

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF 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 19-403; 59 DCR 9116) hereby gives notice of proposed rulemaking action taken on September 19, 2012, to amend Chapter 13 (Licensing and Operation of Taxi Meter Companies) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendment will: (1) incorporate the Taxi Smart Meter System installation business and Taxi Smart Meter System Installation Business owner requirements; and (2) update penalties and fines.

This 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 publication of final rulemaking in the *D.C. Register*, whichever occurs first. After receipt of public comments at a Commission public hearing on these rules, the Commission determined to make significant changes to reflect the comments received at the public hearing.

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 13, LICENSING AND OPERATIONS OF TAXI METER COMPANIES, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Chapter 13 is deleted in its entirety and replaced to read as follows:

Chapter 13, LICENSING AND OPERATIONS OF TAXI METER INSTALLATION BUSINESSES AND TAXI SMART METER SYSTEM INSTALLATION BUSINESSES, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

1300 APPLICATION AND SCOPE

1300.1 This chapter shall be applicable to and governs all taximeter businesses, Taximeter Installation Businesses, and Taxi Smart Meter System Installation Businesses in the District of Columbia authorized to sell, install, repair, adjust or calibrate, install, or otherwise service meters or the Taxi Smart Meter System or both.

1300.2 The provisions of this chapter shall be interpreted to comply with the language and intent of section 105 of the 2005 District of Columbia Omnibus and Authorization Act, approved October 16, 2006, 120 Stat. 2023, D.C. Official Code § 50-381(a) (2007 Repl.) and the “District of Columbia Taxicab Commission Establishment Act of 1985,” as amended.

1301 UNLICENSED BUSINESS ACTIVITY PROHIBITED.

1301.1 No person shall sell, install, repair, adjust, or calibrate taximeters or install or replace seals, wiring harnesses, or other equipment relating to the operation of a taximeter or Taxi Smart Meter System for use in any licensed taxicab in the District of Columbia without a valid Taximeter Business or Taxi Smart Meter System Business or Taxi Smart Meter System Business license issued by the Commission.

1302 BUSINESS LICENSE – GENERAL REQUIREMENTS AND RENEWALS

1302.1 The application for the initial and renewal of a Taximeter Business or Taxi Smart Meter System Business or Taxi Smart Meter System Business license shall be filed on a form provided by the Commission and shall contain a sworn and notarized statement that the information contained therein is true under penalty of perjury.

1302.2 License Application Requirements

- (a) An individual applicant for a Taximeter Business or Taxi Smart Meter System Business license shall:
 - (1) Provide proof of identity in the form of a valid photo identification issued by the United States, any state or territory thereof, or any political subdivision of such state or territory; and a valid, original social security card;
 - (2) Be at least eighteen (18) years of age; and
 - (3) Be of good moral character as reflected by the outcome of the report required in paragraph (d) of this subsection and in accordance with the guidelines in § 1001.12 of this title.

- (b) An applicant that is a partnership shall provide the following:
 - (1) A certified copy of the partnership certificate from the jurisdiction where the principal place of business is located.
 - (2) Each partner must satisfy the requirements for individual applicants set forth in § 1302.2(a).
- (c) An applicant that is a corporation shall provide the following:
 - (1) A certified copy of its certificate of incorporation with a filing receipt issued by the Mayor, if incorporated less than one (1) year from the date of the license application or a certificate of good standing; or if incorporated more than one (1) year from the date of the license application, or if not a District of Columbia corporation, a copy of the certificate of incorporation, filing receipt, and authority to do business within the District of Columbia;
 - (2) A list of its officers and shareholders, including names, residence addresses, telephone numbers, and percentage of ownership interest of each shareholder; and
 - (3) A certified copy of the minutes of the organizational meeting at which the current officers were elected.
- (d) Each of the following persons shall be fingerprinted, for purposes of securing criminal history records from the Federal Bureau of Investigation:
 - (1) Each individual applicant;
 - (2) Each partner of a partnership applicant;
 - (3) Each officer or shareholder of a corporate applicant; and
 - (4) Each person who has provided funds either individually, or as a principal of a partnership or corporation, whether such funds were provided by gift, loan, or otherwise, in connection with the operation of the Taximeter Business or Taxi Smart Meter System Business or Taxi Smart Meter System Business, unless such provider is a licensed bank or loan company. The applicant shall pay any processing fees required by the Commission or the Federal Bureau of Investigation.

