

## **DEPARTMENT OF FOR-HIRE VEHICLES**

### **NOTICE OF FINAL 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 Department of For-Hire Vehicles 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 gives notice of the adoption 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 final rulemaking amends Chapter 18 by modifying 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 final rulemaking also amends Chapter 20 by reestablishing a fine of five hundred dollars (\$500) for serious violations of Title 31 DCMR.

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 remained in effect until July 25, 2018, and was published in the *D.C. Register* at 65 DCR 7587 (July 20, 2018). Notice of Third Combined Emergency and First Proposed Rulemaking, published in the *D.C. Register* on July 27, 2018 at 65 DCR 7886, was adopted on July 26, 2018, took effect immediately, and remained in effect for one hundred twenty (120) days (expiring November 23, 2018). A public hearing took place on August 17, 2018. No comments were received during the public hearing.

The Department did not receive any comments during the forty-five (45) day comment period that expired September 10, 2018. The changes to this final rulemaking from the proposed rulemaking were made to correct grammar or lessen the burdens including the removal of fines for violations of provisions of Title 31 related to legacy meters which are no longer in use. No substantial changes have been made from the proposed rulemaking.

These rules were adopted as final November 1, 2018 and will take effect upon publication of this notice in the *D.C. Register*.

**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 and unlawful actions” and the associated fine, to read as follows:**

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