

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF SECOND 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 (“Establishment Act”), 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 6052 of the District of Columbia Taxicab Commission Fund Amendment Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-320(a)) (2012 Supp.), hereby gives notice of the second proposed rulemaking to amend Chapter 12 (Licensing of Limousine Operators, Vehicles and Organizations), of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

Proposed rules amending Chapter 12 (Licensing of Limousine Operators, Vehicles and Organizations) of DCMR Title 31 were originally approved by the Commission for publication on February 13, 2013, and published in the D.C. Register on March 15, 2013, at 60 DCR 3748. The Commission held a public hearing on the proposed rules on March 29, 2013, to receive oral comments on the proposed rules. The Commission received valuable comments from the public at the hearing and throughout the comment period, which expired on April 13, 2013. The rulemaking amends Chapter 12 to establish requirements for the luxury class services, which are comprised of limousine service and sedan service.

Directions for submitting comments may be found at the end of this Notice. 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 12 of Title 31, LIMOUSINE OPERATORS AND VEHICLES, of the DCMR is amended as follows:

The title of Chapter 12 is amended to read as follows:

CHAPTER 12 LUXURY SERVICES – OWNERS, OPERATORS, AND VEHICLES

Section 1200, APPLICATION AND SCOPE, is amended as follows:

Subsections 1200.3 and 1200.4 are added to read as follows:

1200.3 This Chapter establishes licensing and operating requirements for luxury class service, comprised of sedan service and limousine service. Additional and more specific operating requirements applicable only to sedan service are contained in Chapter 14 of this Title.

1200.4 In the event of a conflict between a provision of this Chapter, and another provision of this Title or other applicable law, the more restrictive provision shall control.

Section 1201, GENERAL REQUIREMENTS, is amended to read as follows:

1201 GENERAL REQUIREMENTS

1201.1 Operators may be licensed by the Office pursuant to § 1209 to provide limousine service, sedan service, or both, and LCS vehicles may be licensed by the Office pursuant to § 1204 for use as limousines, as sedans, or both. All LCS vehicles may be used as limousines, but only LCS vehicles meeting the definition of “sedan” in § 1299.1 may be operated as sedans.

1201.2 The Office may issue Office orders approving certain vehicles as meeting the definition of “sedan” under § 1299.1.

1201.3 Operator requirements. An individual shall be authorized to provide luxury class services if he or she:

- (a) Has a valid and current driver’s license from DMV;
- (b) Has a valid and current DCTC operator’s license authorizing the person to provide luxury class service pursuant to § 1209; and
- (c) Is in compliance with Chapter 9 (Insurance Requirements) of this Title.

1201.4 Vehicle requirements. A vehicle shall be authorized to provide luxury class services if it:

- (a) Has been approved and licensed by the Office pursuant to § 1204 for use as a sedan, a limousine, or both;
- (b) Is registered and displays valid and current livery tags (“L tags”) from DMV;
- (c) Has a valid and current inspection from DMV pursuant to § 1215 and applicable DMV regulations, including inspection for current compliance with the definition of a sedan under § 1299.1, where applicable;
- (d) Is operated in compliance with § 1201.5; and
- (e) Is in compliance with Chapter 9 (Insurance Requirements) of this Title.

1201.5 Operating requirements. Luxury class service shall not be provided unless, from the time each trip is booked, through the conclusion of the trip, all of the

following requirements are met:

- (a) The operator is in compliance with § 1201.3;
- (b) The vehicle is in compliance with § 1201.4;
- (c) The owner is in compliance with § 1202.1;
- (d) The operator is maintaining at the Office current contact information, including his or her full legal name, residence address, cellular telephone number, and, if associated with an LCS organization, contact information for such organization or for the owner for which he or she drives, and informs the Office of any change in the foregoing information within five (5) business days through U.S. Mail with delivery confirmation, by hand delivery, or in such other manner as the Office may established in an Office order;
- (e) The operator is maintaining in the vehicle a manifest that—
 - (1) Is either—
 - (A) In writing, compiled by the operator not later than the end of each shift using documents stored safely and securely in the vehicle; or
 - (B) Electronic, compiled automatically throughout each shift;
 - (2) Is in a reasonable, legible, and reliable format that safely and securely maintains the information;
 - (3) Reflects all trips made by the vehicle during the current shift;
 - (4) Includes the date, the time of pick up, the address or location of the pickup, the final destination, and the time of discharge; and
 - (5) Does not include terms such as “as directed” in lieu of any information required by this Paragraph.
- (f) Where limousine service is provided, the trip is booked by contract reservation based on an hourly rate;
- (g) Where sedan service is provided, the trip is conducted in accordance with the operating requirements of Chapter 14 (Operation of Sedans) of this Title;
- (h) The trip is not booked in response to a street hail solicited or accepted by

the operator or by any other person acting on the operator's behalf; and

- (i) There is no individual present in the vehicle who is not the operator or a passenger for whom a trip is booked or payment is made.

