

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 (“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.); 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 (Commission Fund Amendment Act), effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-320(a)(2012 Supp.)), hereby gives notice of its intent to amend Chapter 6 (Taxicab Parts and Equipment) of the District of Columbia Municipal Regulations (DCMR).

This Emergency and Proposed Rulemaking is necessary for the immediate preservation and promotion of the public peace, safety, and welfare of the residents of and visitors to the District of Columbia by updating the regulatory framework to implement the modern taximeter system (MTS), preventing legal incongruities that will halt the implementation of the MTS, and providing the residents and visitors the consumer and safety improvements intended by the D.C. Council.

This emergency rulemaking was adopted on May 24, 2013, will take effect on May 31, 2013, and will remain in effect for up to one hundred twenty (120) days after the date of adoption (expiring September 21, 2013), or upon earlier amendment or repeal by the Commission, or the publication of final rulemaking, 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 6, TAXICAB PARTS AND EQUIPMENT, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended as follows:

Section 600, APPLICATION AND SCOPE, is amended to read as follows:

600.5 The enforcement of this chapter shall be governed by the procedures set forth in Chapter 7 of this title.

600.6 If, at the time of a violation, the procedures in Chapter 7 do not extend in their terms to a person regulated by this chapter, violations of this chapter shall be enforced as if such person were a taxicab owner or operator.

Section 603, MODERN TAXIMETER SYSTEMS, is amended as follows:

Section 603.4 is amended to read as follows:

603.4 Dispatch services. Each taxicab company, independent owner, or operator may associate with one or more dispatch services to receive telephone or digital dispatches, provided such dispatch service has operating authority under Chapter 16. Each taxicab company and independent owner may associate with one or more digital dispatch services to provide digital payment, provided the digital dispatch service is in compliance with Chapters 4, 8, and 16. It shall be the responsibility of each taxicab company and independent owner to report to the Office any occasion when they have personally observed a PSP or DDS failing or refusing to comply with the integration requirements of Chapter 4 for the processing of digital payments.

Section 603.6 is amended to read as follows:

603.6 All costs associated with obtaining an MTS unit, including installation and certification (including those associated with adding the passenger console and safety feature required by § 603.8(n)), operation, compliance with a provision of this title or other applicable law, compliance with an Office order, repair, lease, service and support, maintenance, and upgrade, shall be the responsibility of the taxicab company or independent owner, but may be allocated by written agreement among the taxicab company or independent owner, the PSP that provides it, or any other person.

Section 603.9 is amended to read as follows:

603.9 MTS service and support requirements.

Each MTS shall function with the service and support of the PSP, which shall at all times operate in compliance with Chapter 4, and shall maintain a data connection to each MTS unit that shall:

- (a) Validate the status of the operator's DCTC license (Face Card) in real-time by connecting to the Taxicab Commission Information System (TCIS) to ensure the license is not revoked or suspended, and that the operator is in compliance with the insurance requirements of Chapter 9;
- (b) Validate the status of the taximeter component of the MTS unit (such as hired, vacant, or time-off) in real-time to ensure that it cannot be used until the prior trip and the payment process connected with it have ended;
- (c) Transmit to the TCIS every twenty-four (24) hours via a single data feed consistent in structure across all PSPs, in a manner as established by the Office, the following data:
 - (1) The date;

- (2) The operator identification (Face Card) number and PVIN, reported in a unique and anonymous manner allowing the PSP to maintain a retrievable record of the operator and vehicle;
 - (3) The name of the taxicab company, association, or fleet if applicable;
 - (4) The PSP-assigned tour ID number and time at beginning of tour of duty;
 - (5) The time and mileage of each trip;
 - (6) The time of pickup and drop-off of each trip;
 - (7) The geospatially-recorded place of pickup, drop-off of each trip, and current location, which may be generalized to census tract level;
 - (8) The number of passengers;
 - (9) The unique trip number assigned by the PSP;
 - (10) The taximeter fare and an itemization of the rates and charges pursuant to § 801;
 - (11) The form of payment (cash payment, cashless payment, voucher, or digital payment), and, if a digital payment, the name of the DDS;
 - (12) The time at the end of each tour of duty;
- (d) Provide the Office with the information necessary to insure that the PSP pays and the Office receives the taxicab passenger surcharge for each taxicab trip, regardless of how the fare is paid; and
 - (e) Allow the PSP to comply with the integration and other requirements for processing digital payments pursuant to § 408.16.

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*.