- (e) The Commission shall have the right to reject the proposed name of any Taximeter Business or Taxi Smart Meter System Business that is substantially similar to any name in use by another Taximeter Business or Taxi Smart Meter System Business licensee.
- (f) Each license expires two (2) years from the date of issuance.

1302.2 License Application Renewals and Late Fees

- (a) A Taximeter Business or Taxi Smart Meter System Business shall submit an application to renew the license to operate no earlier than sixty (60) days and no later than forty-five (45) days before the expiration of the license.
- (b) The renewal application shall be made on a form provided by the Chairperson. The form shall provide a list of documentation required by the Commission.
- (c) A Taximeter Business or Taxi Smart Meter System Business that fails to timely file its renewal as required in this section shall be subject to a late penalty fee of Five hundred dollars (\$500).
- (d) If a Taximeter Business or Taxi Smart Meter System fails to submit an application to renew the license to operate prior to the expiration date of the license, the Taximeter Business or Taxi Smart Meter System shall be required to apply for a new certification to operate as an authorized taximeter or taxi smart meter system business pursuant to the provisions of this chapter.
- (e) Once an application (new or renewal) is processed and the applicant is notified in writing of any deficiencies in the application, the applicant has ninety (90) days to correct any deficiencies and complete the application. If the application remains deficient or inactive after ninety (90) days the application will be closed and any further consideration will require a new application and application fee.

1303 BUSINESS LICENSE – BOND REQUIRED

1303.1 Each applicant for an initial Taximeter Business or Taxi Smart Meter System Business license or renewal license shall deposit with the Commission and shall keep in full force and effect throughout the license period, a bond in the sum of fifty thousand (\$50,000) dollars, provided by one (1) or more sureties approved by the Commission.

1303.2 Such bond shall be payable to the DC Treasurer and shall be conditioned on the licensee complying with all provisions of this title including, but not limited to,

compliance with the Clean Hands Act and payment of any fines or judgments against said licensee by any court or administrative agency, including, but not limited to, the Office of Administrative Hearings for violations of this title.

1303.4 This bond shall remain in full force and effect for the term of the Taximeter Business or Taxi Smart Meter System Business license, and for one (1) year following the termination, non-renewal, or revocation of any license.

1304 BUSINESS LICENSE – FINANCIAL DISCLOSURE

1304.1 Each individual, partner, corporate shareholder, or corporate officer applicant for a new or renewal Taximeter Business or Taxi Smart Meter System Business license shall file with the Commission a financial disclosure statement, to be submitted on a form provided by the Commission, which shall include but not be limited to identifying such individual’s assets, liabilities, income, net worth, source of bank accounts, and any investments a business licensed or regulated by the Commission or with an individual or entity who is a participant in a business licensed or regulated by the Commission.

1304.2 Each individual, partner, shareholder, or officer of a Taximeter Business or Taxi Smart Meter System Business shall disclose to the Commission his interest, whether as owner, partner, officer, shareholder, director, lender, or other creditor, in any licensed taxicab.

1305 BUSINESS LICENSE – FEES

1305.1 Every application for a license to operate a Taximeter Business or Taxi Smart Meter System Business shall be accompanied by a non-refundable application fee of five hundred dollars (\$500) payable to the DC Treasurer.

1305.2 The license fee is one thousand five hundred dollars (\$1,500) payable to the DC Treasurer and is due and payable in order to obtain the approved license.

1305.3 The biennial renewal license fee after the first license is one thousand five hundred dollars (\$1,500) payable to the DC Treasurer and is due and payable in order to obtain the renewed license.

1306 COMPLIANCE WITH LICENSING REQUIREMENTS

1306.1 If at any time during the term of the Taximeter Business or Taxi Smart Meter System Business license the Chairman becomes aware that the licensee no longer meets the requirements for a Taximeter Business or Taxi Smart Meter System

Business license, the Commission may suspend or revoke the license or deny an application for renewal.

1306.2 Nothing contained herein shall limit the authority of the Chairman to summarily suspend the license of any Taximeter Business or Taxi Smart Meter System Business where the Chairman determines that a threat to public health, safety, or welfare exists.

1306.3 Appeals of actions taken by the Commission pursuant to §§ 1306.1, 1306.2, and 1331 shall be heard by the Office of Administrative Hearings

1307 CHANGE IN OWNERSHIP

1307.1 A Taximeter Business or Taxi Smart Meter System Business owner shall not, without prior notification of and approval by the Commission, transfer any interest in a Taximeter Business or Taxi Smart Meter System Business, including, but not limited to, the transfer of any ownership interest, or any agreement to transfer an ownership interest in the future.