1201.6 The penalty for a violation of § 1201.5 (i) by an operator providing LCS service shall be a civil fine of five hundred dollars (\$500), or any other penalty or combination of penalties authorized by § 1218.

1201.7 Notwithstanding any other provision of this Title, an LCS vehicle, for which valid and current livery tags have been issued by both DMV and by the motor vehicle licensing agency of another jurisdiction, may operate in the District during such times when:

- (a) It displays valid and current tags from such other jurisdiction;
- (b) It displays on its windshield a valid and current vehicle registration sticker from DMV; and
- (3) The luxury tags issued by DMV are maintained in the vehicle available for inspection upon demand by any District enforcement official and such vehicle is otherwise in full compliance with this Chapter.

The title of Section 1202 is amended to read as follows:

LICENSING OF VEHICLE OWNERS

Section 1202, LICENSING OF VEHICLE OWNERS, is amended as follows:

Subsection 1202.1 is amended to read as follows:

- 1202.1 No LCS organization, or owner of an independently operated LCS vehicle, shall operate in the District without first paying the applicable fee and obtaining a certificate of authority to operate. Applicable fees are as follows:
- (a) LCS organizations: four hundred seventy five dollars (\$475) (annual operating authority of three hundred seventy five dollars (\$375) and a business license fee of one hundred dollars (\$100)), and;
 - (b) Owners of independently operated vehicles: two hundred fifty dollars (\$250) (annual operating authority of one hundred fifty dollars (\$150) and a business license fee of one hundred dollars (\$100)).

The lead-in text to Subsection 1202.2 is amended to read as follows:

1202.2 Each LCS organization shall file with Office, in addition to other information and

data required by law, the following:

Paragraph 1202.2 (d) is amended to read as follows:

- (d) The name and residence address of the lessee and owner of each LCS vehicle operated by the organization;

Paragraph 1202.2 (f) is amended to read as follows:

- (f) The ownership, seating capacity, make, year, weight, and vehicle identification number of all vehicles;

Paragraphs 1202.2 (l) and 1202.2 (m) are amended to read as follows:

- (l) A description of service(s) to be rendered, including time(s) of operation; and
- (m) A schedule of rates and charges consistent with the information required by § 1202.10.

Subsection 1202.4 is amended to read as follows:

1202.4 Each base owner and LCS organization shall comply with all record keeping procedures established by the Commission. The operational information required to be maintained by § 1202.2 shall be safeguarded and maintained at the office of the organization for a period of five (5) years.

Subsection 1202.9 is amended to read as follows:

1202.9 Any LCS organization that fails to timely file information as required in § 1202.2 shall be subject to a civil fine of two-hundred fifty dollars (\$250).

A new Subsection 1202.10 is added as follows:

1202.10 Each vehicle owner that fails to timely renew its license under this Section shall be subject to a civil fine of five-hundred dollars (\$500).

A new Subsection 1202.11 is added as follows:

1202.11 Each LCS organization shall post its current limousine rates and charges on its website, if any, and shall maintain its current limousine rates and charges with the Office. No fare may be charged by an LCS organization based on a rate or charge that is not posted or maintained as provided in this subsection at the time of the booking.

Section 1203, REQUIREMENT OF BASE OWNER, is amended as follows:

Subsection 1203.1 is amended to read as follows:

- 1203.1 Each limousine or sedan base owner may maintain an office in the District with an operable telephone number listed in the name of the organization.

