

## 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 8 (Operation of Taxicabs) 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; (2) implement the new dome light requirements; 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 Rule 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 upon 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 8, OPERATION OF TAXICABS, of title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the District of Columbia Municipal Regulations is amended as follows:**

**Subsection 801.6(l) is amended and 801.6(m) is added to read as follows:**

- 801.6 (l) Additional passenger fee for vans – A one dollar (\$1) per passenger fee may be charged for the second, third, and fourth passenger (for a maximum additional passenger fee of three dollars (\$3) per trip) in a van; and
- (m) Fifty cents (\$.50) passenger surcharge for each trip provided by a licensed taxicab operator originating in the District of Columbia.

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

**Subsection 803.1 is amended to read as follows:**

- 803.1 At the end of each taxicab ride, the taxicab operator shall provide the printed Taxi Smart Meter System receipt to the passenger

**New subsections 803.4 and 803.5 are added to read as follows:**

- 803.4 The operator shall not give a customer a non-Taxi Smart Meter System generated receipt; except, if the Taxi Smart Meter System malfunctions during the process of printing the receipt then the operator may give that customer a non-Taxi Smart Meter System generated receipt at the customer's request. The non-Taxi Smart Meter System generated receipt must include all information included on the Taxi Smart Meter System receipt and must be signed, legibly, by the driver.
- 803.5 The exception in § 803.4 does not relieve the operator of complying with the requirements that the taximeter and Taxi Smart Meter System must be operational and have paper and ink at all times. The operator must immediately proceed to an authorized repair shop and have the system repaired.

**Section 809, DIRECTIONAL SIGNS, is repealed.**

**Section 810, DISPLAY OF SIGNS, is amended as follows:**

**Subsection 810.3 is amended as follows:**

- 810.3 **Repealed**

**Section 814, DISPLAY OF IDENTIFICATION, is repealed.**

**Section 819, SOLICITING PASSENGERS, is amended as follows:**

**The section heading is amended to read as follows:**

**819 CONSUMER SERVICE AND PASSENGER RELATIONS**

**Subsection 819.5 is amended to read as follows:**

- 819.5 No taxicab operator shall refuse to transport a person while holding his or her taxicab "For Hire," unless:
- (a) Previously engaged;
  - (b) Unable or forbidden by the provisions of this title to do so;
  - (c) The operator has reason to believe the person is engaged in a violation of law;
  - (d) The operator has cause to fear injury to his or her person, property, or taxicab; or
  - (e) The passenger(s) is engaged in lewd, lascivious, or sexual behavior in the taxicab at anytime while the trip is in progress, after the operator has asked the passenger(s) at least once to stop the conduct.

**Subsection 819.6 is amended to read as follows:**

- 819.6 Any taxicab occupying a taxicab stand shall be considered to be "For Hire."

**Subsection 819.7 is amended to read as follows:**

- 819.7 Any taxicab being operated on the streets shall be considered "For Hire" when:
- (a) Not occupied by a passenger; or
  - (b) Displaying "For Hire" as authorized by the Commission's rules and regulations.

**Subsection 819.8 is amended to read as follows:**

- 819.8 For the purposes of this chapter, a taxicab is not considered "For Hire" when the following occurs:
- (a) The operator ceases to hold his or her vehicle available for hire and the For Hire light is "dark" in accordance with the provisions of § 820;
  - (b) The driver is on a dispatched call, has a previous appointment, or is engaged by the hour for the carriage of passengers or making an

emergency delivery of a parcel or package and the For Hire light is "dark" in compliance with the Commission's rules and regulations;

- (c) The taxicab is loaded to the designed capacity of the vehicle;
- (d) The taxicab is disabled or faced with an emergency and the For Hire light is "dark" in accordance with the Commission's rules and regulations; or
- (e) During group riding and the passengers occupying the taxicab have not consented to the operator engaging in shared riding.

