

DISTRICT OF COLUMBIA TAXICAB COMMISSION

THIRD NOTICE OF PROPOSED RULEMAKING

The District of Columbia Taxicab Commission (Commission), pursuant to the authority set forth in § 8(b)(1)(C), (F), and (G) 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), (F), and (G)) (2009 Repl.), hereby gives notice of its intent to adopt amendments to chapter 6 (Taxicab Parts and Equipment) of title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendments will: (1) establish an age and mileage limit on when a vehicle may be placed into service as a taxicab; (2) establish an age and mileage limit on how long a vehicle may remain in service as a taxicab and establish a schedule for the removal of older cars from service over a five (5) year period; and (3) clarify that “salvaged” vehicles may no longer be placed in service as a taxicab. Effective dates will be included in the Notice of Final Rulemaking.

The proposed rules were originally published on December 23, 2011, at 58 DCR 11119. The comment period expired on January 23, 2012. The Commission held a public hearing on Wednesday, January 11, 2012, to receive oral comments on the Commission’s proposed amendments to chapter 6. The Commission received some valuable comments from the public and made revisions to section 609 of the proposed rules in light of the suggestions and comments received at the public meeting and during the written comment period. The Commission approved this proposed rulemaking for republication on February 8, 2012.

The proposed rules were published for a second time on March 2, 2012, at 58 DCR 001781. The comment period expired on April 2, 2012. The Commission received again some valuable comments from the public and again revised the proposed rules in light of the suggestions and comments received at the public meeting and during the written comment period. Revisions have been made to section 609 in response to those comments. The Commission approved this proposed rulemaking for republication on _____, 2012.

This third notice proposed rulemaking incorporates revisions made after considering comments received from the public, specifically to provide clarification of the seven (7) age limit for a taxi to remain in service and its companion five (5) year removal schedule for taxi vehicles currently in service. The Commission will consider additional comments received in response to this Third Notice of Proposed Rulemaking.

The Commission hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than fifteen (15) days after the publication of this notice in the *D.C. Register*. This third proposed rulemaking reincorporates two provisions in section 609, subsections 609.2 and 609.3, that were previously published for 30 day comment period, but adds clarification language that better ties the two provisions together providing technical and clarification amendments that benefit the parties impacted. Therefore, this third notice of proposed rulemaking will offer a fifteen (15) day comment period.

Chapter 6, TAXICAB PARTS AND EQUIPMENT, of title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Section 609, AGE OF TAXICAB, is amended to read as follows:

609 AGE OF TAXICAB

609.1 Effective _____, **no vehicle** that is **more than five (5) model years old** (or has accumulated mileage in excess of three hundred thousand miles (300,000 mi.)) **may begin service** as a taxicab in the District of Columbia, whether owned, rented, or leased.

609.2 Further, effective _____, **no vehicle** that is **more than seven (7) model years old** (or that has accumulated mileage in excess of four hundred thousand miles (400,000 mi.)) **may remain in service** as a taxicab in the District of Columbia, whether owned, rented, or leased.

609.3 Further, in order to begin the process of removing the current older vehicles from service and minimize the impact, on both drivers and consumers, of the loss of a large number of taxicabs from service, the Commission has established the following gradual removal schedule. Therefore, effective January 1, 2013, the following five (5) year **schedule of vehicle removal from service will apply to all public vehicles for hire currently in service** as a taxicab in the District of Columbia, whether owned, rented, or leased.

5 YEAR REMOVAL PLAN

Disposal Year**	Age Policy***	Model Year
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2013	15 years and older	1997 and older
2014	12 - 14 years	2000 - 1998
2015	10 - 11 years	2002 - 2001
2016	8 - 9 years	2004 - 2003
2017	7 years or older	2005 - below

**** Vehicles must go out of service on Jan 1st of the year listed.**

***** Mileage is not a factor in this removal schedule.**

Recap: No vehicle may begin service as a taxicab in the District of Columbia that is more than five (5) model years old, in accord with §609.1. At the end of this five (5) year removal schedule, no vehicle remaining in service as a taxicab in

the District of Columbia may be more than seven (7) model years old, in accord with §609.2.

609.4 A Waiver Petition may be filed with the Commission to request a one (1) time extension of time or waiver from the removal schedule at section 609.3 only. The following requirements apply:

- (a) Standards for a waiver include, but are not limited to
 - (1) Vehicle must have passed its last two (2) required inspections;
 - (2) Vehicle may not have any body damage; and
 - (3) Vehicle must have current insurance;
- (b) A non-refundable waiver application fee, established by the commission, must be paid at the time of application;
- (c) Owner may apply for a waiver ninety (90) days before his/her disposal year but no later than thirty (30) days before his/her disposal year;
- (d) Applicant must file a Carfax report with application;
- (e) A panel of three (3) persons, which may include Department of Motor Vehicles representative, Hack Inspector, and a Commission staff person or General Counsel, will review all requests for waiver; and
- (f) Waiver may be granted for a maximum of three (3) years, or any lesser period;
- (g) A denial of waiver may not be appealed;
- (h) No extension of time or waiver may be granted for salvaged (including rebuilt salvaged) vehicles.

609.5 Effective immediately, no additional salvaged (including rebuilt salvaged) vehicle may begin service as a taxicab in the District of Columbia.

Copies of the proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Dena C. Reed, 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. (202) 645-6019. 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, D.C. 20020, Attn: Dena C. Reed, General Counsel and Secretary to the Commission, no later than fifteen (15) days after the publication of this notice in the *D.C Register*.