The title of Section 1204 is amended to read as follows:

LICENSING OF LCS VEHICLES

Section 1204, LICENSING OF LCS VEHICLES, is amended as follows:

Subsections 1204.1 through 1204.7 are amended to read as follows:

- 1204.1 An owner or lessee of a vehicle proposed to be operated as an LCS vehicle (“applicant”), in the District shall first obtain a license for such vehicle from the Office prior to applying for livery tags at DMV.
- 1204.2 Each applicant shall file an application for each vehicle license using a form approved by the Office, accompanied by the applicable fee. Each application shall set forth the applicant’s lawful name, business addresses, business and mobile telephone numbers, tax identification number, and an indication of whether the applicant intends to operate the vehicle as a limousine, as a sedan, or as both.
- 1204.3 Each applicant shall present evidence that the vehicle has been inspected for safety by DMV.
- 1204.4 The Office shall inspect the vehicle to determine whether it meets the definitions of “sedan”, “limousine”, or both, as set forth in § 1299.1, consistent with the applicant’s stated intentions for the use of vehicle.
- 1204.5 Upon receipt of an application and evidence satisfactory to the Office that all requirements have been met, including the DMV inspection required by § 1204.3, the Office shall issue a license to the owner, and shall otherwise deny such license.
- 1204.6 The fee for each license to operate a vehicle for luxury class service shall be one-hundred dollars (\$100) for each vehicle.
- 1204.7 Each vehicle license shall be in the form prescribed by the Office and shall contain any information the Office considers appropriate.

The title of Section 1205 is amended to read as follows:

LICENSING OF LCS VEHICLE OPERATORS – ELIGIBILITY REQUIREMENTS

Section 1205, LICENSING OF LCS VEHICLE OPERATORS – ELIGIBILITY REQUIREMENTS, is amended as follows:

Subsection 1205.1 is amended to read as follows:

1205.1 Each applicant for a license to operate an LCS vehicle (“applicant”) shall be at least eighteen (18) years of age.

Subsection 1205.6 is amended to read as follows:

1205.6 No operator’s license shall be issued by the Office to any person who is required by this Chapter to take and pass an examination unless that person has successfully passed an examination which shall including testing of the applicant’s ability to read, write, and speak the English language.

Subsections 1205.12 and 1205.13 are amended to read as follows:

1205.12 Notwithstanding the provisions of § 1205.11, if the parole or the probation arose out of a conviction other than those listed in § 1205.13, the parolee’s or probationer’s application may be considered for approval if a letter from the appropriate parole or probation officer is submitted with the application stating that there is no objection to the issuance of a limousine or sedan operator's license.

1205.13 An applicant shall not be considered of good moral character if the applicant has been convicted of or has served any part of a sentence for the following crimes, or an attempt to commit any of the following crimes, within the three (3) year period immediately preceding the filing of the application:

- (a) Murder, manslaughter, mayhem, malicious disfiguring of another, arson, kidnapping, burglary, housebreaking, robbery, theft, fraud, or unlawful possession of a firearm;
- (b) Assault with the intent to commit any offense punishable by imprisonment in the penitentiary;
- (c) A sexual offense proscribed by D.C. Official Code § 22-1901 (incest), §§ 22-3101 to 22-3103 (sexual performances using minors), §§ 22-2701 to 22-2722 (prostitution and pandering), § 22-4801 (rape), or by § 22-3801 (indecent acts with children) or, an act committed outside the District which, if committed in the District, would constitute an offense under the foregoing statutes;
- (d) A violation of the D.C. Uniformed Controlled Substances Act of 1981 or the Drug Paraphernalia Act of 1982, D.C. Official Code §§ 48-901.01, *et*

seq. and §§ 48-1101 *et seq.* or, an act committed outside the District which, if committed in the District, would constitute an offense under the foregoing statutes;

- (e) Any criminal offense committed against a passenger; or
- (f) Any criminal offense committed against any person that involves the use of a public vehicle-for-hire in a wanton, reckless, depraved, or malicious manner.

The title of Section 1206 is amended to read as follows:

LICENSING OF LCS VEHICLE OPERATORS – APPLICATION PROCESS

Section 1206, LICENSING OF LCS VEHICLE OPERATORS – APPLICATION PROCESS, is amended as follows:

Section 1206.1 is amended to read as follows:

- 1206.1 Each application for an operator's license shall use a form provided by the Office, shall indicate the applicant's choice of whether such applicant proposes to be licensed to provide limousine service, sedan service, or both, and shall be accompanied by the applicable fee.

Section 1206.3 is amended to read as follows:

- 1206.3 Each application shall be accompanied by two (2) new full face and one (1) profile head and shoulders color photographs, measuring one and three quarter inches by one and seven-eighths inches ($1\frac{3}{4}$ in. x $1\frac{7}{8}$ in.) in size.