1307.2 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall not, without prior notification of and approval by the Commission, make any change in location, mailing address, corporate name, trade name, corporate officers, or any other material deviation from the description of the Taximeter Business or Taxi Smart Meter System Business as stated in the original or renewal application.

1307.3 Transfer Application and Fees

(a) A Taximeter Business or Taxi Smart Meter System Business shall submit on a form provided by the Commission an application to transfer the license to operate a taximeter or taxi smart system business.

(b) The transfer application shall be made on a form provided by the Commission. The form shall provide a list of documentation required by the Commission and shall be accompanied by a transfer application fee of five hundred dollars (\$500), made payable to the DC Treasurer.

1308 BUSINESS – COMPLIANCE WITH APPLICABLE LAWS

1308.1 A licensee shall obtain and keep in full force and effect all licenses and permits required by District or federal laws.

1308.2 A licensee shall comply with all applicable Occupational Safety and Health Act (OSHA) standards and requirements at the licensee's place of business, as well as all other federal and District laws governing the conduct of its business.

- 1308.3 A licensee shall pay any fines, fees, or taxes owed by it to the federal or District government.
- 1308.4 A licensee shall comply with all workers' compensation and disability benefits laws and all federal laws regarding the withholding of taxes and payment of FICA and other withholding taxes.

1309 FEES CHARGED BY LICENSEES

- 1309.1 A licensee shall file with the Commission a schedule of current fees for all services related to the sale, repair, installation, and calibration of taximeters and the Taxi Smart Meter System, including, but not limited to, inspections, tests, adjustments, installations, corrections, or repairs.
- 1309.2 Any change in fees shall be filed with the Commission at least ten (10) days prior to the scheduled effective date of the change in fees.
- 1309.3 A Taximeter Business or Taxi Smart Meter System Business owner shall not engage in any business unless a current schedule of inspection and repair charges, including hourly rates, if applicable, is prominently displayed to the public on the business premises.
- 1309.4 A Taximeter Business or Taxi Smart Meter System Business owner shall not publicly display any fee schedule until it has been filed with the Commission.

1310 PREMISES AND EQUIPMENT

- 1310.1 A Taximeter Business or Taxi Smart Meter System Business licensee shall at all times:
- (a) Be located within an area zoned for this business activity and obtain a valid Certificate of Occupancy;
 - (b) Be of sufficient size to simultaneously accommodate at least three (3) vehicles of the type(s) and model(s) licensed by the Commission;
 - (c) Have sufficient illumination and space in inspection, testing, and calibration areas to enable proper inspections and tests required by these regulations; and
 - (d) Have all signs required by law and these rules.
- 1310.2 A Taximeter Business or Taxi Smart Meter System Business licensee may not use temporary structures that are not described in the certificate of occupancy for the premises.

1310.3 No installation, adjustment, correction, calibration, or repairs of any type may be performed on a public right-of-way or any facility other than the Taximeter Business or Taxi Smart Meter System Business premises.

1310.4 A Taximeter Business or Taxi Smart Meter System Business shall be equipped with, at a minimum, the equipment required by the Commission for the repair and installation of taximeters or the Taxi Smart Meter System.

1311 EQUIPMENT MAINTENANCE

1311.1 A Taximeter Business or Taxi Smart Meter System Business owner shall properly maintain all equipment required by the Commission, and any other equipment required by law or regulation, in good working order and in such a manner that an inspection, test, or calibration may be conducted in conformity with these rules.

1311.2 A Taximeter Business or Taxi Smart Meter System Business shall not conduct any test, calibration, or installation using equipment that is not in good working order.

1312 SIGNAGE ON PREMISES

1312.1 A licensed Taximeter Business or Taxi Smart Meter System Business sign bearing the Taximeter or Taxi Smart Meter System Business license number and meeting the specifications of the Commission shall, at all times, be hung or mounted on the outside of the premises in such a manner that it is easily visible to the public from outside the building.

1312.2 A Taximeter Business or Taxi Smart Meter System Business owner shall not display a licensed Taximeter Business or Taxi Smart Meter System Business sign if its Taximeter Business or Taxi Smart Meter System Business license or any other necessary license is expired, suspended, or revoked.

1312.3 Each licensed Taximeter Business or Taxi Smart Meter System Business shall have affixed to the inside of the glass window thereon, to be clearly legible from the outside, a printed sign bearing its business name, license number, and the Commission's complaint telephone number.

