement vehicles, and about the decommissioning of legacy dome lights, where required by this section; and
 - (e) Establishes additional criteria for the appearance, functionality, connectivity, and installation of the cruising light, for safety, consumer protection, and other reasonable purposes within the jurisdiction of the Department.
- 605.6 A legacy dome light shall not be used on a vehicle placed into service unless the vehicle is replacing one already in service. An owner may elect to transfer a legacy dome light to a replacement vehicle at the owner's expense.

605.7 At the time a vehicle equipped with a legacy dome light is retired from service, if the light is not transferred to a replacement vehicle, it shall be decommissioned by the deadline and in the manner required by an administrative issuance; an owner that fails to comply with such administrative issuance shall be subject to the suspension of the owner's vehicle license and/or other civil penalties for the violation of such administrative issuance; provided that the DTS provider or owner shall have the opportunity to challenge the legality or wisdom of any or all provisions of the relevant administrative issuance or issuances in an administrative hearing.

605.8 No taxicab shall be operated without a properly functioning legacy dome light or cruising light. The operation of a taxicab without a properly functioning legacy dome light or cruising light, as required or permitted by this title, shall give rise to a rebuttable presumption that the operator knew the condition of the light and operated the taxicab with such knowledge.

Chapter 8, OPERATING RULES FOR PUBLIC VEHICLES-FOR-HIRE, is amended as follows:

Section 801, PASSENGER RATES AND CHARGES, is amended as follows:

Subsection 801.1 is amended to read as follows:

801.1 No person regulated by this title shall charge a rate, charge, or fare for taxicab service in the District in excess of the amounts established by this section. Notwithstanding any other provision of this title, a DTS provider may elect to offer dynamic street hail pricing based on a discount on the total amount of all rates and charges established by this section for rides booked by street hail or by telephone dispatch (if the provider is a taxicab company registered to provide telephone dispatch under Chapter 16), consistent with an applicable administrative issuance. A dynamic street hail discount may be in any amount up to one hundred percent (100%).

Subsection 801.12 is amended to read as follows:

801.12 Notwithstanding any other provision of this chapter, a person subject to licensing, registration, or regulation by the Department pursuant to this title or the Establishment Act, that participates in a pilot, grant, donation agreement, or other program, with the approval of the Department, or that engages in approved live field testing of an app pursuant to Chapter 16, shall use the rates and charges, if any, established or approved by the Department in connection with such pilot, grant, donation agreement, or other program, if any, in lieu of the rates and charges otherwise applicable pursuant to this subsection.

Section 802, TAXICAB OPERATOR SURCHARGE ACCOUNTS, is amended to read as follows:

802 DTS AND DIGITAL METER RECEIPTS

802.1 Each taxicab providing service using a DTS unit or approved digital taximeter shall comply with this section.

802.2 At the end of the ride, the passenger shall be given a receipt as follows:

- (a) If the ride was booked by e-hail, the receipt shall be sent through the app used to book the ride; and
- (b) If the ride was booked by street hail or telephone dispatch, the passenger shall be provided with a printed receipt.

802.3 Each receipt shall contain the following information:

- (a) The taxicab owner's name and telephone number;
- (b) The taxicab's PVIN number;
- (c) The operator's DFHV operator license (Face ID) number;
- (d) The trip number;
- (e) The date;
- (f) The starting and ending times;
- (g) The distance traveled;
- (h) The amount paid by the passenger, showing the total fare and the gratuity, if any, and, if a DTS unit was used to process the payment, an indication of whether dynamic street hail pricing was used by the DTS provider, and, if so, the applicable discount;
- (i) A depiction of the navigational path of the vehicle during the ride;
- (j) Contact information for the Department; and
- (k) Such other information about the ride that the Department may reasonably require through an administrative issuance.