Section 1206.7 is amended to read as follows:

- 1206.7 If the applicant is a member of the Armed Forces at the time the application is filed, the application shall be accompanied by written permission of the appropriate commanding officer permitting the applicant to receive an operator's license.

The title of Section 1207 is amended to read as follows:

LICENSING OF LCS VEHICLE OPERATORS – HEALTH REQUIREMENTS

Section 1207, LICENSING OF LCS VEHICLE OPERATORS – HEALTH REQUIREMENTS, is amended to read as follows:

- 1207.1 Each application for a new or renewal operator's license shall be accompanied by a certificate from a licensed physician who resides in the Washington

Metropolitan Area.

- 1207.2 The certificate shall be on a form provided by the Office executed under penalty of perjury.
- 1207.3 The certificate shall be executed no earlier than thirty (30) days before the date on which the application is filed.
- 1207.4 The certificate shall not be considered sufficient to support an application unless it contains all of the following:
- (a) A statement that the applicant is not afflicted with any disease or infirmity, such as a contagious disease, epilepsy, vertigo, fainting spells, blackouts, attacks of dizziness, or another medical condition that, in the discretion of the Office, may render the applicant unsafe or unsatisfactory as a vehicle operator;
 - (b) A statement that the applicant has central visual acuity of at least twenty/forty (20/40) in one (1) eye, either unassisted or assisted by glasses or contact lenses, and hearing of at least ten/twenty (10/20) in one (1) ear; and
 - (c) Such additional information or documentation relating to the applicant's past or present medical history as the Office deems appropriate.

The title of Section 1208 is amended to read as follows

LICENSING OF LCS VEHICLE OPERATORS – INVESTIGATION, EXAMINATION, AND EDUCATION REQUIREMENTS

Section 1208, LICENSING OF LCS VEHICLE OPERATORS – INVESTIGATION, EXAMINATION, AND EDUCATION REQUIREMENTS, is amended as follows:

- 1208.1 Upon receipt of an application for a license to operate, the Office shall investigate each applicant to verify the identity and determine the competency, fitness, and eligibility of the applicant for a license.
- 1208.2 Each applicant shall attend and complete such courses of training and education as the Office requires, and shall successfully pass such tests as the Office requires as conditions for licensing.

The title of Section 1209 is amended to read as follows

LICENSING OF LCS VEHICLE OPERATORS – ISSUANCE OF LICENSES

Section 1209, LICENSING OF LCS VEHICLE OPERATORS – ISSUANCE OF

LICENSES, is amended as follows:

Subsections 1209.2 and 1209.4 of are amended to read as follows:

- 1209.2 Each operator's license shall have marked upon its face a statement indicating that it is valid only for the luxury class of service(s) for which it is issued, that it is nontransferable, and that it may not be duplicated.
- 1209.4 Each person to whom an operator's license has been issued shall, during the term of the license, reside within the Washington Metropolitan Area, and shall, no later than five (5) days following the termination of the residence within the Washington Metropolitan Area, surrender the license to the Office.

Section 1210, DENIAL OF LICENSE AND REAPPLICATION, is amended as follows:

Subsection 1210.1 is amended to read as follows:

- 1210.1 An applicant who has been denied a license to operate under this Chapter for reasons other than for failure to complete successfully an examination may file a new application for a license after the expiration of not less than six (6) months after the denial.

Section 1211, LOSS, THEFT OR DESTRUCTION OF LICENSE, is amended as follows:

Subsection 1211.1 is amended to read as follows:

- 1211.1 In case of the loss, theft, or destruction of any operator or vehicle license issued pursuant to this Chapter, the licensee shall immediately notify the Office of the loss, theft, or destruction.

The title of Section 1212 is amended to read as follows:

ENFORCEMENT OF THIS CHAPTER

Section 1212, ENFORCEMENT OF THIS CHAPTER, is amended to read as follows:

- 1212.1 The enforcement of this Chapter shall be governed by the procedures set forth in Chapter 7 of this Title.