1313 PERSONAL CONDUCT

1313.1 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner or the owner's representatives, while performing duties and responsibilities as a licensed Taximeter Business or Taxi Smart Meter System Business shall not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation, or larceny.

- 1313.2 Examples of fraud, misrepresentation, or larceny include, but are not limited to:
- (a) Calibration of a fare other than that set by the Commission;
 - (b) Adjustment of the tire size, driving axle, pinion gear, transducer, wiring, or other equipment, for the purpose of generating an inaccurate signal of time or distance into the taximeter; or
 - (c) The manufacture, sale, or installation of any device which is either designed to or does generate a false or inaccurate signal into the taximeter.
- 1313.3 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner or the owner's representatives shall not perform any willful act of omission or commission which is against the best interest of the public, even if not specifically prohibited by these rules.

1314 UNLAWFUL ACTIVITIES PROHIBITED

- 1314.1 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall not use or permit any other person to use the owner's business premises or office of record for any unlawful purpose.
- 1314.2 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall not conceal any evidence of a crime connected with the owner's business premises or office of record.
- 1314.3 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall report immediately to the Commission and the police any attempt to use the owner's business premises to commit a crime.
- 1314.4 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall not file with the Commission any statement, including but not limited to statements required to be filed pursuant to these rules, which the owner knows or reasonably should know to be false, misleading, deceptive, or materially incomplete.

1315 NOTIFICATION OF CRIMINAL CONVICTION OR OTHER CHANGE IN LICENSE CONDITIONS

- 1315.1 A Taximeter Business or Taxi Smart Meter System Business owner, including a member of a partnership or any officer or shareholder of a corporation, shall notify the Commission in writing of the owner's conviction for a crime within fifteen (15) days of such conviction, and the owner shall deliver, or cause to be

delivered, to the Commission a certified copy of the disposition of the conviction issued by the court within fifteen (15) days of disposition.

- 1315.2 In accordance with § 1307.2, a Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall notify the Commission of any material change in the information contained on such owner's latest Taximeter Business or Taxi Smart Meter System Business license application or renewal.

1316 NOTIFICATION OF ANY LICENSE SUSPENSION OR REVOCATION

- 1316.1 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall immediately notify the Commission in writing of any suspension or revocation of any license granted to the licensee, or any other person acting on his behalf, by any agency of the District of Columbia or federal government.

1317 BRIBERY PROHIBITED

- 1317.1 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner or any person acting on the owner's behalf shall not offer or give any gift, gratuity, or thing of value to any employee, representative, or member of the Commission, or any public servant.

- 1317.2 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner or any person acting on the owner's behalf or during the scope of the person's employment with the owner, shall immediately report to the Commission and the Inspector General any request or demand for a gift, gratuity, or thing of value by any employee, representative or member of the Commission, or any public servant.

- 1317.3 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner or any person acting on the owner's behalf shall not accept any gift, gratuity, or thing of value from an owner or driver of any vehicle licensed by the Commission, or any individual or any other person actually or purportedly acting on behalf of such owner or driver for the purpose of omitting an act required by these rules or committing any violation of these rules.

- 1317.4 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall notify the Commission immediately and in writing within twenty-four (24) hours thereafter of any offer of a gift or gratuity prohibited by § 1317.1.

1318 THREATENING, HARASSING OR ABUSIVE CONDUCT PROHIBITED

1318.1 A Taximeter Business or Taxi Smart Meter System Business owner, while performing the owner's duties and responsibilities as a licensee, shall not:

- (a) Threaten, harass, or abuse any governmental or Commission representative, public servant, or other person; or
- (b) Use or attempt to use any physical force against a Commission representative, public servant, or any other person.

1319 COOPERATION WITH THE COMMISSION

1319.1 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall, at all times, cooperate with all law enforcement officers and representatives of the Commission.

1319.2 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall answer and comply as directed with all questions, communications, notices, directives, and summonses from the Commission or its representatives.

1319.3 A licensee shall produce his or her Commission license or other documents whenever the Commission requires.

1320 LIABILITY FOR CONDUCT OF EMPLOYEES

1320.1 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall supervise and be responsible for the conduct of all of its employees, contractors, or agents, for all business activities including, but not limited to, the sale, installation, inspection, testing, and calibration of taximeters.

1320.2 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall ensure that all employees are fully familiar with the rules and regulations contained herein, as well as any other pertinent regulatory agency rules and regulations.