802.4 The Department may issue an administrative issuance to allow or require operators to provide a DFHV ride code or other information to the passenger in lieu of or in combination with any of the requirements for receipts under this section, and to establish additional criteria for receipts for safety, consumer protection, and other reasonable purposes within the jurisdiction of the Department.

Section 803, RECEIPTS FOR TAXICAB SERVICE, is amended as follows:

The title of Section 803, RECEIPTS FOR TAXICAB SERVICE, is amended to read as follows:

803 MTS RECEIPTS

Section 803, MTS RECEIPTS, is amended to read as follows:

803.1 Each taxicab providing service using an MTS unit shall comply with this section.

803.2 At the end of each taxicab trip, the operator shall provide the passenger with a printed receipt (except as authorized by § 803.4). The printed receipt shall contain the following information:

- (a) The taxicab owner's name and telephone number;
- (b) The taxicab's PVIN number;
- (c) The operator's DFHV operator's license (face ID) number;
- (d) The trip number;
- (e) The date;
- (f) The starting and ending times;
- (g) The distance traveled;
- (h) The form of payment, including:
 - (1) If the payment was an in-vehicle payment, whether it was made in cash, by payment card (including the type of card, the last four digits of the card number, and the transaction authorization code), by voucher, or by account; and
 - (2) If the payment was a digital payment, the name, customer service telephone number or URL for the DDS's customer service website;
- (i) If the passenger made an in-vehicle payment:
 - (1) The total charges established by § 801.7(c), itemized to show the time and distance charge pursuant to § 801.7(c)(1), and any authorized additional charges pursuant to § 801.7(c)(2), the passenger surcharge, and any gratuity; and

(2) The last four digits of any payment card processed and the transaction authorization code.

(j) Where pursuant to this title a DDS determined the amount of the fare, if any:

“[NAME OF DDS] DETERMINED THE AMOUNT OF YOUR TAXICAB FARE. THE AMOUNT YOU HAVE BEEN CHARGED MAY BE HIGHER OR LOWER THAN THE AMOUNT DISPLAYED ON THE TAXIMETER, WHICH DID NOT APPLY TO YOUR TRIP.”

(k) The following statement:

“DFHV COMPLAINTS LINE AND WEBSITE ADDRESS: 855-484-4966, TTY 711, www.dfhv.dc.gov”.

803.3 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.

803.4 When payment is made by digital payment, the passenger shall receive a printed receipt or an electronic receipt containing the information required by § 803.2, which shall be sent to the passenger via email address or SMS text message not later than when the passenger exits the vehicle.

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

New section 806 is added to read as follows:

806 SURCHARGE ACCOUNTS FOR INDEPENDENT OWNERS OPERATING WITHOUT A DTS

806.1 Each independent owner may elect to provide service without a DTS if the owner:

- (a) Uses one (1) meter app that is part of an approved DTS;
- (b) Uses one (1) or more registered OPTs that are integrated with such app;
- (c) Maintains a surcharge account as provided in this Section, unless all the OPTs selected by the owner have transfer account capability to ensure the OPT pays all collected passenger surcharges directly to the District; and
- (d) Remains compliant with all other applicable regulations and laws.

806.2 Each owner who elects to provide service without a DTS is liable for all surcharges owed to the District.

806.3 Each surcharge account shall be administered as follows.

- (a) The minimum account balance is twenty dollars (\$20). DFHV shall deposit the minimum if the account is opened when the owner's operator license (face card) is issued. Otherwise, the owner shall pay the minimum to open the account.
- (b) If an account balance falls below the required minimum, DFHV shall promptly email a notice to the owner stating that:
 - (1) The owner must either: replenish the account; or close the account, pay all passenger surcharges owed, and obtain an approved DTS; and
 - (2) If the owner fails to comply within two (2) business days, the meter will be deactivated until the owner comes into compliance.
- (c) Each account shall accrue interest at one percent (1%) annually. The remaining balance with accrued interest shall be paid to the owner when an account is closed.
- (d) The burden shall at all times be on the owner to establish eligibility to operate under this Section, including by executing an application provided by the Department. Each application shall be granted or denied within two (2) business days.