The title of Section 1213 is amended to read as follows:

WHEELCHAIR ACCESSIBILITY REQUIREMENTS FOR LCS ORGANIZATIONS PROVIDING SEDAN SERVICE

Section 1213, WHEELCHAIR ACCESSIBILITY REQUIREMENTS FOR LCS ORGANIZATIONS PROVIDING SEDAN SERVICE, is amended to read as follows:

- 1213.1 Each LCS organization with twenty (20) or more sedan class vehicles in its fleet, that does not have wheelchair-accessible vehicles in its fleet, shall provide contact information for LCS organizations that do have such vehicles, when requested by a customer.
- 1213.2 Each LCS organization with twenty (20) or more vehicles licensed under this Chapter to be operated as sedans on or after the effective date of this rulemaking, shall dedicate a portion of such vehicles as follows:
- (a) At least six percent (6%) of such vehicles shall be wheelchair-accessible by December 31, 2014;
 - (b) At least twelve percent (12%) of such vehicles shall be wheelchair-accessible by December 31, 2016; and
 - (c) At least twenty percent (20%) of such vehicles shall be wheelchair-accessible by December 31, 2018.

The title of Section 1214 is amended to read as follows:

RENEWAL OF OPERATOR LICENSE

Section 1214, RENEWAL OF OPERATOR LICENSE, is amended as follows:

Subsection 1214.1 is amended to read as follows:

- 1214.1 A licensed operator may seek to renew the license by applying at the Office beginning forty-five (45) days prior to the expiration of the license.

Subsection 1214.3 is amended to read as follows:

- 1214.3 If an individual fails to submit an application to renew the license to operate for ninety (90) days following the expiration date of the license, he or she shall be required to apply for a new license to operate pursuant to the provisions of this Chapter.

The title of Section 1215 is amended to read as follows:

VEHICLE SAFETY AND COMPLIANCE

Section 1215, VEHICLE SAFETY AND COMPLIANCE, is amended to read as follows:

- 1215.1 Each luxury class vehicle shall be inspected annually by DMV to determine whether it is in compliance with:
- (a) All applicable DMV motor vehicle regulations and other applicable laws;

- (b) All applicable provisions of this Title, including those related to the vehicle's interior and exterior, body, cleanliness, repairs, mechanical parts, and the vehicle license issued by the Office under § 1204.5.

- 1215.2 A District enforcement official may inspect and test a vehicle's lights, brakes, steering assembly, tires, horn, component of a system used to calculate fares, process payments or print receipts, or any other device or equipment installed in the vehicle or authorized or required by a provision of this Title or Title 18 of the DCMR, at any time when such vehicle is on the public streets or on public space.
- 1215.3 Any District enforcement official may order removed from a public street or public space any luxury class vehicle that appears to be unsafe or improperly equipped and may order the owner or operator to promptly take the vehicle to a District motor vehicle inspection station, for the purpose of re-inspection, without regard to whether or not the vehicle displays a valid and current DMV inspection sticker.
- 1215.4 No person may operate, move, or permit the operation or use of any vehicle that is mechanically unsafe, improperly equipped, or otherwise unfit to be operated. Such vehicles shall be impounded.
- 1215.5 The Office may from time-to-time institute vehicle equipment inspection checkpoints to randomly inspect vehicles for the protection of passengers and the general public. Such vehicle equipment inspection checkpoints shall be operated in accordance with this Title and all other applicable laws.

Section 1217, ADVERTISING, is amended as follows:

Subsection 1217.1 is amended to read as follows:

- 1217.1 No advertising or advertising device shall be placed on or in any LCS vehicle except with the written approval of the Office.

Section 1218, PENALTIES, is amended to read as follows:

1218 PENALTIES

- 1218.1 Each violation of this Chapter by an operator shall subject the violator to:
 - (a) A civil fine not to exceed two hundred fifty dollars (\$250), except where otherwise provided in this Chapter, provided, however, that the applicable fine for a violation of this Chapter shall be doubled for the second offense within any twenty four (24) month period and tripled for the third and any subsequent offense within such period;

- (b) The suspension, revocation, or non-renewal of the violator's DCTC operator's license issued under this Chapter;
- (c) Impoundment of a vehicle found to be operating in violation of this Chapter; or
- (d) A combination of the sanctions listed in paragraphs (a)-(c) of this subsection.

1218.2 Each violation of this Chapter by an LCS organization or base owner shall subject the violator to:

- (a) A civil fine not to exceed five hundred dollars (\$500); provided, however, that the applicable fine for a violation of this Chapter shall be doubled for the second offense within any twenty four (24) month period and tripled for the third and any subsequent offense within such period;
- (b) The suspension, revocation, or non-renewal of the LCS organization's operating authority issued under this Chapter;
- (c) Impoundment of each vehicle owned by the organization found to be operating in violation of this Chapter; or
- (d) A combination of the sanctions listed in paragraphs (a)-(c) of this subsection.