1320.3 A Taximeter Business or Taxi Smart Meter System Business shall employ only such persons who have been certified as taximeter or Taxi Smart Meter System technicians by a taximeter manufacturer or Taxi Smart Meter System vendor to perform any installation, testing, repair, or calibration of the equipment on which work is being performed:

- (a) Any work involving a taximeter or the Taxi Smart Metering System, including, but not limited to, installation, inspection, calibration, and repair shall be performed by a technician certified by the taximeter or Taxi Smart Metering System manufacturer; and

- (b) The certified technician shall be responsible for maintaining all records required by the Commission and shall place his signature on all inspection, testing, repair, or other reports prepared by him.

1320.4 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall ensure that all employees perform their duties in compliance with all relevant federal and District laws, rules, and regulations.

1320.5 A Taximeter Business or Taxi Smart Meter System Business shall furnish to the Commission, upon licensure or renewal, the names of all certified taximeter technicians employed by it and shall notify the Commission in writing of any changes in the employment of certified taximeter technicians.

1321 LIABILITY FOR TAMPERING OR ALTERATION

1321.1 By installing a seal on a taximeter or Taxi Smart Meter System, the Taximeter Business or Taxi Smart Meter System Business certifies that the taximeter or Taxi Smart Meter System, as applicable, has been tested and calibrated in accordance with these rules.

1321.2 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall be strictly liable for the tampering of a meter that is sealed with an unbroken seal issued by a Taximeter Business or Taxi Smart Meter System Business.

1321.3 By testing, installing, or calibrating a taximeter, the Taximeter Business or Taxi Smart Meter System Business certifies that at the time of such installation, testing, or calibration, it has:

- (a) Examined and found the wiring harness leading from the taximeter to the speed sensor is of one (1) piece construction with no intervening connectors, splices, “Y” connections, or direct or indirect interruptions of any kind whatsoever, and
- (b) Examined the pinion gear seal and has determined that it is properly sealed.

1322 BUSINESS – DUTY TO NOTIFY THE COMMISSION

1322.1 A Taximeter Business or Taxi Smart Meter System Business shall notify the Commission by telephone immediately and in writing within twenty-four (24) hours of any of the following occurrences:

- (a) A taximeter or Taxi Smart Meter System which the Taximeter Business or Taxi Smart Meter System Business knows or has reason to know has been

reported to the Commission as lost or stolen has been presented to the Taximeter Business or Taxi Smart Meter System Business for installation, repair, adjustment, or calibration;

- (b) A taximeter or Taxi Smart Meter System on which one or more seals are removed, damaged, broken, or tampered with has been presented for installation, repair, adjustment, or calibration;
- (c) A person whom the Taximeter Installation Business or Taxi Smart Meter System Installation Business owner knows or should know to be a licensee of the Commission, or to be acting on behalf of a licensee, has requested that the Taximeter Business or Taxi Smart Meter System Business engage in any activity prohibited by these rules;
- (d) A person whom the Taximeter Installation Business or Taxi Smart Meter System Installation Business owner knows or should know to be a licensee of the Commission, or to be acting on behalf of a licensee, has attempted to repair, or connect any unauthorized device to, any taximeter, seal, cable connection, or electrical wiring, which may have affected the operation of a taximeter or a Taxi Smart Meter System; and
- (e) The Taximeter Business or Taxi Smart Meter System Business discovers the existence of any intervening connections, splices, “Y” connections, or direct or indirect interruptions or connections of any kind whatsoever.

1322.2 Any notice required to be provided to the Commission hereunder shall contain, at a minimum, the following information:

- (a) The taxicab name and number and vehicle tag number;
- (b) The name(s) and license number(s), if any, of the driver(s) who presented the vehicle to the Taximeter Business or Taxi Smart Meter System Business;
- (c) The date of the inspection or repair; and
- (d) A detailed description of the taximeter or Taxi Smart Meter System as described in § 1322.1(a).

1323 SEALS

1323.1 Installation of a taximeter or Taxi Smart Meter System shall include the affixing of security seals to the taximeter or Taxi Smart Meter System as required by the Commission. Only seals which have been authorized and approved by the Commission shall be used by a Taximeter Business or Taxi Smart Meter System Business. The security seals shall be installed in a manner prescribed by the

Commission, and in such manner that the security seals self-destruct when the taximeter, Taxi Smart Meter System, or sealed part of the vehicle is disassembled.