**Section 820, ON-CALL AND OFF-DUTY SIGNS is amended to read as follows:**

820.1 Whenever a taxicab is proceeding to take on a passenger in response to a dispatch call or proceeding to a prior arranged transport, or is engaged by the hour for the carriage of passengers or making an emergency delivery of a parcel or package, the For Hire light shall go "dark".

820.2 Whenever a taxicab is proceeding to take on a passenger in response to a dispatch call or proceeding to a prior arranged transport, or is engaged by the hour for the carriage of passengers or making an emergency delivery of a parcel or package, the operator shall immediately enter on the manifest the time at which he or she went "dark" and the details of the dispatch or prior arranged transport agreement.

820.3 Whenever a taxicab operator ceases to be available for hire and is proceeding to a place without intending to take on passengers, the For Hire light shall go "dark". The operator shall immediately enter on the manifest the time and location he or she went "dark".

820.4 Repealed.

820.5 Repealed.

**Section 821, TAXICAB STANDS, is amended as follows:**

**Subsection 821.1 is amended to read as follows:**

821.1 No taxicab shall be placed upon or occupy any taxicab stand except for the purpose of being "for hire." Taxicabs shall be placed on stands only from the rear and shall be moved forward and to the front of the stand immediately as space becomes available by the departure or movement of preceding taxicabs. It shall be within the passenger's discretion to determine which taxicab to engage on a taxi stand.

**Section 823, MANIFEST RECORD, is amended as follows:**

**Subsection 823.1 is amended to read as follows:**

823.1 Every operator of a taxicab shall maintain a daily log record (manifest) of all dispatched or pre-arranged trips made by the taxicab while under his or her control. A manifest shall be of a form approved by the Commission which may include an electronic form that contains, at a minimum, all information required by § 823.2. An electronic manifest must be capable of providing a printed record immediately upon request by a Hack Inspector, law enforcement personnel, or Commission personnel.

**A new subsection 823.5 is added to read as follows:**

823.5 The daily manifest shall not be altered in any manner. Evidence of alternation may include, but is not limited to, changing or striking out any of the information required by § 823.2 or completing the manifest with false information after it has been requested by a Hack Inspector, law enforcement personnel, or Commission personnel. An altered manifest represents a failure to properly complete and maintain a manifest and any corresponding violation represented by the actual alteration, such as a failure to charge proper fare or a failure to haul when for hire, for which fines are provided in this chapter. However, a correction of a manifest by an operator is permitted when a mistake or error is struck out, initialed, and dated by the operator.

**Section 825, CIVIL FINES FOR TAXICAB INFRACTIONS, is amended as follows**

The heading of Section 825 is amended to read:

**825 TABLE OF CIVIL FINES AND PENALTIES**

**Subsection 825.1 is amended as follows:**

The following civil infractions and their respective fines are added or amended as follows

<b>INFRACTION</b>	<b>FINE (\$)/PENALTY</b>
<b><u>Dome Lights</u></b>	
Broken	\$50
Failure to have	\$100
Failure to use properly	\$200
Tampering with Dome Light mechanism	\$200

Acquiring or using counterfeit dome light \$200

**Taximeter and TSMS**

Tampering with meter/meter seals or TSMS \$1,000 or license suspension, revocation, or non-renewal or any combination of the sanctions listed

Operating without meter or TSMS \$1,000 or license suspension, revocation, or non-renewal or any combination of the sanctions listed

Operating with non-functional meter or TSMS \$1,000 or license suspension, revocation, or non-renewal or any combination of the sanctions listed

Acquiring or using counterfeit equipment, meter or TSMS \$1,000

Violations of Consumer Service Fund collection or remittance requirements \$1,000

Failure to keep scheduled installation appointment \$500 and reschedule to the end of the installation schedule

Copies of the proposed rulemaking can be obtained at [www.dcregs.dc.gov](http://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](mailto: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*.