

DEPARTMENT OF FOR-HIRE VEHICLES

NOTICE OF THIRD COMBINED EMERGENCY & FIRST PROPOSED RULEMAKING

The Director of the Department of For-Hire Vehicles, pursuant to the authority set forth in Sections 8 (c) (1), (2), (3), (5), (7), (10), (12), (13), and (19); 14; 20; 20a; 20j; and 20l 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 § 50-301.07(c)(1), (2), (3), (5), (7), (10), (12), (13), and (19); § 50-301.13; § 50-301.19; § 50-301.20; and § 50-301.29 (2014 Repl. & 2017 Supp.)), hereby proposes and gives notice of the adoption, on an emergency basis, of amendments to Chapter 18 (Wheelchair Accessible Paratransit Taxicab Service) and Chapter 20 (Fines and Civil Penalties) of Title 31 (Taxicabs and Public Vehicles For Hire) of the District of Columbia Municipal Regulations (DCMR).

This third notice incorporates and combines the following two (2) rulemakings, most recently published as a second combined notice in the *D.C. Register* at 65 DCR 7587 (July 20, 2018):

Emergency and proposed rulemaking amending Chapter 18: This emergency and proposed rulemaking amends Chapter 18 to modify the requirements: (1) that taxicab companies approved to provide service in Transport DC add a wheelchair-accessible vehicle for every 3,000 trips completed in the program, allowing the addition of these vehicles at such greater intervals as may be established in an administrative issuance; and (2) for a fixed, flat rate fare of thirty three dollars (\$33) for each Transport DC trip, changing the requirement from a fixed fare to a cap on the fare.

This emergency rulemaking is necessary as the Department finds there is an immediate need to preserve and promote the safety and welfare of District residents to make the foregoing changes to ensure the financial viability of the Transport DC program, which serves the ongoing paratransit needs of the community, including by providing wheelchair service.

Notice of emergency and proposed rulemaking was adopted by the Department and posted on the DFHV website on June 29, 2016. That emergency rulemaking expired on October 27, 2016. An additional emergency rulemaking was adopted and posted on the DFHV website on October 6, 2016, and expired on February 3, 2017. An emergency rulemaking was adopted and posted to the DFHV website on February 3, 2017, and expired June 3, 2017. An emergency rulemaking was adopted and posted to the DFHV website on June 3, 2017, and expired on September 30, 2017. A Notice of Emergency Rulemaking, which combined the Chapter 18 amendments with the Chapter 20 amendments listed below, was then adopted and posted on the DFHV website on November 30, 2017, expiring on March 30, 2018, and was published in the *D.C. Register* at 65 DCR 1087 (February 2, 2018), followed by a Notice of Second Combined Rulemaking, which was adopted by the DFHV on March 27, 2018, took effect immediately, and remains in effect until July 25, 2018), published in the *D.C. Register* at 65 DCR 7587 (July 20, 2018).

Emergency and proposed rulemaking amending Chapter 20: This emergency and proposed

rulemaking amends Chapter 20 to reestablish a fine of five hundred dollars (\$500) for serious violations of Title 31 DCMR.

This emergency rulemaking is necessary as the Department finds there is an immediate need to preserve and promote the safety and welfare of District residents to ensure that civil fines are immediately available for serious violations such as fraud, misrepresentation, larceny, aggressive driving, and illegal driving maneuvers, and for numerous other violations as set forth in § 816. Prior to the enactment of Chapter 20, these violations were punishable by a \$500 civil fine for “unlawful activities” under a schedule of fines in § 825, in addition to other civil penalties (vehicle impoundment, and license suspension, revocation, or nonrenewal). When Chapter 20 was published as final, however, fines for these violations were inadvertently omitted. The Department, therefore, finds there is an immediate need to preserve and promote the safety and welfare of District residents by ensuring that lawful, reasonable, and appropriate civil fines are immediately available for these violations, in addition to civil penalties other than fines.

Notice of emergency and proposed rulemaking was adopted by the Department and posted to the DFHV website on June 29, 2016, and expired on October 27, 2016. An additional notice of emergency and proposed rulemaking was adopted and posted to the DFHV website on October 6, 2016, and expired on February 3, 2017. An emergency and proposed rulemaking was adopted and posted to the DFHV website on February 3, 2017, and expired on June 3, 2017. An emergency and proposed rulemaking was adopted and posted to the DFHV website on June 3, 2017, and expired on September 30, 2017. A Notice of Emergency Rulemaking, which combined the Chapter 18 and 20 amendments, was adopted and posted on the DFHV website on November 30, 2017, expiring on March 30, 2018, and was published in the *D.C. Register* at 65 DCR 1087 (February 2, 2018), followed by a Notice of Second Combined Rulemaking, which was adopted by the DFHV on March 27, 2018, took effect immediately, and remains in effect until July 25, 2018), published in the *D.C. Register* at 65 DCR 7587 (July 20, 2018).

This Notice of Third Combined Emergency & First Proposed Rulemaking was adopted on July 26, 2018, took effect immediately, and will remain in effect for one hundred twenty (120) days after the date of its adoption, (expiring November 23, 2018), unless earlier superseded by an amendment or repeal by the Department, whichever occurs first.

The Director hereby gives notice of the intent to take final rulemaking action to adopt these rules as final 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. Directions for submitting comments may be found at the end of this notice.

Chapter 18, WHEELCHAIR ACCESSIBLE PARATRANSIT TAXICAB SERVICE, of Title 31 DCMR, TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:

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

Subsection 1806.5(a), is amended to read as follows:

...

- (a) Each company shall add a vehicle to its fleet which complies with paragraph (b) each time the company completes three thousand (3,000) Transport DC trips, or such greater number of trips as may be established in an administrative issuance.

Subsection 1806.10 is amended to read as follows:

1806.10 The rates and charges, and acceptable forms of payment, for each Transport DC trip shall be in accordance with the following requirements:

- (a) The fare for a Transport DC trip shall not exceed a flat rate of thirty-three dollars (\$33), or such lower amount as may be established in an administrative issuance, plus any gratuity which a passenger chooses to add to the total fare, payable as follows:
- (1) Not more than five dollars (\$5.00) of the Transport DC fare shall be paid by the passenger by any means allowed by Chapter 8, including a payment card or cash; and
- (2) The remaining fare shall be paid by the District.
- (b) No passenger surcharge shall be collected from a passenger for a Transport DC trip.

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

Subsection 2000.8 of Section 2000, FINES AND CIVIL PENALTIES, is amended as follows:

Schedule 3 (Fines for Entities, Owners, and Operators) is amended by amending the row of the schedule listing “Fraudulent actions” and the associated fine, to read as follows:

Fraudulent and unlawful actions	\$500
<ul style="list-style-type: none">• Falsifying or tampering with manifest (§ 823)• Displaying, possessing, or presenting a fraudulent copy or altered government issued operator identification (Face) card or vehicle inspection (DFHV) card (§ 814.7)• Tampering with meter or meter seals (§ 1323)• Knowingly operating with non-functioning meter or operating without a meter• Improperly sealed meter (§ 1321)• Improper conduct and/or unlawful actions (§ 816)	