- 1323.2 Each seal shall be numbered and the Taximeter Business or Taxi Smart Meter System Business shall keep a record of each seal used. Seals must be used in consecutive numerical order, and any seal not used must be accounted for. The record of seals shall be available for inspection by the Commission as set forth herein. The record shall contain, at a minimum, the following information:
- (a) The seal number;
 - (b) The number of the taximeter or Taxi Smart Meter System in which the seal was installed;
 - (c) The name and number of the taxicab in which the taximeter or Taxi Smart Meter System was installed;
 - (d) The date the seal was installed;
 - (e) The date and seal number of any seal removed;
 - (f) The reason for installing any new seal; and
 - (g) The wheel and tire size at the time of inspection and the recommended tire pressure.
- 1323.3 No Taximeter Business or Taxi Smart Meter System Business shall install a seal on a taximeter or Taxi Smart Meter System without removing all seals installed by another meter shop, whether or not broken.
- 1323.4 Each Taximeter Business or Taxi Smart Meter System Business shall maintain on its business premises either a fireproof safe secured to the floor of the establishment or a locked, secured room secured by an alarm connected to a centralized monitoring facility, for the storage of seals and taximeter or Taxi Smart Meter System repair records.
- 1323.5 Each Taximeter Business or Taxi Smart Meter System Business shall maintain and file with the Commission a description of the procedures used by it to prevent the loss, theft, destruction or misuse of taximeter or Taxi Smart Meter System seals.

1324 REQUIRED INSPECTIONS

1324.1 A taximeter shall be inspected by the Taximeter Business or Taxi Smart Meter System Business whenever it is installed, repaired, or calibrated. Inspection shall include examination of the taximeter or Taxi Smart Meter System installation and operation to verify compliance with:

- (a) The taximeter or Taxi Smart Meter System specifications, type approvals, tolerances, and all other requirements of the commission, including, but not limited to a measured mile run test;
- (b) The rate of fare established by the Commission;
- (c) The standards set forth in the sections of the taxicab owners' rules regarding taximeters and Taxi Smart Meter Systems; and
- (d) All other applicable federal and District regulations and guidelines.

1324.2 This section shall not apply to repairs which are made exclusively to the printing mechanism or the resetting of the date or time on the printer receipt.

1325 OTHER REPAIR LIMITATIONS

1325.1 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall not perform any work on a taximeter or Taxi Smart Meter System, including, but not limited to, inspection, testing, calibration, or repair, if:

- (a) No valid vehicle license from the Commission is presented unless the taximeter or Taxi Smart Meter System is not for use in a taxicab licensed by the Commission;
- (b) The taximeter or Taxi Smart Meter System serial number is deleted, defaced, or otherwise altered;
- (c) The vehicle is licensed by the Commission and the taximeter or Taxi Smart Meter System make, model or serial number appears on the Commission vehicle license or rate card, and the Commission has not otherwise authorized the use of that taximeter;
- (d) The Taximeter Business or Taxi Smart Meter System Business licensee knows or should know that the taximeter or Taxi Smart Meter System presented for testing was reported lost or stolen to the Commission or any other law enforcement agency; or
- (e) The Taximeter Business or Taxi Smart Meter System Business licensee has not obtained from the owner or driver of the vehicle, or his agent, a

written consent to perform any work on the taximeter or Taxi Smart Meter System.

1326 RECORD OF TAXIMETER TESTS

1326.1 The Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall record the results of any inspections or tests, and the taximeter or Taxi Smart Meter System make, model, and serial number on a form prescribed by the Commission, which the Taximeter Business or Taxi Smart Meter System Business licensee shall submit to the Commission within seven (7) days of such inspection.

1326.2 Upon a determination that a taximeter or Taxi Smart Meter System has passed an inspection, the Taximeter Business or Taxi Smart Meter System Business owner, in addition to complying with § 1326.1, shall affix a certification sticker, prescribed and approved by the Commission, to the taximeter or Taxi Smart Meter System, as applicable. Any certification sticker shall not be re-affixed to the taximeter or Taxi Smart Meter System if removed.

1326.3 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall provide for the safekeeping of certification stickers, shall control their sequence of issuance, and shall ensure that such stickers are placed only on taximeters or Taxi Smart Meter Systems in accordance with these regulations.