The title of Section 1219 is amended to read as follows:

RECIPROCITY WITH SURROUNDING JURISDICTIONS

Section 1219, RECIPROCITY WITH SURROUNDING JURISDICTIONS

1219.1 The reciprocity provisions of § 828 of this Title shall apply to all luxury class service.

A new section 1220 is added to read as follows:

1220 PROHIBITIONS

- 1220.1 No person shall participate in providing LCS services in the District unless such person is in compliance with all applicable provisions of this Chapter, all other applicable provisions of this Title, and other applicable laws.
- 1220.2 No operator shall provide limousine service except as provided in this Chapter.
- 1220.3 No operator shall provide sedan service except as provided in this Chapter and in Chapter 14 of this Title (Operation of Sedans).

1220.4 No LCS organization or base owner shall knowingly permit the use of its LCS vehicle in violation of this Chapter or Chapter 14 of this Title.

Section 1299, DEFINITIONS, is amended to read as follows:

1299.1 When used in this Chapter, the following words and phrases shall have the meaning ascribed.

Associates – is connected by a voluntary relationship of employment, contract, ownership, or other legal affiliation. An association not in writing shall be ineffective for purposes of this Title.

Contract reservation – an advance booking for limousine service that includes the start time and the hourly rate.

Customer – a person that requests public vehicle-for-hire service on behalf of any person.

DCTC public vehicle-for-hire license – a vehicle license issued pursuant to D.C. Official Code § 47-2829(h) (2012 Supp.)).

District enforcement official – a public vehicle enforcement inspector (hack inspector) or other authorized official, employee, or general counsel of the Office, or a law enforcement official authorized to enforce a provision of this Title.

DMV – D.C. Department of Motor Vehicles.

EPA – U.S. Environmental Protection Agency.

DCTC identification card (face card) – the licensing document for an operator’s license issued under D.C. Official Code § 47-2829(i) (2012 Supp.)).

Impoundment – impoundment that occurs pursuant to the Taxicab and Passenger Vehicle for Hire Impoundment Act of 1992, D.C. Official Code § 50-331.

Independently Operated Vehicle – an LCS vehicle not associated with an LCS organization.

Limousine – any LCS vehicle.

LCS organization – an owner of two or more LCS vehicles.

Licensing document - a physical or electronic document issued to a person as evidence that such person has been issued a license under this Title.

Livery tags – vehicle tags issued by a motor vehicle licensing agency for a public vehicle-for-hire used to provide luxury class services, including the “L” tags issued by DMV.

Luxury class service or LCS service – limousine and sedan service.

Luxury class vehicle or LCS vehicle – a public vehicle-for-hire that meets the following requirements:

- (a) It is designated by EPA as a Large Car, Mid-size Car, Passenger Van, or Sport Utility Vehicle;
- (b) It is equipped with three (3) or more passenger doors;
- (c) It is designed to carry at least four (4) and fewer than nine (9) passengers, excluding the operator;
- (d) It is equipped with luxury features installed by the vehicle's manufacturer, such as a premium sound system, reading lights, aluminum wheels, and noise-dampening materials; and
- (e) If it has shading of its windows, such shading is of the rear or rear passenger windows only and does not reduce light transmission by more than fifty (50) percent through such windows.

Operator – an individual who operates an LCS vehicle.

Owner – a person, corporation, partnership, or association, including an LCS organization or independent owner, that holds the legal title to an LCS vehicle, the registration of which is required in the District of Columbia. If a vehicle is the subject of an agreement for the conditional sale or lease with the right of purchase upon performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee, or mortgagor shall be considered the owner.

Sedan – a public vehicle-for-hire that meets the requirements for an LCS vehicle and the following additional requirements:

- (a) It is not designated by the EPA as a Passenger Van;
- (b) It is not stretched;
- (c) It has a curb weight of at least 3,200 lb;
- (d) It is not a salvaged vehicle or a vehicle rented from an entity whose predominant business is that of renting motor vehicles on a time basis;
- (e) It was manufactured during the five (5) model year period ending in the calendar year during which the vehicle licensing or re-licensing is sought; and

- (f) It is blue-black or black in color.

Washington Metropolitan Area – has the same meaning ascribed in § 899.1.

Copies of the proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Jacques P. Lerner, General Counsel, 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: Jacques P. Lerner, General Counsel, no later than thirty (30) days after the publication of this notice in the *D.C Register*.