806.4 The Department may post an administrative issuance concerning this Section.

Section 816, STANDARDS OF CONDUCT; UNLAWFUL ACTIVITIES PROHIBITED, is amended as follows:

New Subsections 816.16 and 816.17 are added as follows:

816.16 No person subject to regulation by the Department shall tamper with, damage, destroy, deface, vandalize, remove, modify, or in any way attempt to defeat or bypass equipment authorized or required by this title.

816.17 No person subject to regulation by the Department shall aid, abet, or be an accessory after the fact to a violation of § 816.16.

Section 818, DISCRIMINATION PROHIBITED, is amended as follows:

Subsection 818.2 is amended to read as follows:

- 818.2 Discriminatory conduct prohibited by this section includes, but is not limited to, the following:
- (a) Not picking up a passenger on the basis of any protected characteristic or trait, including not picking up a passenger with a service animal;
 - (b) Requesting that a passenger get out of a taxicab on the basis of a protected characteristic or trait;
 - (c) Using derogatory or harassing language on the basis of a protected characteristic or trait;
 - (d) Refusing a telephone or digital dispatch to a specific geographic area of the District; and
 - (e) Using dynamic street hail pricing in any manner that constitutes prohibited discrimination under this section or other applicable law.

Section 823, MANIFEST RECORD, is amended as follows:

The title of Section 823, MANIFEST RECORD, is amended to read as follows:

823 MANIFESTS

Section 823, MANIFESTS, is amended to read as follows:

- 823.1 Each operator of a taxicab equipped with an MTS unit, and each operator of a black car, shall comply with the requirements of this Section 823 in effect on January 9, 2017 (allowing the use of either a paper or electronic manifest pursuant to the requirements of that section).
- 823.2 The operator of a taxicab equipped with a DTS unit shall use only the electronic manifest incorporated in the DTS unit to permanently record all for-hire activity by the vehicle during the most recent forty-eight (48) hours. Paper manifests are not permitted.
- 823.3 Each DTS electronic manifest shall contain the information required by § 802.3 for DTS receipts, the information required by the DC TaxiApp and by any other app with which the DTS is integrated, and the following:
- (a) The date, time, and vehicle mileage each time the operator logs in or out; and
 - (b) The vehicle's PVIN and "H" tag number.

823.4 No person shall alter or attempt to alter an electronic manifest maintained by a DTS unit or the DTS provider.

823.5 Each operator and owner of a vehicle equipped with a DTS unit shall make the electronic manifest available for inspection upon demand by a District enforcement official.

Chapter 18, WHEELCHAIR ACCESSIBLE PARATRANSIT TAXICAB SERVICE, is amended as follows:

Section 1806, TAXICAB COMPANIES AND OPERATORS — OPERATING REQUIREMENTS – is amended as follows:

Subsection 1806.9(b) is amended to read as follows:

- (1) Is in compliance with all applicable provisions of this title, including: vehicle licensing requirements; uniform color scheme requirements; and equipment requirements such as a modern taximeter system (MTS) unit until December 31, 2017, or a digital taxicab solution (DTS) unit, and a legacy dome light or cruising light, as required for all taxicabs by § 602;
- (2) If it is a wheelchair accessible vehicle, is operated only by an operator trained to provide wheelchair service, as required by this chapter;
- (3) If it is a wheelchair accessible vehicle, other than a WMATA van or a wheelchair accessible vehicle that was associated with the company prior to its approval to participate in Transport DC: meets all applicable provisions of this chapter for use in Transport DC; and
- (4) Has an MTS or DTS unit which has been configured to report Transport DC trip data in the format directed by the Department, allowing the Department to identify Transport DC trips and such other information related to Transport DC as may reasonably be required by an administrative issuance.