1326.4 When a taximeter or Taxi Smart Meter System is installed in preparation for “hack-up,” the Taximeter Business or Taxi Smart Meter System Business owner, in addition to complying with §§ 1326.1 and 1326.2, shall:

- (a) Prepare a vehicle “hack-up” certification form approved by the Commission at the completion of the preparatory work for vehicle “hack-up”;
- (b) Submit to the Commission, within twenty-four (24) hours, all documents relating to the installation and inspection of such taximeter or Taxi Smart Meter System; and
- (c) Provide the vehicle owner with an itemized list of all work performed in preparation for “hack-up.”

1327 REPAIR WORK AFTER TEST FAILURE PROHIBITED

1327.1 No Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall, as a condition of performing any test or other work, require a vehicle driver or owner to undertake any repair work at his business. The owner

shall inform the owner or driver that he is permitted to select another licensed Taximeter Business or Taxi Smart Meter System Business to perform a repair.

- 1327.2 No Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall direct a vehicle owner to utilize any other Taximeter Business or Taxi Smart Meter System Business to perform said repair work.

1328 OVERCHARGES PROHIBITED

- 1328.1 A licensed Taximeter Business or Taxi Smart Meter System Business shall not charge fees for any work involving taximeters or Taxi Smart Meter Systems in excess of the fees set by its fee schedule, which shall be filed with the Commission and shall be publicly displayed pursuant to § 1309 of these rules.

1329 SALE OF TAXIMETERS

- 1329.1 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall only sell and install taximeters that have been approved by the Commission for use in a District of Columbia licensed taxicab that have been approved by the Commission.

- 1329.2 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall not sell a taximeter for use in a taxicab licensed by the Commission unless a valid vehicle license from the Commission is presented.

- 1329.3 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall not sell a taximeter for use in a Commission licensed vehicle unless the installation, testing, and certification of the taximeter/vehicle assembly is performed by the Taximeter Business or Taxi Smart Meter System Business licensee or an employee thereof.

- 1329.4 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall report to the Commission, within seven (7) days, all sales, trades or exchanges of taximeters by the licensed Taximeter Business or Taxi Smart Meter System Business on a form prescribed by the Commission.

- 1329.5 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall inform all purchasers in writing, before the sale takes place, of any and all restrictions imposed by the taximeter manufacturer or Taximeter Business or Taxi Smart Meter System Business licensee regarding the testing, repairs, calibration, and installation of the taximeter.

- 1329.6 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall remove, deface, or otherwise void the validity of the certification sticker upon receipt of a taximeter purchased, exchanged, or accepted

in trade by the Taximeter Business or Taxi Smart Meter System Business licensee, and report such decertification to the Commission.

1329.7 The certification sticker must conform to all specifications established by the Commission and bear the name of the Chairperson of the Commission.

1329.8 All installations of taximeters in taxicabs licensed to operate in the District of Columbia must be in accordance with specifications which have been filed with and approved by the Commission.

1329.9 No change in the method of installation shall be made unless the installation method has been filed with and approved by the Commission.

1330 RECORD KEEPING AND REPORTING

1330.1 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall comply with all record-keeping procedures established by the Commission. All records required to be kept by the Commission shall be in the form and manner prescribed by the Commission and must be maintained for a period of five (5) years.

1330.2 All record-keeping entries must be made by a technician certified in accordance with § 1320.3 of these rules.

1330.3 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall account for all certification stickers procured and issued by the Taximeter Business or Taxi Smart Meter System Business licensee.

1330.4 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall account for all new or used taximeters that the Taximeter Business or Taxi Smart Meter System Business licensee buys, loans, rents, exchanges, or accepts in trade.

1330.5 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall keep records of all sales, installations, inspections, re-inspections, calibrations, and repairs and the results thereof.

1330.6 At any and all times, a Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall make available for examination, to any agent of the Commission, or any other properly authorized law enforcement officer, all the records the official Taximeter Business or Taxi Smart Meter System Business is required to keep.

1330.7 A Taximeter Installation Business or Taxi Smart Meter System Installation Business owner shall permit any agent of the Commission or any law enforcement official to inspect any portion of its business premises at any time.

1331 RETURN OF TAXI SMART METER SYSTEMS

1331 The Taxi Smart Meter System Installation business must immediately notify the Commission in writing when a Taxi Smart Meter System is 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.

