

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF EMERGENCY AND PROPOSED 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, 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 3 of the Taxicab Improvement Emergency Act of 2012, effective July 24, 2012 (D.C. Act 19-____; __ DCR ____) hereby gives notice of emergency and proposed rulemaking action taken on July 18, 2012, to amend Chapter 5 (Taxicab Companies, Associations, and Fleets), of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendment will: (1) implement the Taxi Smart Meter System mandate; (2) establish company, association, and fleet responsibilities for meeting the new equipment mandates; and (3) update penalties and fines.

This emergency rulemaking action is necessary to protect the public safety and welfare of the residents of and visitors to the District of Columbia. Specifically, the past 3-5 years have seen an exponential increase in consumer complaints about the quality and safety of District taxicab vehicles and operators. The implementation of a new Taxi Smart Meter System and Dome Lighting System, and the features associated with their installation and operation in public vehicles for hire will bring about a heightened level of visibility, data collection and safety alert mechanisms that should quickly and significantly improve public safety and accountability in public transportation in the District.

This Emergency and Proposed Rulemaking was adopted on July 18, 2012, and became effective on July 25, 2012. The emergency rulemaking will remain in effect for up to one hundred twenty (120) days after the date of adoption, expiring on November 15, 2012, or upon earlier amendment or repeal by the Commission or publication of final rulemaking in the *D.C. Register*., whichever occurs first.

The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*.

Chapter 5, TAXICAB COMPANIES, ASSOCIATIONS, AND FLEETS AND INDEPENDENT TAXICABS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Section 500, **APPLICATION AND SCOPE**, is amended as follows:

New subsection 500.3 is added to read as follows:

500.3 This chapter shall also outline the taxicab company, association, or fleet obligations and responsibilities as vehicle owners for the Taxi Smart Meter System equipment installation and protection.

Section 505, **INDEPENDENT TAXICABS**, is amended as follows:

Subsection 505.7 is amended to read as follows:

505.7 Each independently operated taxicab will be reassigned a vehicle number by the Commission during the implementation of the Taxi Smart Meter System installation and dome light installation to replace the current numbering system utilized for independently operated taxicabs. The vehicle number shall be placed on each newly installed dome light.

Section 506, **TAXICAB REMOVAL FROM SERVICE**, is amended as follows:

New subsection 506.3 is added to read as follows:

506.3 The Taxi Smart Meter System must be immediately surrendered to the authorized Taxi Smart Meter System installer when the vehicle is removed from service as a licensed taxi in the District of Columbia, whether the removal is voluntary or involuntary.

New section 519 is added to read as follows:

519 INSTALLATION AND PROTECTION OF TAXI SMART METER SYSTEM

519.1 A taxicab company, association, or fleet, as vehicle owner, shall be responsible for scheduling installation appointments for all of its vehicles with the Taxi Smart Meter System Installation Business.

519.2 If a scheduled installation appointment is missed, the taxicab company, association, or fleet vehicle will be rescheduled at the end of the installation process schedule. If the appointment is missed due to the intentional misconduct of or willful disregard by the taxicab operator, company, association, the fleet owner or the company, association, or fleet owner does not provide the Commission with written evidence of a legitimate reason for missing the appointment, or if the taxicab company, association or fleet owner removes the taxicab from service and relinquishes to the Commission the vehicle registration and all other indicia of registration as a District of Columbia taxicab, the taxicab company, association, or fleet owner shall be fined a penalty of \$500 per missed appointment.

519.3 A taxicab company, association, or fleet, as vehicle owner, shall be responsible for the replacement cost of Taxi Smart Meter System equipment that is lost, stolen, destroyed, vandalized, abused, altered, or otherwise made inoperable for the purpose for which it was purchased and installed, while in its possession. In addition to any fine, the taxicab company, association, or fleet must pay the replacement cost within a specified time frame or be suspended from operation until the financial obligation is paid.

Copies of the proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Edward Rich, Interim General Counsel and Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to dctc@dc.gov or by mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Edward Rich, Interim General Counsel and Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C Register*.