Chapter 20, FINES AND CIVIL PENALTIES, is amended as follows:

The title of Chapter 20 is amended to read as follows:

CHAPTER 20 CIVIL FINES

Section 2000, FINES AND CIVIL PENALTIES, is amended as follows:

Subsection 2000.8 is amended as follows:

A civil fine is added to Schedule 2, Fines for Entities and Owners, Maximum Fines Based on Circumstances, as follows:

DTS Providers	\$2,500
Prohibited discrimination in violation of § 818	

Chapter 99, DEFINITIONS, is amended as follows:

Section 9901, DEFINITIONS, is amended as follows:

Subsection 9901.1 is amended to add definitions as follows:

“Approved digital taximeter” – the taximeter app component of any approved DTS, as defined in this chapter.

“Autonomous vehicle” – a vehicle in which operation occurs without direct operator input to control the steering, acceleration, and braking, and which is capable of monitoring road conditions and performing navigation for an entire trip without human conduction.

“API” or “Application Programming Interface” – a set of subroutine definitions, protocols, and tools for building application software.

“Credit card processing device” – a component of a DTS unit that allows passengers to make payments using credit cards and other methods of non-cash payment in the manner required by the Act and other applicable laws.

“Digital taxicab solution” or “DTS” – a technology solution for the operation of taxicabs that consists at a minimum of a digital taximeter running on a driver console, as defined in this chapter, a passenger console, and a credit card processing device, as such terms are defined in this chapter, and any optional components that the DTS provider may choose to include.

“Driver console” – a component of a DTS unit, as defined in this chapter, which: incorporates a digital meter and other DTS functions used by operators during taxicab rides; is safely-secured in the vehicle; and is accessible to District enforcement officials during traffic stops and compliance surveys.

“DTS unit” – an individual unit of a DTS, as defined in this chapter, that is installed in a vehicle.

“Dynamic street hail pricing” – a District-wide variable pricing structure for taxicab rides booked by street hail or telephone dispatch, which is

established, maintained, and publicized by a DTS provider, as defined in this chapter.

“Ehail” – digital dispatch, as defined in this chapter. As used in this title, the terms “ehail” and “digital dispatch” are synonymous.

“Legacy dome light” – the patented and licensed dome light required for use on all taxicabs as of September 12, 2016.

“Legacy dome light regulations” – the regulations applicable to the legacy dome light, appearing in § 605.1 and in effect on September 12, 2016.

“Option for payment technology” and “OPT” - a payment processing service that meets the technical requirements of DFHV, including the reporting of trip data and the collection of passenger surcharges, the ability to work with one or more approved digital taximeters, with which it is integrated at its own expense, and that processes payments at a total cost at or below two and seventy-five one hundredths percent (2.75%) per swipe.

“Passenger console” – a component of a DTS unit, as defined in this chapter, which provides passengers with: the operator’s license number; the vehicle’s navigational path; applicable rates and charges (including if the provider uses dynamic street hail pricing: a disclosure of its current discount, if any, which shall be the same as the disclosure that appears on the DTS provider’s website); advertising; any audiovisual content required by the Department; a statement about payment and receipt options.

“PCI Compliant” – Adherence to set of policies and procedures developed by the PCI Security Standards Council to protect credit, debit and cash card transactions and prevent the misuse of cardholders' personal information.

“Semi-autonomous vehicle” – a vehicle which has automation of at least two primary control functions designed to work in unison to relieve the operator of control of these functions, such as adaptive cruise control with lane centering.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting the Department of For-Hire Vehicles, 2235 Shannon Place, S.E., Suite 3001, Washington, D.C. 20020. All persons wishing to file comments on the proposed rulemaking action should submit written comments via e-mail to dfhv@dc.gov or by mail to the Department of For-Hire Vehicles, 2235 Shannon Place, S.E., Suite 3001, Washington, D.C. 20020, no later than forty-five (45) days after the publication of this notice in the *D.C. Register*.