1332 PENALTIES FOR VIOLATIONS

1332.1 The schedule below lists penalties for violations of requirements of specified sections of this Chapter.

<u>Section</u>	<u>Penalty</u>
1301 Unlicensed business activity	\$250
1305 Failure to renew license timely or pay bi-annual license fee	\$500/suspension after 30 days overdue
1307.1 Failure to notify Commission/ownership change	\$5,000
1309 Change in fee schedule without notification	\$500
1310.3 Installation, adjustment, correction, calibration or repair of taximeter/TSMS outside of premises of licensed Taximeter Business or Taxi Smart Meter System Business	\$500
1312 Failure to comply with signage requirements	\$250
1313 Fraud	\$25,000 and taximeter business license revocation
1314 Unlawful Activities	\$25,000 and taximeter business license revocation
1315 Failure to notify	\$1,000
1316 Failure to notify	\$1,000
1317.1 Bribery of Commission	\$25,000 and taximeter business license revocation

1317.2	Failure to report	\$10,000
1317.3	Acceptance of bribe	\$25,000 and taximeter business license revocation
1317.4	Failure to notify Commission	\$10,000
1318	Threats, harassment, or abuse	\$10,000 and taximeter business license revocation
1319	Failure to cooperate with Commission	\$500
1320	Work by Non-Certified Technician	\$500
1322	Failure to notify Commission	\$1,000
1323	Failure to safeguard or properly store seals	\$1,000
1323.6	Installation of meter or seal in its owned or affiliated taxi	\$500
1324	Installation without inspection	\$1,000
1325	Unauthorized work	\$5,000
1326	Defective certification/inspection	\$1,000
1327	Requiring repair work	\$1,000
1328	Overcharge	\$250
1329	Sale of unapproved meter for installation on a taxicab licensed by the DCTC	\$500
1330	Failure to keep appropriate records	\$100 per record

1331.3 The civil fines set forth in this section shall be doubled for the second (2nd) violation of the same infraction, and shall be doubled once more for any subsequent violation or violations of the same infraction.

1331.4 The Office of Administrative Hearings shall conduct hearings for violations of infractions delineated in Chapter 13.

1331.5 In addition to the civil fine, failure to pay the fine or request a hearing within fifteen (15) calendar days of the issuance of a notice of infraction may result in the imposition of a penalty equal to the amount of the civil fine.

1331.6 Failure to appear for a requested hearing may result in the imposition of a penalty equal to twice the amount of the civil fine.

1399 DEFINITIONS

1399.1 The words and phrases in this chapter shall have the meanings set forth below:

Applicant – An individual, partnership or corporation seeking a Taximeter Business or Taxi Smart Meter System Business license from the Commission.

Commission – The DC Taxicab Commission.

Driver – A person licensed by the Commission to drive a licensed DC taxicab in the District of Columbia.

Hack-up – To outfit a vehicle as a taxicab and obtain approval from the Commission for that vehicle to serve as a taxicab for the first time.

Mailing address – The address designated by an applicant or licensee for the receipt of all notices and correspondence from the Commission. Unless otherwise approved in advance, the mailing address of a Taximeter Business or Taxi Smart Meter System Business licensee shall be the street address of the business.

Owner – An individual, partnership, limited liability company, or corporation licensed by the Commission to own and operate a taxicab or taxicabs.

Rate of fare – The established fare which may be charged by a licensed taxicab, which fare has been promulgated by the Commission, and which fare may include, but is not limited to surcharges and waiting times.

Seal – A device approved by the Commission which may be installed on a taximeter, wire, wiring mechanism, gear, or other device, so that no adjustment, repair, alteration, or replacement can be made without removing or mutilating the seal or seals.

Taximeter – An instrument or device approved by the Commission by which the charge to a passenger for hire of a licensed taxicab is automatically calculated and on which such charge is plainly indicated.

Taximeter Business or Taxi Smart Meter System Business – Any business which engages, in whole or in part, in the manufacture, sale (whether of new or used equipment), installation, repair, adjustment, testing, sealing, or calibrating of taximeters, for use in any licensed vehicle in the District of Columbia including any business which engages in whole or in part in the installation of Taxi Smart Meter Systems.

Taximeter Installation Business or Taxi Smart Meter System Installation Business owner – An individual, partnership, or corporation licensed by the Commission to own and operate a Taximeter Installation Business or Taxi Smart Meter System Installation Business.

Taximeter test (sometimes alternatively referred to as “test”) –a method to determine compliance with distance and time tolerances, utilizing either a road test over a precisely measured road course or a simulated road test determining the distance traveled by use of a roller device, or by computation from rolling circumference and wheel-turn data, said test having been conducted in accordance with the National Institute of Standards and Technology Handbook No. 44.

Wiring harness – Any wire or collection of wires, including all connections thereto, which is connected in any manner whatsoever to a taximeter or in any way affects the operation of a taximeter.

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*.